



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Déardaoín, 30 Meitheamh 2016

Thursday, 30 June 2016

Chuaigh an Leas-Chathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.
Reflection and Prayer.

Business of Seanad

An Leas-Chathaoirleach: I have received notice from Senator Aidan Davitt 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 provide an update with regard to the main building at St. Loman's Hospital, Mullingar, and the future plans for this building.

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

The need for the Minister for Health to amend the current rules of the fair deal scheme which applies to members of the business and farming community re the three-year rule.

I have also received notice from Senator Máire Devine of the following matter:

The need for the Minister for Justice and Equality to respond to the grave concerns on the proposed 50% cut in night nursing staff at Cloverhill Remand Prison.

I have also received notice from Senator Jennifer Murnane O'Connor of the following matter:

The need for the Minister for Education and Skills to outline the process with regard to the closure of schools and to state whether stakeholders are consulted in this process and if the chief executive officer, CEO, of a school can make the decision to close a school without consultation with the Department and stakeholders and other relevant bodies.

I have also received notice from Senator Neale Richmond of the following matter:

The need for the Minister for Transport, Tourism and Sport to urgently review all safeguards and precautions being taken by the Irish Olympic and Paralympic teams before they travel to Rio de Janeiro in light of the decision by a number of high profile athletes not to participate in the upcoming games due to concerns over the Zika virus.

I have also received notice from Senator Robbie Gallagher of the following matter:

The need for the Minister for Health to provide an update in relation to the progress of

the primary care centre for Monaghan town.

I have also received notice from Senator Denis Landy of the following matter:

The need for the Minister for Health to state if he will provide an up-to-date report on the proposals to provide 21 step-down beds at Our Lady's Hospital, Cashel, as previously committed to in order to assist in reducing the overcrowding at South Tipperary General Hospital, Clonmel.

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

The need for the Minister for Foreign Affairs and Trade to state if he approved the landing or transit through Irish airspace of certain US military aircraft and, if so, why, given that the presence of these aircraft, belonging to a belligerent state, in or over Irish territory is a clear breach of Ireland's international law obligations as a neutral state.

I have also received notice from Senator Kevin Humphreys of the following matter:

The need for the Minister for the Environment, Community and Local Government to inform the Seanad of the progress made in the delivery of 500 modular housing units to alleviate the housing crisis.

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

The need for the Minister for the Environment, Community and Local Government to discuss the implementation of SI 24 of 2016 and to ensure that a situation whereby households would be mandated to switch over to a new charging system that would result in dramatic increases for these households will not be allowed under any circumstances.

I have also received notice from Senator John O'Mahony of the following matter:

The need for the Minister for Defence to ensure the decommissioned *LE Aisling* be donated to the people of Galway to be used as a floating maritime museum.

I have also received notice from Senator Maura Hopkins of the following matter:

The need for the Minister for Finance to outline the interim measures being implemented to deal with the increased cost of motor insurance while awaiting the recommendations of the review of policy in the insurance sector due by end of 2016.

I have also received notice from Senator Grace O'Sullivan of the following matter:

The need for the Minister for the Environment, Community and Local Government to address urgently the impact large-scale seaweed harvesting will have upon both delicate coastal kelp ecosystems and small-scale local harvesting.

I regard the matters raised by the Senators as suitable for discussion. I have selected Senator Davitt and his matter will be taken now.

Senators Burke, Devine, Murnane O'Connor, Richmond, Gallagher, Landy, Gavan, Humphreys and Ó Clochartaigh may give notice on another day of the matters they wish to raise.

Senators O'Mahony, Hopkins and O'Sullivan have withdrawn their commencement matters which had been selected.

Seanad Éireann
Commencement Matters

Hospital Facilities

Senator Aidan Davitt: Go raibh maith agat agus comhghairdeas leis an Aire nua. There is great concern for the future of the psychiatric building in St. Loman's Hospital in Mullingar. Built in 1845 by the renowned Meath architect John Skipton Mulvany, this gigantic landmark is 95% vacant at present. It is architecturally the most striking building on any approach road to Mullingar. Similar buildings have been made into ideal homes for colleges, general-use hospitals and hotels so I am keen for the Minister to outline the plans for its use.

On a wider mental health issue, I call on the Minister to bring Paul Kelly and Console before a joint Oireachtas committee to be held accountable to the people of Ireland. By its own admission the Charities Regulatory Authority is quite toothless in this regard. This involves State money and is a crisis that needs to be exposed. There is so much good work in the charitable sector and in mental health and something like this takes from the whole area.

Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy): I thank Senator Davitt for raising this important regional issue and thank him for his words of congratulation. I welcome the opportunity to provide an update on recent developments at St. Loman's Hospital, Mullingar. The HSE tells me that the hospital no longer has any patients resident within the old main buildings as a result of a programme of relocation undertaken by the HSE. Most of the patients have been relocated to the new acute admissions unit on campus, which has a maximum capacity of 44 patients. Other patients have been rehoused in high-support and medium-support hostels in the community. The patients from St. Brigid's and St. Marie Goretti wards in the building have been relocated to St. Brigid's and St. Marie Goretti wards in the new 100-bed Cluain Lir community nursing unit on the campus of St. Mary's Hospital in Mullingar, which was built and made ready for occupation some time ago. Together, these wards have a maximum capacity of 42. The HSE has progressed the proposed renovation of St. Brigid's block on the St. Loman's campus to accommodate the remaining staff who are currently in the main building in St. Loman's, along with other administrative staff, and this project has now progressed to tender. These renovation works, when complete, will enable the relocation of all remaining staff in the main building. Once the main building is vacated, the HSE will consider the disposal of the main building but will retain the remainder of the campus, which is in use. This disposal of the main building will be undertaken in line with established HSE protocol for the disposal of surplus property. The executive is obliged at all times to obtain value for money when disposing of surplus property assets.

I understand from reports that the Committee of Public Accounts will consider inviting Console to account for itself in light of what we have heard. The Senator could write to the committee and specifically ask it to do that.

Senator Aidan Davitt: I thank the Minister of State for her outline response. Are the wheels in motion for the sale of St. Loman's? The Minister said it would be looked at and would probably be sold in the future. That would make sense, as it needs to be used for something and HIQA has condemned it.

I also appreciate the Minister of State's response on the Committee of Public Accounts. I will certainly write to the committee, as this is a serious matter. I know the Minister also takes

it very seriously.

Deputy Marcella Corcoran Kennedy: When the building is vacated its disposal will be considered, but it is not vacant yet.

Sitting suspended at 10.45 a.m. and resumed at 11.30 a.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, statements on delivering sustainable full employment (resumed) - to be taken at 1.30 p.m., with the contributions of all Members not to exceed six minutes each. For the information of Members, the statements are being taken at 1.30 p.m. because of the new voting arrangements in the Dáil in terms of Ministers and their pairs. They are not necessarily available so therefore our business must coincide because of the voting bloc in the Dáil. No. 2 is the Misuse of Drugs (Amendment) Bill 2015 - Report and Final Stages, to be taken on the conclusion of No. 1.

Following the request from Members yesterday, both inside and outside the Chamber, statements on the Ibrahim Halawa case will be taken at 3.15 p.m., to conclude not later than 4.15 p.m. and with the contributions of all Senators not to exceed five minutes and the Minister to be given five minutes to reply.

For the information of Members, the Department of Justice and Equality has offered a briefing next week on the proceeds of crime Bill. As a courtesy to Members who wish to avail of that briefing, my office will be happy to facilitate that next week.

Senator Catherine Ardagh: I thank the Leader for allowing statements on Ibrahim Halawa later today. The entire House and the Fianna Fáil group are very grateful to him.

I raise comments made yesterday by the Minister for Transport, Tourism and Sport, Deputy Shane Ross, at the Select Committee on Transport, Tourism and Sport. The Leas-Chathaoirleach will recall that I raised concerns last week regarding the failure to advance a primary care centre for Crumlin and Drimnagh. Despite it having been announced in 2012, I told the House that the days of Ministers and Departments making announcements for the purpose of spin and as public relations exercises must come to an end. Yesterday, with regard to the DART underground, the Minister told the committee:

There is every intention of its being a project. It is being designed and kept alive and will certainly be eligible for EU funding.

The estimated cost of the project when it was first envisaged was in the region of €3 billion. With regard to metro north, the Minister also stated:

We must not lose sight of that project, along with metro north and others. If funds became available, the timetable for that and the DART underground should be looked at anew because they are so important.

Looking at old Estimates, the cost of completing metro north was estimated to be in the region of €2.5 billion. Like many Dubliners, I am extremely frustrated by the levels of congestion in the city. I welcome the prospect of the DART underground being built. I also welcome

the Minister's comments on metro north. However, I have concerns about whether it is realistic that the projects will proceed. What are the real prospects of these projects being delivered, given the enormous amount of funding that is required?

The Minister earmarked two projects which he should examine if funds become available. The total cost of those projects, based on old projections, is well in excess of €2 billion. I absolutely support the prospect of those projects proceeding and believe they would have a massive impact on the capital, transforming the way those living in the capital, and visitors, travel. However, I sincerely hope this is not a case of a Minister making grandiose statements about the prospects of these projects now being back on the cards aimed at garnering positive media coverage, with neither of the projects having a real prospect of proceeding in the near future given their massive cost.

I call on the Minister for Transport, Tourism and Sport to urgently produce an action plan for dealing with transport-related issues in the capital that will ease the pressure experienced by those living in the capital on a daily basis. It should contain practical measures that are cost effective. The Minister must also clarify if the metro north or DART underground projects receiving the necessary funding are likely to proceed. The Minister said he will discuss with the Minister for Public Expenditure and Reform the possible allocation of additional capital investments for projects of this nature. I call on the Minister, Deputy Ross, to inform the people of Dublin of the outcome of those discussions and whether he and the Minister, Deputy Donohoe, will find the necessary funding to proceed with these projects. If they cannot find the funding, then the Minister must provide an honest and realistic projection of when they may get Government support to proceed.

Senator Marie-Louise O'Donnell: Will the Leader inquire of the Minister for Health and the Minister for Justice and Equality when the Assisted Decision-Making Capacity Act will be commenced? During my five years in the previous Seanad it was possibly one of the greatest human rights Bills to come before the House. Unfortunately, when asked by our national broadcaster just before Christmas what was happening in the House, it was referred to as being inconsequential. It is anything but inconsequential because it is about all of us as human beings when we have capacity, when we lack capacity or when we are struck down with certain disabilities.

The Bill was passed in both Houses, following wonderful amendments made to it in this House to strengthen it. When will the Act be commenced? It is very important that when people lack capacity their wishes are carried out because the law allows for it. It is also to do with wardships and the Think Ahead document. It is an important issue for every Member of the House and everyone on the island of Ireland.

Senator Trevor Ó Clochartaigh: Tréasláim le Raidió na Gaeltachta, atá mar chuid den chraoltóir náisiúnta RTE, as an chaint a bhí ann inné agus an dea-obair atá déanta aige maidir leis na taillí brúscar.

I have a concern about Commencement matters. Three were withdrawn this morning and two were withdrawn yesterday. However, many Members have Commencement matters that they wish to raise. My understanding is that they are being withdrawn on foot of telephone calls from Ministers' offices saying the Ministers are not available and asking for the matters to be deferred. That is utterly unacceptable. If Senators receive such telephone calls, I call on them to refuse, say it is not good enough and that they wish to continue with the Commencement

matters. It is certainly-----

An Leas-Chathaoirleach: May I interrupt the Senator?

Senator Trevor Ó Clochartaigh: You can.

An Leas-Chathaoirleach: We cannot assume anything, but they were withdrawn quite late yesterday by the Members whose matters had been selected and the Chair had no control over it. It was too late to select other matters.

Senator Trevor Ó Clochartaigh: I appreciate the clarification.

An Leas-Chathaoirleach: Our hands are tied on the matter.

Senator Trevor Ó Clochartaigh: I will keep it factual.

An Leas-Chathaoirleach: Do not jump to any conclusions.

Senator Trevor Ó Clochartaigh: I will not. I am certain that at least one of the Senators was contacted by a Department and was asked to consider withdrawing the matter because the Minister was not available.

An Leas-Chathaoirleach: The Chair was not aware of that.

Senator Trevor Ó Clochartaigh: It is totally unacceptable and I call on all Senators not to accept it. That has not been the practice up to now and it should not be the practice from now on.

The Leader suggested to me yesterday that I should raise the subject of motion No. 7 on the Order Paper in a Commencement matter, as I had indicated it was very urgent. There has been a new twist in that story this morning. There has been considerable debate on Raidió na Gaeltachta with the Minister of State, Deputy Seán Kyne, and he has acknowledged that he was at the meeting with the refuse companies a number of weeks ago with the Minister, Deputy Coveney, but that they did not discuss the issues for 37% of the users in west Galway who use bags or tags. It is a very serious issue. The new regime starts tomorrow and people are irate that they are to be charged extra money. In one case, a family of two parents and two small children have estimated that it will cost them €500 extra per year. Barna Waste received 1,300 telephone calls yesterday on this issue. It has not had time to call people back. There is absolute chaos in the companies.

This must be withdrawn. It led to the scenario this morning whereby when Deputy Kyne was asked if the Minister should give a direction to the companies now to stay with the current regime until this is sorted out, he admitted that he should. We must press an amendment to the Order of Business, that motion No. 7 on the Order Paper be taken today as a matter of urgency, so the Minister can come to the House and clarify what in the name of God is happening with the refuse companies. How are people supposed to get rid of their rubbish next week under the new regime when they have not registered, do not have bags and in some cases do not have brown bins? I hope Fianna Fáil will support this amendment so we can seek clarification from the Minister. It is no good talking to the waste companies next week. This comes into force tomorrow. What is happening is an absolute disgrace and I hope the Leader will accept the amendment in the spirit in which it is put forward.

Senator Grace O'Sullivan: Yesterday the European Commission decided to issue an 18-month extension to the approval for the sale of products which contain the chemical glyphosate. This chemical is used by the Monsanto company in its common weedkiller Roundup. There are serious concerns about the cancer causing properties of glyphosate. The Commission announced some new, non-binding restrictions on the use of products containing glyphosate, including restrictions on their use before harvest time and minimising their use in public parks and playgrounds. It is imperative to invite the Minister for the Environment, Community and Local Government to the House to let us know how and if Ireland will join the many other EU member states that already restrict the use of glyphosate.

Senator Kevin Humphreys: The issue I wish to raise is library services across the country and the strategy paper that was produced, entitled Opportunities for All. It is a very worthwhile strategy but, unfortunately, there has been a negative outcome from it with regard to the shared procurement. The changing balance means that the 65% that was always deemed a service has now been changed to 65% relating to lower costs. The outcome is that when the shared tendering process happens, UK companies are winning it hands down. This was highlighted at the time the strategy was first discussed.

Will the Leader raise this issue with the Minister and ask him to look at it again? A librarian from Mayo who contacted me said that the change in the new system means that where previously they could have a book on the library shelves within 30 minutes, it is now six weeks. If a library wishes to buy a local history book, it must go through the shared procurement system. It might not even be in print in the UK, which means further delay. It is having a negative impact on publishers, writers and small bookshops across the country. I ask the Leader to raise the matter with the Minister, Deputy Coveney.

The other issue I wish to raise is the remarks by the Minister for Transport, Tourism and Sport, Deputy Shane Ross, on the DART underground. There is a need for a full discussion, as Senator Ardagh requested. Technology has changed. When the DART underground was proposed for Dublin it involved a dual-bore tunnel. Technology has moved on immensely since then and costs have come down. The latest metro system built in Spain was a single bore tunnel. That option would reduce the cost of a DART underground in Dublin by approximately one third. This must be reviewed urgently. The Minister should come to the House to have a full debate on transport issues for the greater Dublin area.

Senator Michelle Mulherin: The spiralling cost of public liability insurance is unsustainable for businesses across the board. The cost of insurance has been raised on previous occasions in the House. It is unsustainable. Premia have quadrupled in the past ten years. In fact, I was talking about this to a person who operates a pub and eatery. Their insurance has increased from €6,000 to €57,000 in that period. There is a claim pending. However, across the board premia are increasing and it really cannot continue on that course. Something must be done. The Minister for Finance must take action on it. Businesses, in many cases sole traders, in addition to paying commercial rates and people's salaries, are taking a hit from this. They are sitting ducks.

Resolving this issue will require an examination of the operation of the Injuries Board. It would appear that it is making it too easy for people to claim. In fact, the only person who ends up paying is the insurance policy holder, who is asked to pay €600. The person making the claim has little to pay and does not have to make an initial payment at all. The *raison d'être* of the Injuries Board was to reduce legal costs and the cost of claims, but it does not appear to be

operating to that effect. Something must be done.

There is also the issue of the Health and Safety Authority, what checks it is making and how people can be assisted in recognising risks whereby somebody coming into the premises might get injured or sustain a loss. I do not believe this can be left to the industry. It requires action on the part of the State as it is affecting everybody, both people who have claims against them and those who do not. Action is required or the monster will continue to grow and we will see businesses shut down.

Senator Terry Leyden: Members of the Garda Representative Association, GRA, are outside the gates of Leinster House today. They have a legitimate grievance and a realistic expectation that the matter will be resolved. Gardaí are providing security for the State and they have sacrificed many members in the history of the State. They had no alternative but to assemble outside Leinster House today to plead for recognition of their position in negotiations. The Minister for Public Expenditure and Reform has refused to meet the legitimate representatives of the 10,500 members of An Garda Síochána in this country. It is an arrogant approach from a newly appointed Minister. I ask the Leader to ensure the Minister for Public Expenditure and Reform meets representatives of the Garda Representative Association, GRA, to discuss the situation regarding the implementation of the Haddington Road agreement, which has been breached by the Government, and the situation regarding negotiations.

Senator Jerry Buttimer: It has not been breached.

Senator Terry Leyden: An arbitrator was appointed, namely, Mr. Ray McGee, formerly of the Workplace Relations Commission, but he resigned without coming to any conclusions. The GRA engaged with Mr. McGee but he left his position and nobody has replaced him or entered into negotiations with the Garda Síochána. The Minister made it clear yesterday that the Lansdowne Road agreement is essential and that we need people to remain within it. He said every effort will be made to deal with the current obstacles which the GRA considers are in place.

I urge the Tánaiste and Minister for Justice, Deputy Frances Fitzgerald, and the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, to meet the legitimate, elected representatives of the Garda Síochána in this country, men and women who have sacrificed their lives to protect this State. We face a dangerous situation in that gardaí feel there is no other alternative for them but to stand outside Leinster House to plead to be heard. I ask this House to support me in requesting the Ministers to meet the GRA and to enter into meaningful discussions and negotiations to resolve any outstanding issues.

Senator Paddy Burke: Could I ask the Leader to invite the First Minister of the Scottish Parliament and leader of the Scottish National Party, SNP, Nicola Sturgeon, to address this Chamber in the near future on Brexit? There is a great affinity between certain parts of Ireland and Scotland and we have a lot in common. We heard a lot recently about countries that want to leave the European Union but Scotland wants to stay in it. I ask that Nicola Sturgeon would be invited to address Seanad Éireann before the summer recess on Brexit.

Senator Victor Boyhan: I rise to discuss the ongoing controversy surrounding the Nursing and Midwifery Board of Ireland, NMBI. It has been covered in all the media this morning. Ongoing issues have been a factor there since 2014. A whistleblower made very serious allegations under the various provisions of the whistleblowing legislation which I do not intend to repeat in this House. The NMBI is charged with the protection of the public by supporting

nurses and midwives and to maintain practice standards in the health service. We know it is involved in the registration of nurses and midwives in Ireland and it also deals with fitness to practice and various issues in that regard, including safety in relation to public health. The NMBI is a critically important body with statutory functions and it works in close co-operation with the Department of Health.

A whistleblower raised concerns about operations within the NMBI with the Department of Health in 2014 and they were documented and confirmed by the then Minister. The whistleblower was protected under the disclosure provisions set down under whistleblower legislation. Others have now come forward and reiterated major concerns in relation to the NMBI. Consultants appointed by the body itself undertook a report into the organisation and identified huge shortcomings. The NMBI's own report paints a picture of an organisation rife with dispute, internal conflicts and significant challenges.

Will the Minister for Health come to the House because we need to ask serious questions of the organisation? I will not make any additional statements because from documents I have seen today, the Minister is fully aware of the situation, following the consultant's report and member nurses and midwives of the organisation that have given me a certain amount of information. The Minister must come to the House and reassure not only the Seanad and Dáil but the public that he has every confidence in the organisation. I respectfully ask the Leader to organise a meeting very early next week. It is my intention to further elaborate on these issues next Tuesday if the Minister is not in the House on the day.

Senator Máire Devine: Hear, hear.

Senator Ray Butler: I am delighted the Minister for Arts, Heritage and the Gaeltacht, Deputy Heather Humphreys, is in France this morning to mark the ceremonies to commemorate the 100th anniversary of the Battle of the Somme. It was a major offensive by British and French armies on the German lines, beginning on 1 July 1916. The action continued until November 1916. Six Meath men were killed on the opening day of the major offensive. Edward Chambers of Trim was serving as a second lieutenant with the Lancashire Fusiliers when he was killed at 9.40 a.m. on the morning of 1 July. His regiment advanced and met German machine gun fire. Leading the first wave of men, Chambers was hit by a bullet in the forehead and killed instantaneously. Serving alongside Chambers was the Ulster Division, which also made its advance through the woods. The Battle of the Somme was one of the largest battles of the First World War, which resulted in more than 1.5 million casualties. In all, nearly 60,000 men died on the first day on the British side.

I wish to remember my great uncle also. He was born in Ballinrobe, County Mayo and emigrated to the USA in 1908. He served as a first class private with the US Army, 165th Infantry Regiment. He entered the service in New York and he was killed on 7 March 1918 in northern France. He was 25 years old when he was killed. I have a little poem I would like to read for Members this morning given that tomorrow is 1 July.

In a wood they call the Rouge Bouquet

There is a new-made grave today,

Built by never a spade nor pick

Yet covered with earth ten metres thick.

30 June 2016

There lie many fighting men,
Dead in their youthful prime,
Never to laugh nor love again
Nor taste the Summertime.
For Death came flying through the air
And stopped his flight at the dugout stair,
Touched his prey and left them there,
Clay to clay.
He hid their bodies stealthily
In the soil of the land they fought to free
And fled away.
Now over the grave abrupt and clear
Three volleys ring;
And perhaps their brave young spirits hear
The bugle sing:
“Go to sleep!
Go to sleep!
Slumber well where the shell screamed and fell.
Let your rifles rest on the muddy floor,
You will not need them any more.
Danger’s past;
Now at last,
Go to sleep!”

Senator Rose Conway-Walsh: I agree with the call by my colleague, Senator Paddy Burke, to invite Nicola Sturgeon to the House. People seem to be fighting the cause for Scottish independence and its right to have a say over its own destiny but they need to show the same consideration and fight with the same vehemence for our comrades in the North.

Senator Máire Devine: Hear, hear.

Senator Rose Conway-Walsh: It cannot be done for one without the other. I admire and respect Nicola Sturgeon and I would be very happy to hear from her in this House.

I ask the Leader to amend the Order of Business to allow time to discuss the motion on Seanad reform tabled by the Sinn Féin Seanadóirí. It is essential that if the parties are serious about reform, they would at least agree to provide time to discuss one of the first motions laid before the current Seanad. The crux of the motion is to establish a time-limited committee on Seanad political reform. The motion acknowledges the work and progress made by the Seanad reform working group and the resulting report would provide the framework of the work of the committee we suggest but the committee would not be limited by the constraints which applied to the working group in that it would examine the constitutional change that may be required to implement any recommendations. We accept that the Committee on Procedure and Privileges can and will play a very important part in improving the efficiency and effectiveness of the Seanad but we fail to accept that setting up a six-week committee to give voice to many new Senators to come back to the House with recommendations cannot be done.

12 o'clock

The intent of the motion is to instil a sense of urgency into the Seanad reform process through the establishment of a sub-committee with a similar remit to the one that was constituted to implement Dáil reform. Surely it would be possible to look at the terms of reference of the sub-committee on Dáil reform and use what is applicable for the Seanad sub-committee. The all-party sub-committee on Dáil reform met regularly under the stewardship of the Ceann Comhairle and, in a three-month period, was able to produce a report that formed the basis of significant procedural reform that has since been adopted into Standing Orders. There is no reason a Seanad sub-committee could not achieve similar aims. It could meet during the summer recess and work in close conjunction with the Committee on Procedure and Privileges, CPP, to ensure the existing Seanad reform proposals are progressed as quickly as possible. If we have to wait until the CPP establishes a sub-committee, it will likely delay the process well into the autumn recess. We acknowledge and concur with the Bill tabled by the Independent Senators, led by Senator Michael McDowell. The Sinn Féin motion in no way impedes the processing of this Bill. In fact, it brings additionality that can only serve to enhance the real, long-lasting and inclusive reform led by this House. Therefore, I ask the Leader to reconsider his reluctance to discuss this motion and ask other Senators to join with us in having a real say in the necessary reform on which we all agree.

Senator John O'Mahony: I wish to raise an issue regarding tourism, which has been the shining light of the economy in the past five years, even during the worst recession in the history of the State. Because of various initiatives, including the 9% VAT rate and targeted marketing by our State agencies Tourism Ireland and Fáilte Ireland of The Gathering, the Wild Atlantic Way, Ireland's Ancient East and so on, more tourists than ever are coming to Ireland. That trend has continued, according to the figures for the first quarter, which showed an increase of 17%. It has been the best ever quarter for tourism. There are 220,000 people employed in the sector, with 35,000 to 40,000 new jobs coming on stream in the past few years. Tourism amounts to 4% of GDP. However, two issues are emerging. We have almost reached a tipping point, with accommodation and hotel prices, particularly in urban areas, going through the roof, especially when events are taking place in the cities concerned. Our competitiveness, which was our strength in the past five years, could become our greatest weakness. There is also the Brexit issue and the fall in sterling. There was a 17% increase in the number of UK tourists in the first quarter figures. I ask the Leader to invite the Minister to come to the House to explain how the agencies will deal with this issue in the short term, because we do not want to kill the goose that lays the golden egg. It is easier to be proactive before it happens, so to speak. However, I think

it is happening already in regard to accommodation. Perhaps the Minister can be invited to the House to address these issues.

Senator Robbie Gallagher: I rise to highlight the issue of increased insurance costs. The current situation is totally unacceptable and unsustainable for many people. Premiums on insurance policies have increased by 30% or more in some instances. It is difficult to understand the reason this is happening at this time, given that figures revealed recently that insurance payouts in 2014 were €400 million, 36% less than in 2011. Given those figures, it is difficult to understand the reason for increased insurance premiums. The Government needs to take urgent action and establish a task force similar to that set up in the early 1990s. The the Motor Insurance Advisory Board was set up with a view to exploring and tackling the ever-increasing premiums at that time. That body was hugely successful and premiums were reduced by 30% or 40%. As this issue affects every household and motorist in the country, urgent action needs to be taken to identify the problem. I ask the Leader to convey our concerns to the Minister in order that this issue can be addressed sooner rather than later.

Senator James Reilly: I welcome the commitment of the Minister for Transport, Tourism and Sport to both the DART underground and the metro. The increasing traffic in Dublin and other urban areas is a real sign of our economic recovery - a recovery that we want spread to every household. As I mentioned the other day when discussing Brexit on the Order of Business, the issue is a great challenge, but there are opportunities. It makes connectivity from Dublin airport into town all the more important. One study showed an increase of 40,000 per annum in the number of cars coming into the city in the coming years. There is a wonderful opportunity to avoid all that if metro proceeds expeditiously. The Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, was mentioned. As the previous Minister for Transport, Tourism and Sport he gave a commitment that work on metro would commence by 2021. I can understand the Senator's sense of urgency around both of these big projects - they are massive - but they have to be done properly. There are procurement orders, planning issues and many other logistical and legal issues to be resolved. Much of the work has been done but a new order had to be achieved to take the new route and to reduce the cost. I believe this is a critical piece of infrastructure, particularly given Dublin Airport's plans to provide accommodation for businesses that want to locate here. It had one building and refurbished one floor, but ESB International came along and took the entire building. There is huge demand and appetite for developments in this area. Fingal County Council has the largest green area in the city, with plenty of land rezoned to afford opportunity for further development. We have the youngest population in the country, if not in the EU. We also have a very diverse population, as evidenced by Loreto Convent when it won the Young Scientist exhibition and the young ladies who achieved such great acclaim and achievement in doing that.

The metro is hugely important. I do not have a problem with keeping the project alive rather than developing it aggressively when there is very little money available. However, we have more money now, so that situation should not pertain. When I was at Cabinet I fought to keep it alive because it was in danger of being taken off the table entirely. I am pleased that it is still there and I am very pleased the Minister for Transport, Tourism and Sport saw fit to mention it.

I will finish by speaking on the matter of procurement. We brought in new systems which have been of great advantage to the taxpayer but we have to be careful not use them in such a blunt way that we put out of business many smaller suppliers and retailers of books in the SME area.

Senator David Norris: I agree with Senator Catherine Ardagh and Senator James Reilly that there is an urgent need to discuss the question of traffic in the city of Dublin. Unfortunately, the city authorities, for many years, have used the infrastructure of the city as a weapon against the motor car. I think that is rather dangerous. In particular, it introduced traffic hazards that make driving dangerous, extended footpaths unnecessarily and put rows of spikes sticking up out of the ground. It is quite dangerous. What used to be three lanes has now become a cycle lane, a bus lane and one lane for traffic, and that one lane is constantly invaded by public transport. People living in the city are not allowed to have cars under these traffic regulations and we have a situation where the planning department is deliberately limiting the number of car parking spaces in new developments of flats. I strongly support the metro and have done so for many years in this House. Unfortunately, it was dumped through a lack of nerve but it is the only way to resolve the traffic problems.

I raise the issue of the gardaí, which was raised by Senator Terry Leyden. I also met them outside. Of the Garda stations the Government is considering reopening, I sincerely hope it re-opens Fitzgibbon Street Garda station which is right bang in the centre of the biggest drug area in the country. It was closed and I was lied to in this House about it. I was told it was closed for refurbishment but it was not closed for refurbishment; it was closed, full stop. The gardaí are not terribly pleased about it either. I ask that Fitzgibbon Street Garda station be put on the list to be reopened as a matter of urgency.

The gardaí are excellent but are badly treated. Their pay was to be reviewed under the Had-dington Road agreement but this has been consistently stymied by the Department of Finance. There is no working mechanism for industrial relations within the Garda. Its members' pay has been reduced time and again and has never been restored. New recruits are denied rent allowances, there are fewer gardaí with more tasks required and they are subjected to increasingly violent assaults. I strongly support the gardaí. It is dreadful to have a situation where they are paid so little. If one compares that to what the Luas tram drivers get, one sees there is a lack of real understanding of comparative need and respect in society. We should have respect for our Garda force, which does a really terrific job.

Senator Martin Conway: I wish Boris Johnson well after his announcement that he does not intend to seek the leadership of the Conservative Party and the position of Prime Minister. It is good for Britain that he does not.

Senator David Norris: He will not accept the consequences of his actions.

Senator Martin Conway: Unfortunately, he will not. I do not propose that we invite Boris Johnson to address us at any stage in the near future.

We were all invited to a briefing by the Alzheimer Society of Ireland today, which was very well attended and was delivered by our colleague, Senator Colette Kelleher. It is quite frightening that more than 47,000 people in this country are living with dementia. We all agree with the principle that people are far better off being cared for in their own homes for as long as possible. We need to see a fair deal for people living at home and proper home care packages. That is something we could look at in the autumn because we do not have too much time left this term. A debate on the specific issue of dementia is one that would be well worth considering.

I support Senator Humphreys in his deliberations earlier about libraries and the need to invest in and develop libraries in this country.

Senator David Norris: Hear, hear.

Senator Martin Conway: Reading is the greatest gift that can be given to a child. In that debate, there should be some consideration for the blind and visually impaired community, bearing in mind that only 10% of books are available in Braille or audio formats. If one walked into Easons and 90% of the shelves were empty, one would not be long leaving because one would feel there were no books there. That is the reality blind and visually impaired people face throughout the world and in this country. Any strategy or discussions on libraries and their use should incorporate the National Council for the Blind and its audiovisual library in Dublin. It should be part of any national strategy.

Senator Jennifer Murnane O'Connor: I am very disappointed to realise that the pay-by-weight system the Minister agreed to a week ago has not been clarified. My Fianna Fáil colleagues and I will agree to the Sinn Féin amendment. I proposed yesterday that the Minister address the Seanad. A week ago, we agreed there would be a 12-month freeze for everyone and that there would be information and consultation so that people could get used to this new pay-by-weight system. I express my disappointment that there has been no more information to clarify the issue with Greyhound. People have been trying to telephone and e-mail but have heard nothing back. They have been told that from tomorrow, 1 July 2016, they will be paying by weight. It is not good enough and is unacceptable and we, in the Fianna Fáil group, will support the amendment. We want to see the Minister in the House today to clarify the situation. We want it sorted today.

Senator Tim Lombard: I want to raise an issue that is on the front of the *Irish Examiner* today. The Minister, Deputy Simon Coveney, has announced a review of the merger plan for Cork city and county councils. This was a very important report issued by the former Minister for the Environment, Community and Local Government, on the local authorities in Cork. The merger report, which proposed one local authority for Cork, was agreed three to two. Now it is proposed to review that report. I ask that the Minister comes to the House to explain what he is proposing to do with the report. It is a very divisive report. Cork is a huge area with a population of more than 500,000 and a geographical area the size of one eighth of this country. The report proposing one authority for Cork is a good idea. There are different views in Cork and in the Chamber on the issue. The review is something we have to discuss. The Minister can bring clarity when he comes to the House, which I would like to get. We need to move forward and arrive at a conclusion. This is hanging over Cork at the moment, that is, whether there will be one authority or not. We need a decision as soon as possible. Politically, the public representatives are not sure where they will be standing in the local elections that will be held in two and a half or three years' time. There are an awful lot of issues at stake here. When the Minister comes to the House, he will bring clarity to it, which I welcome. It is important for Cork and the State to get clarity on that issue.

Senator Máire Devine: I have been asked by my colleague, Senator Colette Kelleher, to raise an issue on the Order of Business because she is attending the launch of a pre-budget submission by the Alzheimer Society of Ireland and cannot make it today. She wants to raise the important issue of home care services for people with dementia. She was delighted by the attendance of Senators and Deputies at the launch of the pre-budget submission. The majority of people with dementia live at home and want to remain there but they need support to do so. For too long, home care has been simply a solution to the hospital crisis and not an integral, long-term part of dementia care. Appropriate home care can keep people well in the community and out of hospital and long-term residential care. It is also vital in supporting family carers who

provide the vast majority of home based care for people with dementia. Every week public representatives talk to families and carers. One family made the heart-breaking decision to put their 87 year old mother into long-term residential care because they had only been offered five to ten hours home care help. They could not do it on their own and their only option was long-term residential care. They are going through the grief of first losing a person's personality and then physically losing them to long-term care. Grief, anger and guilt come with that. I want us to support the Alzheimer Society of Ireland's pre-budget submission which asks for a paltry €67 million for 2017. On behalf of Senator Kelleher, I ask the Minister and Leader of the House to address this issue and, hopefully, we will get some agreement on it.

I also support Senator Boyhan in drawing attention to the report of the NMBI. Nursing unions have been saying for a long time how difficult it is to be a whistleblower. A report released by its own consultants has claimed that the NMBI is a dysfunctional organisation, which is what we have been saying for a long time. It has serious organisational and financial shortcomings and I hope they will be resolved.

Today, the Psychiatric Nurses Association began national industrial action in protest against severe under-staffing. I say again, if not us, who, and if not now, when? We need to deal with staffing within the mental health services. I hope the Minister for Health will engage meaningfully and not just talk when responding to the staff shortage. Finally, I support the motion tabled by Senator Rose Conway-Walsh.

Senator Colm Burke: I support my colleague Senator Tim Lombard in his call for the reorganisation of local authorities in the Cork area. I know he has served on Cork County Council, but I have served on Cork City Council. I believe there is a need for a comprehensive review of the areas covered by local authorities. There has been a debate on whether there should be just one local authority or whether we should leave it as it is but with a larger area for the city. A review was conducted by the five people appointed, but the process did not bring people together. This is an extremely important matter for the region. More than 550,000 people live in Cork county and city. It is a huge area that needs proper planning and, thus, we need a proper local authority structure.

We need to deal with some major issues. For instance, new port facilities have been developed at Ringaskiddy, but we need road infrastructure to be put in place. On the northern side of Cork city, we need a new northern ring road on the outskirts so that more urban development can take place.

In terms of the overall national context, the growth of Dublin city is a problem. We need to identify three or four key hubs for major growth that will be located outside of Dublin. I am talking about the south, the west, the north west and the south east. We also need to make sure we have a long-term comprehensive strategy and that it is not done on a piecemeal basis. In the southern area, in Cork, we must ensure we have a local authority structure that can deal with future planning in a comprehensive and long-term manner. I ask the Leader to invite the relevant Minister to come to the House to outline how he will reform local authorities in Cork city and county. It is important that we do not make the same mistakes that were made 12 and 18 months ago.

Senator Paul Gavan: I second the motion tabled by Senator Ó Clochartaigh. I also commend and welcome the comments made by Senator Murnane O'Connor.

Last week we had a robust debate. I think all of us across the Chamber understood that charges were going to be frozen and that people would not have increases imposed on them. It would be very good and commendable if all of us could agree on this point now: this is not the case. I know from my contacts with the Greyhound company that people are in uproar about bin charges. We also know there have been 1,300 calls from the west. Let us get agreement on this issue. We must invite the Minister to come to the House to discuss the matter and, hopefully, we can do something right and helpful for all the people in the country.

I wish to raise an international issue. Yesterday, several of us stood and called on the Irish Government to demand the release of Ibrahim Halawa, who is imprisoned in Egypt. Today, I call on the Government to demand the release of Bilal Kayed, a 34-year old Palestinian activist who was imprisoned by the Israeli military occupation authority. He was imprisoned for being a member of the Popular Front for the Liberation of Palestine, an organisation banned by Israel. He was sentenced to 14 years in prison for simply attending a protest and expressing his right to free speech. Earlier this month, on 13 June, he was set for release. However, the Israeli military occupation authority has now sentenced him to a further six months' imprisonment without trial. In protest against this disgraceful violation of international law, Bilal Kayed has entered a hunger strike. More than 65 fellow Palestinian prisoners have followed his example and declared an open-ended hunger strike in solidarity. Right now more than 715 Palestinians are imprisoned under what the Israeli authority calls administrative detention. This number includes several members of the Palestinian Legislative Council, who are democratic representatives of the Palestinian people. This corrupt policy is used by the Israeli authorities to charge and detain Palestinians without trial and is a violation of the fourth Geneva Convention and international laws that guarantee fair trial standards.

Israel's overarching policy in the West Bank and East Jerusalem is to crush and fragment Palestinian society and drive Palestinians out of their homeland. The Israeli authorities are engaging in mass detentions, violating the human rights of Palestinian citizens and constructing new settlements. More than 600,000 Israeli settlers now occupy the West Bank. We want the Irish Government and the international community to stand up and publicly condemn Israel's use of so-called administrative detention, to demand that the Israeli authorities comply with international laws on human rights, and to respect the fundamental rights and dignity of the Palestinian people.

Senator David Norris: Hear, hear.

Senator Paul Gavan: I ask the Leader to invite the relevant Minister here for a debate.

An Leas-Chathaoirleach: I welcome to the Distinguished Visitors' Gallery Mr. Shaoquett Moselmane from the Legislative Council of New South Wales in Australia, where he is the Opposition Whip. He is very welcome.

Senator Catherine Noone: I rise to raise the issue of telecommunications, specifically broadband and mobile phone coverage around the country. Yesterday I attended an enlightening briefing, but what was aired to the telecoms providers was mostly frustrations. I was struck by the fact that despite the investment by the industry of €2.5 billion in network infrastructure over the past five years, several rural areas still lack broadband coverage or have none whatsoever. This problem affects not only rural areas but certain urban areas. Many broadband black spots that existed ten years ago are still in existence today. How are small businesses supposed to survive in a competitive environment without basic broadband?

Broadband providers seem to attribute part of the blame to the fact that Ireland has one of the lowest population densities in Europe. Sweden has 100% coverage even though it has a much lower population density than Ireland. Broadband providers must change their mindset. If not, I propose that legislation be introduced to prevent broadband providers from cherry-picking the areas where they provide coverage. Let us not beat about the bush and declare that it is commercial reality that dictates which areas get broadband coverage. Providers do not care, for the most part, what part of the country gets coverage as long as they fulfil their licence requirements. That is completely unacceptable and the situation has gone beyond a joke. We need to arrange a debate with the Minister for Communications, Energy and Natural Resources to discuss the matter and to allow him to outline the strategy to provide full broadband coverage around the country.

Senator Martin Conway: Well said.

Senator Kieran O'Donnell: I want to speak about Console, which was raised several times yesterday. The CEO, Mr. Paul Kelly, still appears not to have formally resigned in writing from his position. He cannot act like the Scarlet Pimpernel. The Console organisation has done fantastic work and its staff have been left in a terrible state over what has happened. How did this situation arise? I would love to know the legal and financial constructs around Console. Over a long number of years hundreds of thousands of euro were spent, a lot of it taxpayers' money that was given to Console. The staff have provided a fantastic service. I call on Mr. Kelly to formally resign his position. If he is not willing to formally resign today then I call on the investigators in the State to go into the High Court and ensure his resignation takes place.

Senator Trevor Ó Clochartaigh: I am sorry to interrupt but I wish to make a point of order. Are we not meant to be careful about naming people in the Chamber in case it affects legal proceedings in the future?

An Leas-Chathaoirleach: We are. The Senator is quite right that we should not mention people who are not here to defend themselves.

Senator Kieran O'Donnell: We are not a legal Chamber. In the interests of the Console organisation and the people who use it, Mr. Kelly needs to formally resign.

Senator Martin Conway: Hear, hear.

Senator Jerry Buttimer: I also welcome our distinguished visitor from New South Wales to the Chamber. He is welcome and I wish him well. I thank the 23 Senators who spoke on the Order of Business.

With regard to the request to amend the Order of Business to discuss the motion on Seanad reform, I cannot accept the motion for a number of reasons which I have explained at length but will repeat for the benefit of the House. First, it would put the Cathaoirleach in a position where he would have to name the people to be appointed, which he cannot do. Second, it refers to 20 other Members of the Seanad, which is one third of the membership and twice the size of the committees currently being formed within the Houses of the Oireachtas. Third, the Senator is asking for a timeframe which is within two weeks of the Seanad being constituted and which has already expired. To be fair to Senator Conway-Walsh, I am sure she will understand my bona fides on this issue. I am not against Seanad reform. Yesterday, at the meeting of Leaders and Whips, a discussion took place with former Senators Maurice Manning and Joe O'Toole on the Manning report and how reform might be implemented. One may not agree with the

content of their report but it provides a roadmap for the future. There will be a Second Stage debate in the House on Senator McDowell's Bill on 13 July. The Committee on Procedure and Privileges will be established, I hope, next week. We can use that committee to drive reform, if needs be, on how the House operates and how we do our business. I have tried, in an open and constructive way, to engage with Senators on all sides. I do not have anything to hide with regard to how I do my business and how this House does its business. I try to facilitate all sides. Sometimes one cannot get agreement on the sitting arrangement between Fianna Fáil and Sinn Féin, at other times one can do so. The overarching zeal for reform is a matter in respect of which I hope we can work together. I ask the Senator not to put her motion to a vote and divide the House because I do not want her to be seen to obstruct reform or to oppose Government reform at a time when we all want reform. I hope the Senator understands the spirit of my remarks.

In regard to the second amendment to the Order of Business, I ask Senator Trevor Ó Clochartaigh rather than divide the House to withdraw the amendment. I will endeavour to have the Minister come before the House today. Níor chuala mé an clár ar Raidió na Gaeltachta agus níl a fhios agam cad a bhí á plé. I think the Minister is agreeable to come to the House. Rather than divide the House, I ask the Senator to withdraw his amendment.

Senator Trevor Ó Clochartaigh: So the Leader is-----

Senator Jerry Buttimer: If the Senator withdraws his amendment, I will arrange for the Minister to come to the House today. I will have the Minister in the House to discuss the specific issue of waste collection rather than have a motion on it.

An Leas-Chathaoirleach: As I understand it, an undertaking is being given by the Leader that he will have the Minister in the House today on the basis that the amendment is withdrawn.

Senator Trevor Ó Clochartaigh: I welcome that. What amount of time will be available and will there be speaking time for-----

Senator Jerry Buttimer: I hope to have him for about an hour.

Senator Trevor Ó Clochartaigh: Will speaking time be allowed for group leaders?

Senator Jerry Buttimer: That is my intention. It will be one per group. To be fair, we had a robust debate on the issue last week. In the spirit of new politics, the Leader is open to working with those on all sides. Nothing has changed regarding the waste industry since we had a debate on this matter in the House last week. The bill issued by Greyhound is very clear. I have one here but I cannot find it now. It is very clear. It asks people either to stay on their current payment plan or move to the pay-per-weight system. There is no movement in terms of fees or in terms of the amount. Senator Jennifer Murnane O'Connor was not being completely fair in the context of what she said because there is no change to what her party agreed in the Dáil when the matter was discussed or to what the Minister said here last week. There is a freeze. Greyhound has asked some people to choose if they wish to opt for the pay-by-weight system or stay with their existing plans. There is no change in the bill.

Senator Jennifer Murnane O'Connor: May I raise a point of order?

Senator Jerry Buttimer: I am not taking a point of order.

An Leas-Chathaoirleach: Allow the Leader to continue.

Senator Jerry Buttimer: I have a bill here. If we want to have new politics, let us have them but let us not go back to Punch and Judy.

An Leas-Chathaoirleach: I ask the Leader to continue without inviting debate.

Senator Jerry Buttimer: The Leader is an open book but I will not take politics from people who will not work with new politics. In the spirit of new politics, the Minister will come to the House and we will have a discussion. As already stated, I have an open-door policy but I will not accept the old type policy of misleading people.

An Leas-Chathaoirleach: I thank the Leader.

Senator Trevor Ó Clochartaigh: On a point of order.

An Leas-Chathaoirleach: I ask the Senator not to invite debate. A point of order.

Senator Trevor Ó Clochartaigh: I am trying to be correct as regards the order of the House and the standing order. My understanding is that we are debating the Order of Business. The Order of Business as it has been laid before the House is to be changed because a Minister is to come before us.

An Leas-Chathaoirleach: As I understand it, the Leader has given that undertaking.

Senator Trevor Ó Clochartaigh: Therefore-----

Senator Jerry Buttimer: My remarks allow for that.

Senator Trevor Ó Clochartaigh: I welcome that.

Senator Jerry Buttimer: In regard to the remarks by Senators Ardagh, Reilly and Norris, obviously the issue of public transport and the way the capital infrastructure for Dublin is unfolding is one on which we should have a debate. I would be happy to have the Minister, Deputy Ross, come to the House to discuss the matter. Senator Ardagh will agree that under the previous Government there was huge investment in capital infrastructure relating to public transportation in the city.

Senator O'Donnell raised a very important issue in respect of the Assisted Decision-Making (Capacity) Act 2015 and the necessity for a ministerial order. I will endeavour to have that matter resolved. To be fair to the Senator, both she and former Senator and Deputy Liam Twomey did enormous work on that legislation in the previous Dáil. It is one that will bring much comfort to people in an important time of need when dealing with their final affairs.

Seanadóir Ó Clochartaigh raised the issue mar gheall ar Raidió na Gaeltachta. Déanaim comhghairdeas le Raidió na Gaeltachta as ucht an méid clár a dhéantar ar son gach duine ar fud na tíre. I have raised the issue of waste collection but I did not hear the programme with the Minister of State, Deputy Kyne.

Senator Grace O'Sullivan raised the issue of the glyphosate. This chemical is used in the weedkiller Roundup. I would be happy for the Minister to come to the House for a debate on that issue.

Senators Humphreys and Reilly raised the issue of procurement. The matter of the tendering process is one about which we must be very careful. It is important that no small or medium

enterprises, suppliers or retailers are penalised or made to feel they cannot tender or be part of the process because, as we are all aware, they have been a pivotal part of how we run the country. Even though a new procurement service arrangement has been put in place, I hope they will not be disqualified from tendering. The point raised is an important one.

Senator Mulherin referred to public liability insurance. I am happy for the Minister to come before the House to discuss that matter.

Senator Leyden raised the Financial Emergency Measures in the Public Interest, FEMPI, Act, in the context of the Garda. That legislation was introduced by the Government of which he was a member as a blunt instrument which penalised public servants. There is no arrogance on behalf of the current Minister. This Government, like that which preceded it, is committed to unfolding the FEMPI legislation. Thankfully, 280,000 public servants have signed up to the Lansdowne Road agreement. A process is under way. At this late stage, I welcome the commitment on the part of the Association of Garda Sergeants and Inspectors, AGSI, to hold a ballot to recommend acceptance of the agreement to its members. I appeal to the GRA and the Association of Secondary Teachers in Ireland, ASTI, to engage in talks. I note the invitation by the Minister for Education and Skills. As a former member of the ASTI, I cannot comprehend its logic and thinking on this issue. I appeal to it to engage and to accept the invitation of the Minister for Education and Skills to hold further talks. I appeal to the Garda Representative Association, GRA, to engage in talks because this is an important issue. We do not want members of the Garda to lose money or to be unable to avail of a pay increase.

Senator Paddy Burke and Senator Conway-Walsh raised the issue of inviting the Scottish First Minister, Ms Nicola Sturgeon, to the House. That would be a timely invitation in light of the result of Brexit last week but also given the significance of the visit of President Higgins to Scotland and his address yesterday to the Scottish Parliament. I hope the Cathaoirleach and the Committee on Procedure and Privileges, on behalf of the House, will take up that invitation. I think the Cathaoirleach would be responsible for issuing the invitation on behalf of the House.

An Leas-Chathaoirleach: He will discuss it.

Senator Jerry Buttimer: I hope he will make the invitation because it is important in the context of the Brexit vote. To be fair to Senator Paddy Burke, who was Cathaoirleach in the last Seanad, he was innovative in his invitation to the Orange Order to speak in this Chamber. I hope that we can do the same in this House this time. This is about building new bridges and a new world. I concur with Senator Burke on his remarks and hope we can do that.

Senator Martin Conway raised the issue of dementia and the Alzheimer's strategy and also spoke about libraries. We should have a debate on these issues. The implementation of the dementia strategy should be put on the agenda for future discussion and the issue of books and reading is one we also need to pursue.

Senator Murnane O'Connor raised the issue about the pay-by-weight system. Senator Tim Lombard and Senator Colm Burke raised the important issue of the proposed merger of Cork city and county councils. This is about the biggest county and the second city having a proper local government structure. There are differing viewpoints. To be fair to the Minister, he was probably asked a question by a journalist, but it is important that we have clarity and I am happy to ask the Minister to come to the House with regard to the issue.

Senator Victor Boyhan and another Senator - I cannot read my notes - raised the issue about

the Nursing and Midwifery Board of Ireland, NMBI. There is an ongoing issue here that needs to be addressed. As the Chairman of the last health committee, I can tell the House that we had representatives from the board in before the committee. It is an issue that needs to be addressed and I agree fully with the Senators who raised it. This concerns not just registration but also process and ensuring the system is working to maximum effect. We should have a debate on it and I am happy to arrange it.

Senator John O'Mahony raised the issue of tourism and the need for a debate on it. I hope the Minister will come before the House to discuss it.

Senator Robbie Gallagher raised the issue of motor insurance. As we have discussed on previous occasions during the Order of Business, it is important that the Minister for Finance, who is engaged in a series of talks on it, would bring about a resolution to the issue of the high cost of travel and motor insurance.

Senator Devine also raised the important issue of the dementia strategy and spoke on behalf of Senator Kelleher who has done Trojan work in her role as chief executive of the Alzheimer Society of Ireland. Senator Devine also spoke about the NMBI. We need to have a debate on both of those matters.

Senator Paul Gavan raised the issue of Ibrahim Halawa. A request was made yesterday and, as I said earlier, in terms of the new politics, if I can do it I will do it. The Minister will be before the House today at 3.15 p.m.

Senator Catherine Noone has rightly raised the ongoing issue of the mobile phone network infrastructure and coverage. As a nation, we need to urgently address the issue, especially in the context of the vote last week. We will now be the only English speaking country in the European Union, so we need to have a mobile and broadband infrastructure that is in pristine condition. Sadly, in places where one would expect it to be in that condition - I am not speaking about the side of a mountain or parts of rural Ireland - there is a huge deficit. The national broadband strategy and the way mobile phone carriers do their business and provide service to customers need to be urgently reviewed and acted upon.

Senator Kieran O'Donnell raised the issue of Console. We had lengthy contributions on the Order of Business yesterday on this matter. There are two parts to the story. Console is providing a service on behalf of the HSE and other State agencies to people in genuine and urgent need of care. A gentleman from Cork spoke this morning on "Morning Ireland" about how counsellors such as he were treated in terms of late payments. That they are still offering their services speaks volumes about the quality of the people working in Console. However, Senator O'Donnell's fundamental point concerns governance. Rather than prejudice any further case, and in the interests of the charity sector and the staff, clients and those who fundraise on behalf of Console, he is right that the CEO should stand aside and resign his position to safeguard and protect the organisation.

To conclude, I am happy the Minister will come to the House-----

An Leas-Chathaoirleach: Will the Leader come back and brief the House as to when he will come?

Senator Jerry Buttimer: I hope it will be at 4.30 p.m. after we do our business. I would rather that we did not divide the House on a vote.

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An Leas-Chathaoirleach: Will the Leader come back and advise the House as to when he will come?

Senator Jerry Buttimer: Yes.

An Leas-Chathaoirleach: That would satisfy-----.

Senator Jerry Buttimer: He has indicated to me that he is happy to come to the House. We just need to work out the rubrics.

An Leas-Chathaoirleach: Senator Ó Clochartaigh proposed an amendment to the Order of Business, "That No. 7 be taken as a matter of urgency." I take it the Senator will withdraw and amendment?

Senator Trevor Ó Clochartaigh: Yes, I will. I appreciate the work being done by the Leader in that regard and welcome the debate.

Amendment, by leave, withdrawn.

An Leas-Chathaoirleach: Senator Rose Conway-Walsh proposed an amendment to the Order of Business, "That No. 9, motion 1 be taken today." Is it being pressed?

Senator Rose Conway-Walsh: Out of respect for the work the Leader is trying to do and given that we are trying to work together to resolve this, because we agree on the need for reform, although we are not at a stage yet where his position is robust enough for not agreeing to take the amendment, I will bring it up again next week under the Order of Business if we cannot reach agreement in the meantime.

An Leas-Chathaoirleach: Is the Senator withdrawing the amendment today?

Senator Rose Conway-Walsh: I withdraw it today.

Amendment, by leave, withdrawn.

Order of Business agreed to.

Sitting suspended at 12.45 p.m. and resumed at 1.30 p.m.

Business of Seanad

Senator Jerry Buttimer: In light of the fact that the Minister is still in the Dáil due to the voting bloc, I propose that we suspend until 2 p.m.

Acting Chairman (Senator Michelle Mulherin): Is that agreed? Agreed.

Sitting suspended at 1.32 p.m. and resumed at 2 p.m.

Senator Jerry Buttimer: I apologise to Members and members of staff. In light of the voting bloc in the Dáil, I propose a further suspension until 2.20 p.m.

Acting Chairman (Senator John O'Mahony): Is that agreed? Agreed.

Sitting suspended at 2.01 p.m. and resumed at 2.20 p.m.

Acting Chairman (Senator John O'Mahony): I call the Leader.

Senator Jerry Buttimer: I thank Members for their patience and co-operation, and I thank the Minister of State and the staff also. The delay is the by-product of the new regime in the Lower House. It is unfortunate, and I know it discommodes Members.

Delivering Sustainable Full Employment: Statements (Resumed)

Senator Neale Richmond: I welcome the Minister of State, Deputy Pat Breen, to the House and appreciate his patience in respect of the delays earlier.

A week on from referendum day in the United Kingdom, some people have expressed frustration that we are still discussing Brexit. I am sorry to disappoint them but in the context of delivering sustainable full employment, the results of the referendum are extremely important. They present challenges, but also a few opportunities.

In the run up to the referendum, a small minority of commentators, such as David McWilliams, claimed that a Brexit would be a good development that Ireland could capitalise on for economic gain, despite the warnings of chaos and turmoil that are now starting to occur. They have got their wish. Writing in the *Sunday Independent* this week, former Minister and MEP Gay Mitchell put it well when he stated:

Britain will look after its own interests. It is our duty to ensure we put our best foot forward and that we maximise the benefits for Ireland, while minimising the fallout.

Ireland's place in Europe and the wider world is vital to delivering sustainable full employment, and that place has drastically changed in just a week.

As Senator James Reilly mentioned in the House on Tuesday, since 1999 Ireland has been the only English speaking country in the eurozone, and by 2018 it is likely that we will be the only English speaking country left in the EU, pending events in Scotland. It is important to emphasise that Ireland will continue to be an EU member, with full access to the Single Market and retaining all of our advantages for inward investment. We are committed to working within the EU to achieve the jobs and growth that are vital to deepening and broadening our economic recovery. I am heartened to hear that the Minister, Deputy Mitchell O'Connor, has already held a meeting with Enterprise Ireland and IDA Ireland to discuss contingency plans and that she, together with the enterprise agencies and the Ministers of State under her remit, will also be working to ensure that businesses, investors and potential investors in Ireland are fully informed of Ireland's continued commitment to the EU.

Already we have heard that both Morgan Stanley and HSBC are looking to move up to 3,000 employees from their offices in London to alternative European cities. According to a report in May, Brexit could push about £6 billion of investment into Ireland's financial services sector. One bank that has already moved some operations to Ireland is Switzerland's Credit Suisse, which said in December that it would make Dublin its primary hub for servicing hedge funds in Europe and move staff from London to here.

Ireland has an excellent global reputation in the financial services and financial technology sectors and I ask the Minister and the agencies under her remit to set up a special unit solely charged with trying to lure businesses looking to move from London to Ireland. Dublin in

particular offers exiled bankers the English language and a similar legal system, and it is already home to back-office and servicing divisions for many international banks. The Minister of State, Deputy Eoghan Murphy, has already visited London as part of the advance contingency planning and I welcome his and the Government's vision to ensure Ireland is recognised as a global location of choice for specialised international financial services, building on our strengths in talent, technology, innovation and excellent client service while focusing on capturing new opportunities in a changing market and embracing the highest forms of governance.

Central to attracting more companies to Ireland and encouraging existing companies to expand their operations here is our corporate tax rate. When the UK eventually leaves the EU, we will be losing a great ally in the fight against efforts by the European Commission and other member states like France to bully Ireland into increasing this rate or to join in a harmonised European corporate tax rate. No one should forget that Ireland has a veto in this area and that there will be no move to alter that rate under this Fine Gael-led Government.

A report from Bloomberg earlier this week compared Dublin with Paris, Frankfurt, Luxembourg, Amsterdam and even Edinburgh as possible destinations for financial institutions now looking to relocate from London in a post-Brexit world. A glowing recommendation brought just two negative concerns to light: a relative lack of office space and high personal tax rates. Our top line personal tax rate of 52% is much higher than the 45% rate in London or Paris or the 42% rate in Frankfurt. When it comes to office space, Dublin is on the back foot but there is scope to improve that with interesting and ambitious plans for a strategic development zone at the former Irish Glass Bottle Company site, while work continues apace in Cherrywood.

If office space is a concern, housing is a far bigger one. While the average monthly rent in Dublin compares very favourably to London or Paris, every one of us knows that there is a shortage of suitable housing in Dublin, especially to rent but also to buy. I welcome commitments by the Government to provide local authorities in Dublin with additional resources to deliver housing units, which will in turn alleviate the pressure on the private rental market, but more must be done to remove the barriers that are preventing private developers to proceed with plans on already zoned sites.

I thank the Minister again for taking the time to engage with the Seanad on this vital issue. Bearing in mind the events of the past week in the UK, I encourage everyone not to leave it solely to the Minister, IDA Ireland or Enterprise Ireland. We should all shout out loud and clear that Ireland is open for business.

Acting Chairman (Senator John O'Mahony): I omitted at the outset to welcome the Minister of State, Deputy Breen. I believe it is his first time to contribute since his appointment so I wish him well and congratulate him on the appointment. I call Senator Gavan who has six minutes.

Senator Paul Gavan: I welcome the Minister of State and congratulate him on his appointment.

My focus as a congress nominee will be on low pay. There is a scandal in terms of low pay in this country on which a light needs to be shone, and I am conscious that the debate is on sustainable employment because much of what passes for employment today is simply not sustainable.

I want to focus in particular on the hospitality industry, which we have heard a good deal

about, particularly from this side of the House. It is an industry that for some time has enjoyed a generous tax break in terms of a reduced VAT rate of 9%, costing taxpayers €650 million a year. We know that the hotels industry is booming, with record levels of room occupancy, but that stands in stark contrast to the terms of conditions of workers in that sector. We know that of the 137,000 workers employed in accommodation and food services, more than 50% earn less than €400. Some 17% of all employees in the sector only earned the national minimum hourly wage, while 41% of workers are part-time and 59% are full-time. The weekly average wage is €697, while in the hospitality sector the average wage is €324.86, which is less than half that amount.

Recent research from TASC described the sector as characterised by what are effectively zero-hour contracts. I have examples of these contracts which I will read into the record of the House. The first is from one of the most prominent hotels in Limerick. It states: “Given the nature of the hotel business, the hotel cannot be specific on the number of hours each member of staff will be required to work each week.” Another states:

Your hours will be assigned on a roster basis and will normally include working weekends. It is your responsibility to check the roster to ascertain when you will be required to work.

A contract from McDonald’s in Limerick states:

Your hours of work cannot be permanently guaranteed, because the number of staff we can employ depends on how busy the restaurant is. However, you have indicated that your availability for work is as follows.

They get the employee to fill in boxes as to when they are available. It is taking a contract of employment and turning it on its head. It is outrageous. None of these contracts, which are the new norm for the hospitality sector, gives any guarantees on hours of work, no matter how long one is working there, which leaves tens of thousands of workers each week in a state of complete financial insecurity not knowing from one week to another what hours they will get. Would the Minister of State be happy working with a clause such as that in his contract? Would he like his son or daughter to work under those conditions with no guarantee of hours or income from one week to the next? Does the Minister of State think it is acceptable or that these people are lucky to have a job? Will he recognise that this is a modern day throwback to the hiring fairs of old where the employer got to pick and choose each week who would work and for how long?

Is the Minister of State happy that the Irish Hotels Federation refuses to engage with industrial relations statutory bodies, such as the Workplace Relations Commission and Labour Court, on establishing a new joint labour committee for the sector? What message is the Department sending to the Irish Hotels Federation by continuing the €650 million subsidy in the face of this disgraceful stance by employers in this sector? The message from the Department is “You’re grand lads, work away.” What is doubly frustrating is that there has been a report sitting in the Department for eight months telling it that these problems exist and giving clear guidelines on the legislative changes that are needed. I pay tribute to my colleague, Senator Nash, for the very good work he did on this issue. When will the Department implement the recommendations of the University of Limerick report on the prevalence of zero-hour contracts?

Another key point all members in the Irish Congress of Trade Unions are concerned about

is when the Department will introduce a statutory instrument to provide for a fair transposition of the EU public procurement directives in line with the provisions of Article 18.2. Will the Department ensure there are proper social clause provisions in place requiring companies that tender to recognise trade unions and pay a living wage?

I raise the issue of TTIP and last month's European Commission study on the agreement, which only confirms my party's worst fears. TTIP will cause significant competition between Ireland and the US, a country which compared to the EU has much lower labour standards and trade union rights. It is, therefore, expected that the Irish economy will see a severe decline in food standards, workers' rights and the agricultural sector. Considering there is such a potential for TTIP to reduce workers' rights in Ireland, Sinn Féin will oppose TTIP under its current mandate. Very few people really understand the dangers of TTIP. I appeal to everyone in the Chamber to address this issue, particularly those of us on the left. It is time for us all to speak out because if we do not, this will be imposed on us. It is an example of the very worst aspects of the EU which probably explains why people are now feeling so alienated by the European project. It is totally in contrast to the ideals of the 1980s.

Business of Seanad

Senator Jerry Buttimer: I propose to amend the Order of Business to change times to allow statements on the Ibrahim Halawa case to be taken at the conclusion of No. 2, the Misuse of Drugs (Amendment) Bill 2016, and to conclude within one hour, and for statements on waste disposal charges to be taken on the conclusion of No. 3. Each group spokesperson will have five minutes and the Minister will have five minutes to reply.

Acting Chairman (Senator John O'Mahony): Is the proposal to amend the Order of Business agreed? Agreed.

Delivering Sustainable Full Employment: Statements (Resumed)

Senator Michelle Mulherin: I welcome the Minister of State and wish him well in his portfolio. It is no doubt a very challenging one but also a very exciting one to be involved in. Once we have jobs, we can provide services. I welcome and commend the future targets and ambitions set out in the programme for a partnership Government. A commitment is made to reduce the unemployment rate to 6% and to increase the number at work by 200,000 by 2020, 135,000 of those people will be outside Dublin. It is particularly important to specify that jobs will be created outside of Dublin. There has been a lot of frustration in many parts of the country because growth was predominantly in the large urban centres. There are figures showing that the areas outside the big urban centres are coming along. When recovery happens, it is expected to take place in the big urban centres first. The job now is to shunt that out and make sure every area receives appropriate investment, growth and support and that we work on the opportunities and unique selling points of all the different regions around the country.

In the west and County Mayo where I am from, we were hit particularly hard by the collapse of the construction industry. That has not gone away, even though we have had economic recovery, some of which we can see on the ground. I am mindful of the figures which show that at the time of the collapse, one in four men was working in construction in the west compared

to one in five in the rest of the country. Many people working in construction may also have had small subsistence farms and needed off-farm income to support families. Much of the west is still reeling from the construction industry collapse and needs help and support. If we do not push out development, investment and jobs everywhere, we will exacerbate the problems with housing, shortage of schools and public services in the big urban centres. It will only get worse. One thing we can say in many of these rural areas in the west is that we can offer a great standard of living and quality of life but people cannot live on fresh air. That is why we have emigration. The challenge in reducing the unemployment rate to 6% by 2020 will be to make sure it is equally reflected in the regions.

I welcome the action plan for jobs for the west region and all the regional action plans. Based on the good work of the national action plan for jobs, it gives us hope that there is a formula to produce those results in job creation and investment. If I was to suggest one important measure for growing small businesses, it would be continued support for the local enterprise offices. If one wants to see results on the ground, the local enterprise offices are closest to the people interested in job creation and who want to grow their businesses on a smaller scale. They can deliver on the Government objective if they are properly funded and supported. They work in conjunction with Enterprise Ireland. We have an excellent local enterprise office in Mayo and similar offices around the country are doing good work. One issue I am aware of, which I ask the Minister of State to look at in the context of the forthcoming budget, is the funding of local enterprise offices. If we do not support them, we are not looking after start-up, small businesses with between one and ten employees. That is when Enterprise Ireland kicks in. They need to be supported because they will, hopefully, lead to further jobs and growth. When someone comes forward with a business proposition, they have business plans and a sustainable proposition and are well vetted. In my area, strides are being made in the food industry and in light engineering and manufacturing. There is definitely scope for more growth if the correct support is given.

Mayo local enterprise office's subvention budget from Enterprise Ireland under measure one is €215,000 for the year. I was quite shocked to hear that. It is money to support jobs and capital investment in micro-industry but it has already been spent and people are already looking for more money. Surely that cannot be the case but it seems it is. The local enterprise office has €200,000 for training. It would seem that the way in which funding is given out does not reflect levels of demand or local economic activity. Where there is a demand there does not seem to be a provision that they are automatically going to get more money or make a business case for more. I understand that there is a historical process whereby funding is apportioned and it is only slightly weighted for bigger counties. I believe this situation seriously needs to be addressed, especially with regard to the shortfall in their funding. Their money is spent and we have not even hit the half-year market, although we are very close to it.

I would like to see more support for jobs. On the ground I can already see the jobs that have been supported, and more that can come, but they cannot do it without that funding. It does not mean anything to the ordinary small business that money is being given to Enterprise Ireland and to IDA Ireland. This is a very real way to see benefits on the ground and to fulfil our ambition - and the Minister's ambition - to achieve more economic activity and growth in the region. I ask the Minister of State to take this up and I would appreciate if he could get in contact with me about that particular concern.

Acting Chairman (Senator John O'Mahony): I invite Senator Grace O'Sullivan to speak for the Civil Engagement group.

Senator Grace O’Sullivan: A week is a long time in politics, and events over the past few days have certainly proven that old saying. Only one week ago I was considering the new optimism in the air. There was much talk in the media - and indeed in this neck of the woods - of the so-called turnabout in the economy, the abundance of jobs already created, jobs soon to be created and even so-called sustainable jobs. Folk in certain political quarters were giving themselves lots of pats on the back and there was something of an air of celebration creeping about. I do not wish to be the bearer of bad tidings but, fellow Senators, it is high time we took a reality check. With the most obvious impacts of Brexit and the resulting shockwaves across the international money markets, it has become a little more obvious that we cannot be complacent about our own apparent economic recovery.

Only two weeks ago the Minister for Jobs, Enterprise and Innovation, Deputy Mary Mitchell O’Connor, visited this Chamber. I mean no disrespect to the Minister when I say that her visit was a little bit like the annual school visits from the local mayor that I experienced as a child. In her address to the House the Minister spoke of the Government’s goal of achieving sustainable full employment. She said:

This Government’s goal is to achieve sustainable full employment. We want all people to have the opportunity to enjoy rewarding work. We want to ensure that all people can participate and contribute their full potential to the economy and society.

This is all very laudable. The Minister went on:

The Low Pay Commission will make its next recommendations on the national minimum wage for 2017 in July. Its recommendations must be evidence based. We want a minimum wage that is both fair and sustainable. We want to assist as many low-paid workers as is reasonably practicable without creating significant adverse consequences for employment or competitiveness.

I repeat the Minister’s words: “We want to assist as many low-paid workers as is reasonably practicable without creating significant adverse consequences for employment or competitiveness.” In other words, the Government might do something for those who need it most but only if it does not cost anything for those who have the most. Does it take a commission to tell us that people living under the current circumstances of the economy cannot survive on the minimum wage? The cost of living is going up and extra charges are creeping in left, right and centre, with the latest fiasco being the bin charges controversy - yet another mismanaged shambles. I wonder about the use of the word “sustainable”. It must be asked whether the word, and the concept of it, is open to interpretation? It clearly is - and a very loose interpretation. If the concept of sustainable work was applied according to my understanding, we would be living in a society where employment is moving in a very different direction. As far as I am concerned, a sustainable job is one that would actually sustain a person and a family. A sustainable job is one in which social, environmental and economic needs are addressed and met. A sustainable workforce is one in which people are employed in jobs that not only pay a wage but have their psychological and economic well-being included in the package. A sustainable job is one in which the needs of the employee and his or her family come first. These are pretty basic tenets of sustainability. However, I do not hear much reference to these concepts being bandied about along with the new favourite catchphrase, “sustainable jobs”. The sad reality for so many people in this country is that the idea of a sustainable job, or indeed any job, is beyond them.

Consider my home town of Waterford. A recent damning report prepared by two lecturers at

Waterford Institute of technology, Dr. Ray Griffin and Dr. Cormac O’Keeffe, shows that Waterford and the south east are at an economic crisis point. Unemployment in the region continues to rise after 25 years of government neglect. Unemployment in the south east is one and a half times higher than the national average, with a stark figure of 1,200 fewer people in employment than six months ago. This is in the wake of the high-profile Action Plan for Jobs, which was launched by the Government last year.

We live in a country in which, increasingly, politics is at a disconnect from the citizens of the land. It is a land where the aspirations, whitewashing and rose-tinted pictures painted by our silver-tongued elected representatives bear no resemblance to the reality faced by so many in this country as they try to cope with the challenge of battling through the slog that is daily survival - the day-to-day and hour-to-hour struggle that is just getting by. We need to bring politics and some sense of real hope back into people’s lives. It is our job to represent the citizens of this country. That is our job, folks, so let us get on with it, roll up our sleeves and get it done.

Acting Chairman (Senator John O’Mahony): I thank the Senator.

Senator Alice-Mary Higgins: The 30 seconds was meant to be one minute, so I will only need 30 seconds of the remaining time available to our group.

Acting Chairman (Senator John O’Mahony): I did not receive any indication of time sharing.

Senator Alice-Mary Higgins: Would it be possible? It literally is just one minute and it is a question.

Acting Chairman (Senator John O’Mahony): The time slot has run out. The the Senator will be able to speak when the group’s turn comes around again.

Senator Alice-Mary Higgins: Okay.

Senator Maria Byrne: I welcome my good friend and colleague the Minister of State, Deputy Breen, and congratulate him on his portfolio. I wish him the very best of success for the future.

Full employment is the goal that the country must aspire to. Full employment can be defined as a situation in which all those willing and able to work are in employment. In 2006, at the height of the Celtic tiger, Ireland had full employment, with the unemployment rate standing at just 4.3%, according to CSO figures. However, at the same time, the construction industry - to which I know Senator Mulherin has already referred - accounted for approximately 20% of GDP, along with being a significant source of employment. We are now aware that the construction industry in Ireland was overextended. Following the economic crisis of 2008-2009 and the sharp rise in unemployment, particularly among construction workers, we know that this level of unemployment was unsustainable. Yes, progress has been made, but the May 2016 figure of 169,700 is far too high. Overall competitiveness must be maintained in the global economy if we are to avoid the mistakes of the past.

Within the overall statistics are a number of problems which, I am glad to say, the Government’s Action Plan for Jobs has recognised and prioritised, backed by the OECD. It plans to create 200,000 jobs by 2020. This will reduce the overall unemployment rate to 6%. The proposal to create 135,000 of these jobs outside Dublin is of paramount importance if the regions

are to develop and prosper. Also, the encouragement of 70,000 of our diaspora to return home is to be commended. Male unemployment, especially amongst the over 50s, is a serious problem. As a result of the recession, a large number of people who had worked for many years found themselves without a job and with limited prospects of finding another. They want to work and we must invest in skills and training required to encourage them to come back into the workforce.

High rates of taxation have a detrimental effect on job creation. The success of the Irish economy and the large-scale expansion of employment in the 1990s were due to a reorientation of government policy that lowered general taxation in order to promote jobs and investment. I welcome the commitment in the programme for a partnership Government to a continued reduction in the USC in consultation with the Oireachtas. Reducing excessive tax rates for middle earners is important in order to promote full and sustainable employment.

As of May 2016, the unemployment rate for males aged 20 to 74 stood at 9.2% and it was 6.2% for women. I am also concerned about the high level of youth unemployment rate of 15% in May 2016, which continues to be above the national average. The aim must be to create an environment where worthwhile employment is available to the many young people leaving the education system. Otherwise the very considerable investment in their education will either benefit another country or languish and dwindle away as the unemployed can so easily become unemployable. It is incumbent on the Government and the relevant Government Departments to put considerable resources into tackling the scourge that is youth unemployment. This also applies to the long-term unemployed, which is a European-wide problem. It leads to social exclusion and the creation of poverty traps. In the words of Professor Hugh Frazer from Maynooth University, "It adds up to an erosion of human and social capital over time." The creation of jobs throughout all regions is vital in addressing this problem, as well as tackling the pockets which exist in many urban areas. I look forward to the day when all our citizens who wish to remain at home will be able to find well-paid, sustainable employment and many who have been forced to emigrate can return and bring with them valuable experience and skills they have acquired. I know that the Minister of State is totally committed to tackling and solving this major problem area which has caused so much suffering and hardship.

Senator Gerald Nash: I congratulate the Minister of State, Deputy Breen, on his appointment. I know that he will do an exceptional job and will be extremely committed to advancing the agenda of full employment for Ireland and its citizens, not just full employment but fair employment as well, as articulated by my colleague, Senator Gavan, and others.

If we pursue the correct policies we will and can have full employment in this country by 2018. That is my ambition and it is the ambition of the Labour Party. I take great personal pride and satisfaction in the role that I played, as super junior Minister in the last phase of the last Government, in setting out a policy agenda to move unemployment below 8% for the first time since the economic crash. When the last Government took office the number of unemployed was heading towards 500,000 and there was a stench of fear and hopelessness across the country. Those who had lost jobs were not aware and did not know when they might secure a job again and those who had jobs were fearful that their jobs might be lost within a day or a week. We are now on track to have about 2 million people at work very shortly and that is a record for this State. Things are now very different compared with the horrendous mess that the previous Administration inherited in 2011.

I make no apologies for being entirely obsessive about the dignity of work and the idea that

working people should have their dignity in the workplace guaranteed, protected and secured. Job growth in every economic sector is growing at a decent pace. We will continue to see an uplift in areas where the pace of recover has not been as strong as might have been the case in other sectors. Construction is a good example. While the construction rates of recovery are decent there is more to be done. With the €4 billion housing package, initiated by the last Government and the uplift in private housing construction, which is so necessary for society, we can get more construction workers back to work. It is a sector of society that was badly damaged by the nature and extent of the economic crash.

The lessons that we have learned from the economic crash need to always be at the forefront of our considerations of economic policy and our approach to job creation. That is why I think it is crucial that the philosophy and the approach that we adopted, *vis-à-vis* An Action Plan for Jobs, is retained and remains at the core of the Minister of State's work, his Minister's work and that of the entire Government. The action plan has a cross-departmental agenda and the system and approach have been proven to work. We should never again see our employment profile excessively dependent on one or two sectors at the expense of other sectors. We should not take the view that it will be "all right on the night" for society provided the coffers are full and Exchequer revenues continue to grow. We should be concerned about the mix in our economy and ensure that proper policies in terms of structure in the economy should be pursued.

Neither should our trajectory towards full employment be characterised by the notion that a job at any price will do. That is not right and it is not something we should support. Our recovery needs to be wage-led. We have to create an economic and jobs model that ensures protection in the workplace and provides for improvements in pay, hours, terms and conditions.

By 2018, we should have sustainable full employment in this country and, importantly, it should be employment that will sustain households. As my colleague, Senator Gavan, articulated earlier, too many people here go to bed on a Sunday night not knowing what amount of hours they will have to work in that given week and whether they will have a job that will enable them to simply make ends meet. That is an unacceptable scenario in this day and age. That is why we need to end the abuse of if-and-when contracts. I look forward to seeing the Minister's proposals emerging shortly. I can reassure the House that the Labour Party will not be found wanting in terms of filling the existing vacuum because those who have if-and-when contracts can no longer afford to wait for a solution.

Working people caught up in the half light of if-and-when contracts cannot afford to wait for a solution, neither can their families nor society. We should aim to provide decent work and not a job at any price. There is no dignity in workers being permanently dependent on the family income supplement to top up their wages. Work should always pay. That is why we established the Low Pay Commission last year and increased the national minimum wage. In July, I hope to see decent increases and further increases in the national minimum wage when the Low Pay Commission issues its second statutory report on the rate of the national minimum wage for 2017.

Ireland must move towards providing a living wage. Good employers pay decent wages. Despite the protestations of some ideologues on the opposite end of the political spectrum, there is a clear business case to be made for a firm paying its staff a living wage quite apart from the social considerations.

In order to back businesses, the risk takers who employ the vast bulk of Irish workers need

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to have a functioning banking system and alternative finance opportunities if we are to reach our goal of full employment. I am pleased to see that the amended credit guarantee scheme is operating, that there have been improvements in Microfinance Ireland and that the facilities available from the Strategic Banking Corporation of Ireland are working well to support the SME sector. As the Minister of State will know, the availability of credit is the lifeblood of the economy. We must always be conscious of the fact that 90% of Irish jobs are in the SME sector.

I agree that sustainable full employment also means rewarding hard work. That is why I strongly believe that the Government should continue to ensure there is an equalisation of the tax system for the self-employed. They are the ones who take the risks, develop their ideas and employ people in good decent jobs across the country.

In conclusion, I agree with Senator Mulherin that we need to properly resource local enterprise offices, LEOs. I am proud of the role that I played in helping the local enterprise office idea to evolve and bed down over the past couple of years. LEOs are a one-stop-shop, a first-stop-shop and a signposting service for not just new SMEs but also existing companies that want to grow and expand. Clearly, the relationship between the local enterprise office and Enterprise Ireland is extremely important. We must ensure, particularly with the very uncertain international economic situation in which we find ourselves, that Enterprise Ireland is properly resourced so that small companies are properly resourced and advised in ways to access foreign markets and supply Irish goods, products and services. There is a big job of work for Enterprise Ireland to do and it is only too capable of doing so in terms of helping Irish companies diversify into other markets, given the uncertainties in the UK for obvious reasons at the moment.

3 o'clock

Senator Paddy Burke: I can give one minute of my time to Senator Higgins if she wishes, with the permission of the House.

Senator Alice-Mary Higgins: I thank the Senator.

Senator Paddy Burke: I congratulate the Minister of State, Deputy Breen, on his elevation to Minister of State in this portfolio. I have no doubt he will do a great job on jobs because he has first-hand knowledge of what is required from his work as a Deputy and as Chair of the committee in the last Dáil dealing with the development of the western region and the Shannon area. I have no doubt that he is pretty *au fait* with what is required to bring jobs to the regions and Ireland and, as previous speakers have said, to bring full employment to the country by 2019 or whenever.

A number of important points have been raised by a number of Senators today and on the last occasion we had this debate. It is an important debate, especially given what has happened in the UK. We should be more proactive than we are and use this as an opportunity to bring more international companies and jobs to the country. We should use whatever means possible to do that.

Senator Mulherin raised an important question on local employment offices. Those offices are looking after the development, nurturing and fostering of jobs in SMEs with up to ten employees. These SMEs are the lifeblood of rural areas in particular. It takes enormous effort on the part of an employer to create ten jobs and it is much more difficult for a small employer to create ten jobs than it is for a large employer to create 500 jobs. This is well known to the vast majority of Members. There are so many obstacles in a small employer's way. Small employ-

ers have to get over so many hurdles and also face the challenge of a huge pay bill every Friday. There should be a bigger focus on delivering jobs, particularly in rural areas.

Given the current Government situation, which may be in place for the foreseeable future, responsible and autonomous regional development has to come into play. The Government and Parliament should examine the possibility of regionalising government and deploying more resources to the regions. The Western Development Commission plays a very important role in our region and similar commissions could be rolled out in other areas such as the Munster and Leinster regions. Such commissions should be strengthened and given more autonomy. Every week small businesses have to endure VAT, PAYE, PRSI, insurance costs, rates, water charges, development charges, bank fees and the cost of safety reports as well as the fees of accountants and lawyers. This is a huge task for the small business person.

IDA Ireland and Enterprise Ireland are to be congratulated for the job they are doing internationally. However, I would be much happier if Enterprise Ireland had a higher failure rate. I do not mean that I wish for companies to fail, but a higher failure rate would mean more companies on the verge are getting into the system. The rules are too stringent and off-putting to an awful lot of companies that are on the verge and trying to get their businesses across the line. Will the Minister of State carry out a survey of all the companies that avail of Enterprise Ireland funding as well as those that do not avail of such funding and those that were not successful when applying for funding?

The system is too cumbersome. People tell us that they would much prefer to go it alone without the hassle of Enterprise Ireland. Enterprise Ireland is a great brand and gives recognition all over the world. It is involved in so many companies and opens up so many opportunities. However, given the paperwork and hassle involved, the vast majority of people find it off-putting. Given the situation with the UK, we should relax some of the rules. Some of the people who are not getting in but are on the verge should be getting in. The difference between success and failure can be very small and some of the finest businesses have failed, be it for whatever reason. Perhaps it was for want of funding or support. Some of the greatest ideas did not get across the line because of being bogged down in paperwork or not getting the support needed at the time. The Minister of State should carry out a survey of this area and examine the feedback. He should go to those people and see what are the problems. I have no doubt he has spoken to many of those people over his time in the western and Shannon regions.

I will give the last of my time to Senator Higgins.

Senator Alice-Mary Higgins: I am very grateful to Senator Burke and thank the Minister of State for joining us. I will be brief. There are three issues I wish to highlight and I would really appreciate the thoughts of the Minister of State and I would love to engage further with him on them.

There are many tens of thousands of qualified adults in Ireland, predominantly women, who do not feature on the live register or in unemployment figures, although they are underemployed. In many cases, they are in jobless households. Will the Minister of State address how he plans to encourage and provide voluntary access to back-to-education, training or job supports and activation schemes to these qualified adults? In many cases these people are not just distant from the jobs market but, having little rights in it, have become distant from the social protection system too. I urge the Minister of State to work closely with his counterpart in the Department of Social Protection to address the question of how we recognise, for example,

care credits and ensure that the many tens of thousands of women who fall out of the system maintain their access to jobs, training and employment opportunities.

Care should be a quality area of employment. It is potentially one of the largest and highest density employment areas with a high ratio of staff. It should be an area of quality employment but, unfortunately, it is not. The sector needs to be developed and deepened. It is unfortunate that many child care workers and early years education workers employed by the State will now enter a period of three months of unemployment as the early childhood care and education, ECCE, schemes end because they are still nine-month schemes. In terms of sustainability, surely this should be a year-round area and an area with a strong progressing path.

The low pay-----

Acting Chairman (Senator Frank Feighan): Thank you, Senator.

Senator Alice-Mary Higgins: I lost my line but I will just say that, in terms of the Low Pay Commission, I welcome and will be scrutinising the commitment and looking to the commission to address the gender pay gap and in-work poverty. I remind the Minister of State that the IMF, in research over 30 years in 170 countries, has shown that GDP rises when the income of the bottom 20% in society is increased. This is not a concession to those looking for higher wages in the lowest bracket. It is an investment in our GDP and our society.

Acting Chairman (Senator Frank Feighan): Senator Higgins, we have run out of time.

Senator Alice-Mary Higgins: I would ask that the minimum wage be included in procurement rules also.

Senator Paul Daly: I welcome the Minister of State and congratulate him on his recent appointment. This morning I attended the National Life Sciences and Engineering Expo in Mullingar with the Minister for Jobs, Enterprise and Innovation, Deputy Mitchell O'Connor. I welcome her commitment in her address this morning to that and all the regions in the future. When she left the expo, she visited the one unit in Mullingar Business Park. This is a prime example of how that region, along with all the other regions, has been neglected. I hope this will change. We have not had IDA Ireland visits.

On the positive side of Brexit, there will be great chances for further foreign direct investment. I hope, however, that those companies will be brought outside the M50 when they are being shown the facilities available in Ireland. It is vital that jobs are created in the regions as well as in the capital and urban areas.

As Senator Grace O'Sullivan said, a week is a long time in politics. This debate began prior to the Brexit referendum and we have to have a different outlook now on this topic. "Sustainable" is the key word in light of Brexit. At the expo this morning, I spoke to the chief executive of a medium-sized manufacturing company who signed a contract to manufacture components for a British company a couple of months ago. The overall deal was done in sterling. He is committed but the sum agreed has reduced by at least 10% in euro. This is one example of the issues that will arise for export companies which are providing employment. That employer had intended increasing his workforce with a view to this and other projects. He certainly will not now be increasing it and there is a possibility that he may reduce it if this continues. The emphasis now must be on sustaining what we have. If we do not take our eye off the ball but continue with the project, we will hopefully deliver full employment by 2018.

Exporters have a problem with Brexit. I worked for the past 20 odd years in a manufacturing company which supplies to the agricultural industry. We employ 15 people. A 10% reduction in farmers' incomes is a 10% reduction in spend and that reduction in spending with us would result in the loss of three of our employees, or 20% of our workforce. Those are the facts. I do not want to paint a very dark picture but those are strong possibilities for our agri-industry and exports to the UK if and when the Brexit is negotiated. While I do not want to ring alarm bells, the emphasis needs to be on the sustainability of the jobs already created. We do not want to lose that focus by trying to achieve figures for job creation.

Many have spoken about the dignity of work. We all know a certain number of people who work for their sanity and dignity, not for money. It costs these individuals to work and, from a financial standpoint, they would probably be better off not working. There are many mitigating circumstances in this regard, particularly in rural Ireland. I spoke to a young man recently who was delighted to have got a job but in order to attend work and fulfil his duties, he had to buy a car. His first five weeks' wages would have to be spent on insuring the car before he spent a cent on rent or food. The circumstances are similar for people with young children because it costs them more to pay a childminder than to stay at home. Being in employment looks good on paper but is it working for people? The mitigating circumstances to which I refer need to be addressed. There is a domino effect and something which happens in the most obscure circumstances can result in someone here losing a job. Each Department and Minister needs to keep an eye on the ball, particularly in light of Brexit. The ultimate loss could be jobs. I hope it will not be, when we have a plan and are on guard.

When jobs are created for their own sake, people lose their secondary benefits because of the threshold between what they can and cannot earn. They can lose a medical card, rent allowance and family income supplement, FIS. The thresholds are too marginal and often it does not pay for people to go back to work unless they are prepared to take the chance and go back for the sake of their dignity.

Much of what I planned to say has already been said. A major problem within the SME sector is that when an exporter comes under pressure and the business fails, the owner is not entitled to any support or social welfare. This matter must be addressed. Those in the SME sector are the people who are taking the risks and creating the jobs. It was a pleasure to see them display their wares this morning in Mullingar. The man who told me the story and who is going to lose a sizeable figure is still positive and upbeat. It is that attitude that has created jobs and that will ensure they are sustained. However, the people to whom I refer need support.

Senator Denis Landy: I welcome the Minister of State and congratulate him on his elevation to such a high and important office. I will not go back over things already said but I am interested in two items. One is the regional action plans. The regional action plan for the south east was launched earlier this year or late last year. It committed to job targets for the south east. Senator Grace O'Sullivan referred to Waterford. I live in the south east and we are not seeing the effect on the ground. I have the figures from the local enterprise offices, LEOs, which support the jobs. The south-east area had the highest number of LEO-supported jobs but we are not seeing jobs brought forward by private industry, entrepreneurs, etc., despite all the great work that has been done. Waterford is the nearest city to where I live. I worked there for 13 years and know it very well. The Viking triangle is a fantastic addition to the city but we are not seeing jobs on the ground there. The economy is practically being run by the Waterford Institute of Technology, WIT, and University Hospital Waterford, which are the mainstays of employment in the city.

The same is true of south Tipperary, where, apart from several big pharmaceutical plants in Clonmel, there are no jobs for people. Is it the intention of this Government to continue to pursue the original action plans or does it intend to tweak them in the context of Brexit and its implications for exports? I have nothing but praise for the LEOs across the country because they do fantastic work. Are they getting to the core of supporting other industry or finding other people? I served on the first enterprise board in the country, which was set up in 1991 in Tipperary, for approximately ten years. It was one of the most rewarding things I ever did because it assisted the small SME in getting off the ground with, at that time, £5,000 per job. Many of those businesses have been successful through to today. That grant support was taken away and while I understand the financial reasons for taking it away, do we need to consider something of that nature to get jobs into rural areas? The city is thriving. Anybody who stays there will see that building is taking place across the city. However, the regions and small towns are not experiencing the same growth. Unless we see growth in jobs coming into rural Ireland, young people will leave and come to the cities and the rush to the east coast will continue.

My second concern relates to the living wage. Senator Nash did a tremendous amount of work on this and we brought it to the position where the report is imminent. We want to see it implemented. I ask the Minister of State to see that it is implemented and that a living wage is put in place. There is always an argument with the employers' representatives but I have spoken to employers and they can see the sense of it. We provide FIS from the State coffers but if we pay people a proper wage and if this proves sustainable for both small and big industry, we will provide a greater tax base for the State. There is actually a win-win situation for everyone. We will have the arguments from employer representatives against this idea, and we have witnessed these already. However, ultimately, it seems absolutely crazy to me as a layperson that someone is in a job but because he or she is not being paid enough by his or her employer, the State is subsidising him or her, even though he or she is in a job. There has to be some sort of bottom line, some rate that people can actually live on. That is the purpose of the commission set up by Senator Nash. We all know of this anecdotally. We have the commission report and once we scope the report, I call on Minister of State to act on it. I am keen for the Minister of State to respond to these two issues in his summary.

Senator Máire Devine: I welcome our MEP, Ms Lynn Boylan, who has joined us today. I reiterate what Senator Gavan said. His comments are important because sustainability is not a word we will be using if we allow the Transatlantic Trade and Investment Partnership agreement to come in to this country. I know our MEPs in Europe, certainly those in the group Ms Boylan is in, have fought fiercely against it. They have been in the vanguard. Most Senators are aware of TTIP and I hope the majority are against it. It will destroy our society, our workers, trade unions and any idea of standing up and fighting to hold on to what we have, never mind progressing to what we need. It amounts to privatising profits and socialising losses. It will absolutely destroy what we have. We have seen this in Mexico and other areas of America as well, where these agreements have the power to supersede any rights that already exist in countries such as ours. We have fought too long and hard to let this go. Everything the Minister of State does in the area of sustainability has to be done with an eye on TTIP and its sneaky progression into legislation here, although I hope that does not materialise.

Senator Aidan Davitt: I ask the Acting Chairman if we can suspend Standing Orders. There is breaking news. The Minister of State has probably heard about the loss of 90 jobs in Mullingar. It would be a significant blow to our economy. I know the Minister is there today, but can the Minister of State brief us on the job losses at the tobacco factory in Mullingar?

Acting Chairman (Senator Frank Feighan): I cannot suspend Standing Orders but we can put in a Standing Order 30 request tomorrow, if that is okay. That may be helpful.

Senator Aidan Davitt: Thank you.

Senator Lorraine Clifford-Lee: I echo the comments of Senator Higgins on women in the workforce and in particular the issue of child care, which disproportionately affects female employees. It is an issue close to my heart, being the mother of a young child. It disproportionately affects females, although I know many males are involved with child care provision in families as well. However, it often falls on the females to decide whether to continue in employment or give it up entirely to take care of the family. This results in underemployment of women in later years and it means that women tend to drop out of the workforce and then find it difficult to re-enter. Their earning potential is permanently affected and this has a knock-on effect for their security later in life. Will the Minister of State indicate whether there are any plans in government to address the astronomical costs of child care in Ireland today?

I support my colleagues from Westmeath on the issue of the Imperial Tobacco manufacturing company in Mullingar. The loss of 90 jobs is an extraordinary number of job losses in any place but it is especially keen in a town the size of Mullingar. I look forward to hearing the comments of the Minister of State on that issue.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Pat Breen): I thank the Senators present for their best wishes in my new role as Minister of State with responsibility for employment and small businesses. I listened to all the contributions today and the Senators raised issues which I will take on board. These are important issues and some were dealt with by the Minister, Deputy Mitchell O'Connor, on 16 June.

I do not have an update for Senator Davitt on the Imperial Tobacco manufacturing facility but we are making inquiries at the moment. If I can do so, I will update the House before the end of my contribution. Obviously, the announcement has just been made. I assure Senators that IDA Ireland and Enterprise Ireland will do all they can to ensure that replacement jobs are put in place, especially after the visit of the Minister, Deputy Mitchell O'Connor, this morning. Furthermore, the Department of Social Protection will assist employees who have lost their jobs.

We have made considerable progress in recent years on job creation. Employment continues to grow strongly. In the year ended March 2016, some 47,600 additional jobs were created in the country. What is important about these jobs is that most of them are full-time. Unemployment is falling. In May 2016, unemployment fell to 7.8% from a high of 15.1% in 2012. Part of the reason is because our competitiveness is improving. Of course the events of this week will change that somewhat especially in respect of exports, and some Senators mentioned that today. Senator Daly mentioned the issue of exports with particular reference to exports to the UK.

In the latest IMD World Competitiveness Center ranking Ireland is ranked seventh, an improvement of nine places from last year. However, as many Senators have pointed out this afternoon, there are challenges ahead. Obviously, the more we get the unemployment figure down, the more difficult it is to take those people out of unemployment.

We need to ensure that all our urban and rural communities are benefiting. That point was highlighted by many Senators today. We need to know that communities are improving as

a result of the overall economic performance. The development of vibrant and competitive regions is the key priority for the Government. That is why the Action Plan for Jobs includes eight regions specifically selected. IDA Ireland is targeting a minimum increase of 30% to 40% in the number of investments in each of these regions.

Senator Landy and Senator Grace O'Sullivan highlighted the south east and the problems there. I am conscious of that matter and I assure Senators that the Minister of State, Deputy Halligan, the Minister, Deputy Mitchell O'Connor, and myself, along with the development agencies, will focus on ensuring that region is prioritised in the time ahead because we cannot have an imbalance. We must ensure every region is getting jobs to realise balanced regional development. I am very conscious of that and it is something we have spoken about in the Department.

It is important to ensure an adequate supply of first-class property solutions to attract investment to the country. Up to €100 million is being made available to Enterprise Ireland to fund three regional competitive calls. Two of these funding calls have already been launched while a third broader competitive regional call is being rolled out on a phased basis. We are continuing to work with stakeholders to implement the regional action plans for jobs. That is something we are constantly doing. Of course, the Action Plan for Jobs is important for the entire country. It is not simply a question of having a strategy. It is in place and there is full transparency because it is led by Secretary General of the Department of the Taoiseach. Every quarter, the Secretaries General meet to outline the progress being made in all the regions. There is real action in this area.

We will continue to work with stakeholders to implement the Action Plan for Jobs. A key priority of this Government is to get people back to work. Most Senators have mentioned that this afternoon. The Action Plan for Jobs complements the Government's pathways to work strategy. The strategy set out actions to be taken in support of all those who are currently unemployed. Its main aim is to help the unemployed to access the labour market and new opportunities. The Intreo offices throughout the country are playing an important role in that area. I want to visit the Intreo offices to see how they work in conjunction with the various other agencies and Departments.

The Department and its agencies work primarily to support enterprises to create jobs. We also work across Government to combat and reduce unemployment. The Department oversees the enterprise agencies protocol, which ensures Government offices at local and regional level work together to maximise live register recruitment into enterprise agency client companies. We will continue to work across Government to ensure all of those who want a job are equipped with the skills to get one. This is extremely important and is probably more important now as employment figures fall, which is why we want to focus on it and on the quality of employment.

Almost four out of every five part-time workers work part-time by choice, which is an interesting statistic. Women are more likely to work part-time than men. In the first quarter of 2016, almost 70% of part-time workers were women. This point was raised by a number of Senators, including Senator Higgins. The Low Pay Commission is examining why so many women are on the minimum wage but it will not have a report on it until late October. Its report on the minimum wage will be made in the third week of July. It is also examining sub-minimum wage workers. It has been given extra responsibilities to examine this and it is important to have these statistics. Senator Higgins also mentioned other areas. I might not have the answers here today but we will try to get back to the Senator on this, if she does not mind. While the number

of part-time workers increased by 3.7% in the year to the end of March 2016, the number of underemployed part-time workers fell by 13.7%. Part-time underemployment among women fell by 15.1% and it is important to see this trend continue. This is something of which we and the agencies are all very conscious.

Ireland has a comprehensive suite of employment rights legislation and some Senators spoke about this. The Minister, Deputy Mitchell O'Connor, made reference to it in her contribution. We strongly protect those who want to work on a part-time or temporary basis. In the area of zero and low-hour contracts, as the Minister, Deputy Mitchell O'Connor, mentioned in her opening statement, the Government is working on the University of Limerick study carried out by Dr. O'Sullivan at the Kemmy Business School. I and the officials have been dealing with it every day. We want to introduce legislation on this. This is an independent report, so we take on board what it says but, at the same time, the Department must be very conscious of a balance to ensure we sustain jobs while protecting employees. We must get a balance between these. It is important to sustain these jobs while, at the same time, protect low-paid employees. We are working on this and I hope that in the next Dáil session, we will have progress and legislation in this area. We want to work with all of the political parties on this.

It was essential that stakeholders were given an opportunity to consider and respond to the report and a number of submissions from employees and employers were received. Employees were looking at it one way and employers another but we must get the balance in the middle. The large number of submissions received through the public consultation on the study require careful consideration by the Department and will inform the policy response to be considered by the Government. I assure the House this will be done and we will not just sit on it. We will work on it. It is an important area and something we must get right. It is my responsibility and I will work with the officials on it.

As the Minister of State with responsibility for small businesses, I am very much aware of the challenges they face. This has been highlighted today by many of the Senators. Small businesses are the backbone of our economy and they are extremely important. Foreign direct investment is also extremely important. In the regions, foreign direct investment goes to the hubs but the SMEs are very important. This is where the Action Plan for Jobs and the local enterprise offices, LEOs, come in. They have also been referred to by many Senators this afternoon. Through the Action Plan for Jobs, we have made significant progress since 2012 to make it easier for SMEs to do business in Ireland.

Some Senators referred to finance, including Senator Nash who was my predecessor in the job, and I congratulate him on the work he did during his time at the Department. He did great work there and he will contribute very well in the Seanad, particularly on jobs, employment and labour affairs.

The actions we have taken include the disruptive reform to bring more than 300 Government transactions with businesses online by 2017. This will significantly ease the administrative burden on 185,000 businesses, particularly on small businesses and start-ups. We have funded the Enterprise Ireland regional competitive calls to support job creation and entrepreneurialism, innovation and exports. We are reviewing all enterprise research, development and innovation supports to ensure these supports meet the needs of small and early stage firms as well as the needs of larger, established firms.

We are developing a medium-term strategy for the LEOs, which were mentioned by a num-

ber of Senators, including Senators Burke and Mulherin. They play a very important role because there is one in every county with two in some. Since the restructuring has been done, they have been very effective. Last year, they created more than 3,500 jobs. As has been pointed out today, they are a one-stop-shop. They have advice for people starting off a business. They also have advice on finance and microfinance works extremely well. Only last week, microfinance interest rates reduced and they reduced more for those working through the LEOs. Microfinance is available for start-up companies through loans of between €2,000 and €25,000.

One of my first jobs as Minister of State was to visit Bloom to see the small firms which have received funding through microfinance and work through the LEOs. These are small companies, particularly in the food area and in rural areas, whether a family chocolate firm or somebody making jams. I was amazed at all the companies at Bloom which availed of the funding. As has been rightly pointed out, these jobs are very important. As Senator Burke stated, ten jobs in a rural area is better than perhaps several hundred in a large urban area. The LEOs have an important role to play and we will examine them and look at what is happening. It is something that is always under review.

One of my first tasks as Minister of State will be to visit the LEOs. I will try to visit as many counties as I can and work with LEOs and local authorities and see what has been happening in the work done by the LEOs, particularly for start-ups and other businesses. A Senator mentioned failed businesses with Enterprise Ireland and this is something that must be examined. I commend the work done by Enterprise Ireland, IDA Ireland and the Department on the creation of jobs in recent years. Some Senators spoke in praise of these agencies. The LEOs are important and we must work very closely with them. This is something I will do as Minister of State.

We will deliver the balance of the original €800 million of funding in the Strategic Banking Corporation of Ireland, SBCI, to the SME market by end of 2016, subject to demand and sourcing additional funding to support the lending activities of the SBCI into the future. Senator Nash mentioned this. We will also ensure that financial management capability training is available in all local enterprise areas. It is important to ensure we have these training facilities. We will also deliver a range of measures to improve resource efficiency, for example, energy and waste, which is one of the most effective ways for businesses to cut costs. In the challenging environment we have at present, businesses must cut costs, particularly if they are trying to grow.

Many Senators mentioned what happened last week, with the UK about to leave the EU. In respect of what happened last week with the UK vote to leave the EU, it will be, as has been said, a negotiated withdrawal that is expected to take place over at least two years, so the message from us is that it is business as usual at the moment. Obviously, there will always be volatility, particularly in respect of sterling, but we hope this volatility will level off in the coming months. It is something we must monitor very closely. I know the Minister for Finance is working closely with the Central Bank in this regard. Businesses can continue to trade as normal and people can continue to travel as normal between Ireland and the UK, including Northern Ireland. It is important to point out that the UK has not actually left the EU. Until it formally withdraws from the Union, the UK remains a full member with all its existing rights and obligations.

The Government has adopted an initial contingency framework to map out the key issues that will be most important to Ireland in the coming weeks and months. From an enterprise and jobs perspective, the priority issues identified include British-Irish relations, Northern Ireland,

trade, investment, North-South Border impacts, competitiveness and macroeconomic issues, research-innovation funding and energy. Obviously, the Department has carried out risk analysis in this area as well. We will deal with issues in a constructive way as they emerge and recede in the course of negotiations, and we will continue to engage with business and representative organisations as appropriate. I know Enterprise Ireland has spoken to many of its clients in this area, especially those who export to the UK, in respect of looking at how they do business in the UK and possibly diversifying it and looking at leaner ways of doing business. It is also important to ensure these businesses have adequate finance in place.

We have a strong, competitive and open economy. Our ongoing economic recovery is testament to our resilience. We will continue to implement policies that prioritise economic stability, growth and job creation. The main priority to support job creation is ensuring the availability of the required skills and talent base to meet the needs of a growing economy. We will continue to drive export-led growth through co-ordinated efforts to enhance and promote our world-class export base, grow Irish companies, increase entrepreneurial activity, and further develop and embed foreign direct investment here. We will ensure there will be more Enterprise Ireland trade missions to Europe, particularly markets with which we are familiar like Germany and France, as well as new markets.

Access to finance remains critical to business. Perhaps there are problems in my constituency. I know Senator Conway would be aware of that as well. Many companies need finance upfront if they are to buy goods or raw materials but many do not have that ready cash. We will continue to address the availability of credit for firms from microfinance to credit guarantees and from seed and venture capital to development capital. We will also progress actions to maintain and improve competitiveness, increase innovation, stimulate the domestic economy, and increase labour market participation.

As the Minister for Jobs, Enterprise and Innovation mentioned on the previous day, our Department has commenced work on the 2017 action plan for jobs. The primary objective of the 2017 plan will be to secure the gains already made and keep us on track to deliver sustainable full employment. A very strong economy with full quality employment across all regions, which is very important, and that provides better public services for the people is within our grasp. It is obviously a bit more difficult after what happened last week but it is something we can achieve if we make the right choices. I think the Government has been doing that and has steadied the ship since the Brexit vote.

I think I was asked by Senator Daly for an update on job losses. Which Senator was it?

Senator Aidan Davitt: Davitt.

Deputy Pat Breen: Sorry. It is my first day here so the Senator will forgive me for that.

Senator Aidan Davitt: No problem, it is just that it is my town. The Minister of State knows it himself.

Deputy Pat Breen: I would be the same myself. I will be honest about it. A total of 87 jobs will be lost at Imperial Tobacco. As I said at the beginning, every support from the agencies will be made available to address this situation. Our thoughts are with the workers and their families. Losing one's job is not a nice thing to happen to anybody, especially in the difficult environment we have at the moment. I assure the Senator that all the machinery of the State, including the IDA, Enterprise Ireland and the Department of Social Protection, will be available

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to assist those workers and ensure alternative employment can be found for those who lose their jobs. This is something the Minister, the Minister of State with responsibility for training and skills and I will do.

I thank all the Senators for this very good debate. I listened to everybody and took notes on their contributions. It is good to see a lively, vibrant Seanad and to hear Senators speak on this subject. I look forward to working closely with them as Minister of State with responsibility for employment and small business.

Senator Aidan Davitt: I thank the Minister of State for that. The matter is of great concern and I will be talking to him later on.

Senator Martin Conway: I know we are breaking protocol but, on the record of the House, I welcome the Minister of State to the House and congratulate him on his appointment. I think it will great for the mid-west to have a Minister with responsibility for jobs at this time.

Deputy Pat Breen: And the south east.

Senator Martin Conway: The mid-west first and foremost.

Misuse of Drugs (Amendment) Bill 2016: Report and Final Stages

Acting Chairman (Senator Frank Feighan): Amendments Nos. 1 and 2 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 1:

In page 3, after line 28, to insert the following:

“Amendment of section 3 of Principal Act

3. Section 3 of the Principal Act is amended by the insertion the following subsection:

“(2A) That possession of the substances listed in Part 1 and Part 2 of the Schedule not be subject to prosecution for amounts equating to personal use.”.”.

Since the UN Single Convention on Narcotic Drugs more than 50 years ago, it has been estimated that governments have collectively spent \$100 billion annually on combating drug production, trafficking and use. This is a massive state investment that has had a hugely negative impact. Under this law enforcement approach to drugs, we have seen a thriving drug market with an estimated global increase in drug users of 20%. All around the world, people from all walks of life and all types of professions are calling for the decriminalisation of drugs. In March 2016, 22 medical experts assembled by Johns Hopkins University and *The Lancet* called for the decriminalisation of possession. In their extensive review of the state of global drug policy, the experts determined that anti-drug policies in the US both directly and indirectly contribute to violence, discrimination, disease and the undermining of people’s right to health. They also stated that the excessive use of incarceration as a drugs control measure was identified as the biggest contribution to higher rates of HIV and hepatitis C infection among drug users.

By not accepting this amendment, we are contributing to incarceration as a drugs control measure. Only a few weeks back, the Royal Society for Public Health and the Faculty of Public

Health, which are representative of thousands of doctors, called for the personal use and possession of drugs to be decriminalised. They stated that the war on drugs has done more harm than good, so I ask the Minister of State for communities and the national drugs strategy to move towards reducing that harm.

We can take the first step here today by moving addiction from our justice system to our health system. There was lots of positive talk yesterday and the possibility was raised of a later conversation about decriminalisation. One of the big obstacles to decriminalisation seemed to be that we did not have the legislation in place to deal with it but I went home yesterday and reflected on this. I am not asking to decriminalise drugs but saying that we do not need to further criminalise drugs. This does not need legislation - we just need to stay where we are. We should not add drugs to the list as this will make it harder to legislate at a later date.

We won the moral argument yesterday. We tokenistically speak about the addict and we say how this is a positive move but then we vote against the addict when we deal with the amendments. I ask people today to vote with their consciences, to protect the most vulnerable in society and to avoid backing up our prison system with people who should not be there.

Senator Frances Black: I second the amendment.

Senator Máire Devine: I have enjoyed the debate. The Minister knows the Sinn Féin stance on the amendments. We acknowledge the intent of both amendments and agree that most drug users are victims of addiction who are exploited by drug gangs and have been alienated for generations by our institutions, including Government. Sinn Féin policy clearly states that addiction is a public health issue and should be dealt with as such. It is important we avoid criminalising people for the possession of drugs for their own use. Instead, the priority must be to address addiction through enhanced health care and better resourced rehabilitation services. It should be within the policy area of health care and not criminal justice. This must be done in tandem with more robust laws that more effectively target pushers, the big guys and the fat cats that are rolling in it to the detriment of the unfortunate addicts they have created. They must be brought before the courts, charged and jailed. We will support both amendments.

Senator Lorraine Clifford-Lee: I welcome the Minister and thank her for her very constructive comments yesterday. I thoroughly enjoyed her contributions and feel she gave a great insight into the situation within her own constituency and right across the country. Fianna Fáil welcomes the passage of this Bill, a Bill which has been expected for some time and was expedited in view of recent events. The key objective of the Misuse of Drugs (Amendment) Bill is to amend the Schedule to the Misuse of Drugs Act 1977 by adding to it a number of substances to help law enforcement authorities deal more effectively with the illicit trades in those substances. The debate on this Bill was very constructive and informative and I commend Senator Ruane on her comments. She has great knowledge on this subject, having worked in the area for a number of years. It is time for us to re-evaluate our drugs strategy and to assess it to see what is working and what is not. It is clear that people fall into opiate abuse on a regular basis. We need to have a rational debate on drugs, how we fight them and how we help those who are addicted to them, and we also need to address the broader social issues that can lead people into the trap of addiction.

We need urgency in this area, with a full review of our programmes, community supports, medical supports and therapies available for drug addicts. On the criminal justice side we need to review the supports available to An Garda Síochána and other law enforcement officers of

the State to combat the illegal drug trade. While we do not necessarily advocate the decriminalisation of drugs, Fianna Fáil's Dáil health spokesperson has previously questioned whether the criminalisation of all drugs has had the desired outcome. That is a debate we will continue to have and we will have to make a decision on it in the future.

We need to learn lessons and provide more health supports for drug addicts, as well as better access to the programmes that support them. I welcome the Minister's comments in this area yesterday. The fact that addiction can compel addicts into criminal activity has had the consequence that they are reluctant to present when they need medical or therapeutic support. We all know of a revolving door system where addicts get arrested, get processed, participate in rehabilitation programmes and then the cycle starts all over again. We need to break this cycle. The essential thing in any new strategy is that it be responsive to the needs and demands of society, including drug users.

Senator David Norris: I have spoken on this subject many times over the past 30 years so I will not rehash everything I have said. It is there on the record if anybody wants to be bothered looking at it. When I started talking about these issues I was a lone voice. It is interesting that, in the past number of years, it has been taken up by a number of professionals such as legal people, medical people and, most significantly now, very senior police officers all over Europe. We need to listen to these voices.

People seem to think that drugs have always been outlawed but this is not the case at all. They were only outlawed in the 20th century. Victorian ladies regularly took laudanum in their drawing rooms and lots of them smoked joints. It was actually the drugs companies which launched the campaign to criminalise drugs as they were not getting a profit from them. We need a historical perspective and to take into account the fact that, in increasing volume, many professionals are now saying that this approach was wrong. It has wasted huge amounts of police resources and money but resulted only in an increase in the price of drugs. The drugs barons, of course, welcomed this as their profits went up but that is all it has succeeded in doing and that is a tragedy. It is sad that so many people, particularly young people, seek relief from reality, a reality which is unattractive to them and from which they want to escape. That is a pity but we have to address the situation with honesty and realism rather than with a cloud cuckoo land total ban on everything. We need to be subtle and sophisticated in the way we approach the subject and I strongly support the amendments.

Senator Kevin Humphreys: Can I move Senator Aodhán Ó Ríordáin's amendment?

Acting Chairman (Senator Frank Feighan): No.

Senator David Norris: Yes, he can.

Acting Chairman (Senator Frank Feighan): It has already been proposed and seconded but the Senator can discuss it.

Senator Kevin Humphreys: They were grouped. There were two amendments.

Acting Chairman (Senator Frank Feighan): Amendments Nos. 1 and 2 are related and may be discussed together. Amendment No. 2 can be moved formally when amendment No. 1 is disposed of.

Senator Kevin Humphreys: Then I will wait for amendment No. 2.

Acting Chairman (Senator Frank Feighan): The Senator may discuss it now.

Senator Kevin Humphreys: I will discuss it now and formally move it in due course. The Senator spoke with great passion and what he has proposed is a pragmatic approach that allows us to achieve exactly what the Minister seeks to achieve with the Misuse of Drugs (Amendment) Bill 2016 but helps us not to criminalise the poor unfortunate person who has the addiction. This does not propose a defence for drug pushers but for the unfortunate person who is ill with addiction, the effects of which are felt also by his or her family.

The war on drugs has been an outright and total disaster. I represent an inner city community which has seen the effects of drugs and all the efforts of police to tackle it, which were all done in good faith, have got us nowhere.

4 o'clock

The way it has been treated in urban areas is that people are brought into the heart of the city centre, especially for methadone treatment, where the pushers can easily get at them, for example, in places like Trinity Court. There is a triangle of addiction centres. On my way to the Seanad last week I noticed people who had come in for treatment who evidently wanted to be helped but the pushers were hanging around trying to push drugs on them.

When I started my political career an effort was made to establish satellite clinics, which were hugely resisted by local communities. I recall being at one very heated meeting where I spoke in favour of the satellite methadone clinics where communities would work with families and the person with the addiction, in small numbers. That was resisted in a hot and heavy way in my electoral area. I was told I would never get elected due to my support for community methadone clinics. Despite that, I was re-elected. The satellite clinic was opened and operated very well for people with addictions and their families. We were able to connect local counselling services with the clinic and many people that went to the satellite clinic were able to reintegrate into society and the workforce and they became active members of their families with the help of several agencies. Unfortunately, the satellite clinic was closed by the HSE and people with addictions were referred to major centres such as Trinity Court with the result that they went down the slippery slope again. The very people who protested against the satellite clinic came back to me and said their cousin or brother went to it and that it worked very effectively. They admitted they were wrong and asked for the clinic to be reopened. They realised that sending people to the large treatment centres in Dublin city centre does not help people with addiction. Those with addictions are not supported and pushers are facilitated to be able access a large market and to sell their goods. I hope that issue will be addressed in the drugs strategy. Amendment No. 2 is a good, pragmatic amendment and I hope the Minister of State will tell us she can accept it.

Senator Colm Burke: I support the Minister of State in bringing forward the Bill and I believe the amendments will cause complications in the legal process in terms of prosecuting pushers. The Minister of State has taken advice and, as I understand it, the Government will not be accepting the amendments as they are drafted.

In fairness, the Minister of State outlined yesterday that there is a proposal to introduce comprehensive legislation on the matter and we must set up the structures to provide for that. All the contributions have been very constructive but we must ensure that what was proposed is acted on, and we must bring forward comprehensive legislation to deal with what is set out

in the amendments. However, I do not believe we can accommodate it in this Bill. What is proposed must be properly planned out and carefully put in place so that legal technicalities are not being used in the courts in order to get pushers off, as they are the very people we aim to target in bringing forward the Bill. The Minister of State has set out her position, and will do so again, on the reason the Government will not support the amendments this evening.

Senator Denis Landy: I bow to some extent to Senator Colm Burke's knowledge of the law. After all, he is a solicitor, but I do not accept that the amendments, which are very good, cannot be included by way of a further amendment by the Government if it is considered the measures are not watertight. I do not like the approach whereby the issue is pushed further out and must wait for another round of legislation. We have listened to that approach for too long.

When people talk about the drug problem sometimes the perception is that it is confined to cities, but I come from a rural area and in my town of Carrick-on-Suir, in Clonmel, Waterford, Cahir and Cashel the situation is every bit as bad. The same population is not affected but it is every bit as bad on a *pro rata* basis and that fact is sometimes forgotten.

I was a member of the first drugs task force that was set up in the south east. I represented Tipperary County Council. Like other Senators said, we adopted in good faith a set of policies that we thought would tackle the issue. We did not know enough about the problem at the time as it was a developing one, especially in rural areas. It is a fact that can be verified by the Minister of State or anyone else, that the worst location for the trafficking of drugs in the south east is a little village where I worked myself in a resource centre for many years called Glengoole. The Garda will confirm that its system shows the worst amount of trafficking and exchanges of drugs happened in that village. People have probably never heard of this little village outside Thurles with a population of approximately 300 people, but for some reason there is a great deal of drug activity there. Drug trafficking is happening all around us in rural areas and in cities.

We are not addressing the issue. We have made many attempts to do so but we have failed. I do not apportion blame to anybody in this room in the Government or anywhere else. Society has failed. We have failed because initially we did not realise the level and depth of the problem. I have seen young people in my town. One in particular – I will not go into the details – is an outstanding sportsman who represented his country and he was destroyed by drugs. Thanks be to God he got his life back together and he is back in society. He is cured for the moment but nobody knows whether the cure will be long term.

Yesterday I walked to Leinster House in the rain at 9 a.m. from where I was staying. The first person I saw on the street was a young man drinking a can of cider. The next person I saw was a young man shooting up. That is what is happening on the streets of this city at 9 o'clock in the morning. Anybody can see that any morning if they walk in through the city. It does not matter which part of the city. Some people try to categorise the situation and to put it in a box. We cannot allow that to continue. The amendments that have been tabled by both Senators are aimed at trying to help people who are afflicted by drugs.

Senator Colm Burke, perhaps in discussion with the Minister of State, outlined that the Bill cannot deal with the amendments. Any Bill can deal with any amendment if the will is there. If the Government has the will to change the amendment to take into account what the legal mind of Senator Colm Burke, whom I fully respect, is saying, then that can be done. I urge the Minister of State even at this late stage to have another think about the amendments, even if we have to defer debate on the Bill until next week, because by the time we get another chance to

do this and go through the rigmarole of putting together new legislation it could be another year. One could ask how many more lives will be lost or ruined going into courts. I refer to harmless people who are caught up in drugs who are sent to prison. A speaker yesterday referred to a young man who wanted to join the Army who could not join if he had a criminal record. I urge the Minister of State to rethink her decision. If, as indicated by her colleague, Senator Colm Burke, she will not accept the amendments, she should hold back, take a deep breath and postpone any decision until next week.

Senator Victor Boyhan: Yesterday we had a very long debate on the Bill with the Minister of State, Deputy Catherine Byrne. I came in with one view and I listened to the Minister of State but I subsequently took time to go to a centre in Dún Laoghaire yesterday evening because I thought it was important. A number of Senators said to me afterwards that nothing would happen and that the Minister of State would not bring in legislation. As I said to her yesterday, she made a very impressive contribution but the reality is that the Government has indicated that it will not accept either of the amendments. I referred yesterday to the four detox beds in Dublin. I replayed what she said, which was to the effect that she could not guarantee anything. That is not good enough.

The scourge of drugs has bedevilled and ripped out the heart of every community in this country. It knows no bounds. It has touched every family. The Minister of State knows that and I know it. Brothers and sisters, mothers and fathers - everyone is affected. With all due respect to the Minister of State, who I believe is an outstanding Minister and has a track record unlike many, 40 detox beds in Dublin is unacceptable. Addressing that must be a priority for the Government. When we talk about detox and people wanting rehabilitation, where are they to move on to if there are only 40 detox beds available?

I am now of the view that we have to push it. The Government has indicated that it is not prepared to take on these amendments. Will the Minister of State be back here in September or October with legislation to deal with these issues? If not, we have to push these amendments, because people are expecting us to do something. I know the Minister of State is aware of these critical issues, that there are difficulties and constraints and it takes a long time to roll out programmes. Will the Minister of State give us a reassurance on the timeframe during which she can introduce the comprehensive and improved legislation that she talked about?

Minister of State at the Department of Health (Deputy Catherine Byrne): I thank Senators for their contributions. We had a long discussion about this yesterday,

Several weeks ago I requested to meet Senators Ruane and Black because I know they have long experience of working in drug addiction services and with families. We had a long discussion and analysis. I want to meet people who have a passion to do something for people who get trapped in drug addiction. That is why I have made it my business to contact most groups and representatives in the Dáil and Seanad. I am not finished, as there are a few people I still would like to speak to. When the public consultation is announced, there will be a voice for everybody to explain what is right and what is wrong about the national drugs strategy and what can be done better in the new one. The public consultation process will be advertised and will make a significant contribution to the new national drugs strategy. I will be overseeing how it will be put together. If something is worth putting in it, as Minister of State I am going to push it.

Senator Clifford-Lee is correct that the legislation was introduced because of the recent hap-

penings in Dublin's north inner city. However, it is not only the north inner city that is affected. Drug addiction is a significant problem in areas in my constituency of Dublin South Central, such as Crumlin, Drimnagh, Ballyfermot, and even Inchicore. It is the innocent victims, however, who are most affected. It is not the people who have the fancy cars, fancy houses and do not live in the country. They are the people this legislation is about.

I have sat up nights to listen to Senator Norris speaking in the Chamber. He speaks not only about where he comes from, but from the years of experience he has in here. However, I cannot stand here as a citizen, a mother or grandmother and agree with him that people should be allowed smoke illegal drugs. I cannot agree with him. It is not in my psyche.

Senator Boyhan is correct that there are 40 detox beds in Dublin. I had a meeting this morning with the HSE and called for a proper consultation on whom these beds are for and how people are treated, particularly young people. If a mother came into my constituency clinic tomorrow and asked if she could have a son or daughter put into a detox bed tomorrow, I honestly would not be able to tell her where to go. I intend making it my business to do that. Take somebody aged 15 who is asked to carry packages of illegal drugs across the road or give them to people on motorbikes and in cars, which I witness on the street where I live. That is where young people are brought into a system. They are the ones who start taking drugs for whatever reason and then it escalates. If I had a 16 year old child who needed a detox bed, we would have to have it for him or her. We have to make a conscious effort in this regard. That is why I believe in the national drugs strategy. We will have to isolate certain issues and think outside the box. To me this is not a political issue but a human issue.

I live in an area ravaged by drugs. I will not go into it again as I went into it yesterday. All Senators here are just as capable of speaking about it as I am. My job here today is to pass legislation to deal with some substances that are actually legal drugs. Last night, I picked up a box of tablets prescribed for my husband. On the label, it said the drugs should not be taken by anybody else, but only the person for whom they are prescribed. If somebody with X amount of legal prescription drugs decides to sell them, then, to me, that is a crime and a criminal offence. Prescriptions always state the drug should not be given to anyone else without consulting with a doctor. We all have medications in presses at home. Often, when somebody would say they are sick, we might say we have some of that medicine and they can take it. That is the wrong attitude. Those drugs are prescribed for one person and should not be sold on to anybody else.

I agree that this problem is in every town and village. I know as I have relatives living in isolated rural areas who tell me what is going on 100 metres away from their homes. This is not just about Dublin but across the country. The programme for Government states clearly that there will be a review of the local drugs task forces and an expansion of them. In my opinion, we do not need any more in Dublin but we need to look at putting services around the country. Just because one lives in a little village, it does not mean one is isolated from drug addiction.

Last night, I looked at the Portuguese and Australian models around the decriminalisation of drugs. The report from the Joint Committee on Justice, Defence and Equality on the possession of small amounts of illegal drugs stated, "The committee recommends that research be taken to ensure that an option of an alternative approach be appropriate in the Irish context."

There are unintended consequences to both of the proposed amendments. The effect of Senator Ruane's amendment is that no person can be prosecuted for possessing a quantity of controlled drugs for personal use. Overnight, it would become effectively legal to possess

ecstasy, N-bombs or any of the other drugs which were re-controlled by emergency legislation last year. We are reminded constantly of the headlines about Ireland legalising drugs last year. We do not need to read in tomorrow's newspapers that Senators voted to stop prosecutions for possession of dangerous drugs. That is what they are. I have a list of them here which goes on and on. I cannot pronounce the names of half of them.

The effect of Senator Ó Ríordáin's proposed amendment would be that a person charged with an offence under the Act, for example, with the importation, manufacture or possession of a controlled drug, could use as a defence that his or her possession of a controlled drug is for his or her own use. A person could possess a significant quantity of substance but again argue it is for his sole use. This is clearly not what the Senators intend but that is what the words say. That is not good enough law. The development of any policy to provide an alternative to criminalisation has to be carefully thought through and any legislation carefully crafted to ensure, as Senator Colm Burke stated very clearly yesterday, that no unintended or undesirable consequences can occur. The criminalisation model must be one that suits the Irish context and which is evidence based. I am encouraged by the views expressed in November 2015 by my predecessor, Senator Ó Ríordáin, in a speech he gave at the London School of Economics. I agree with his comments that "this kind of approach will only work if it is accompanied by timely treatment and harm reduction services, backed up by wrap-around supports which foster recovery." They are his words, not mine.

As we embark on developing a new national drugs strategy to meet the challenges ahead, we will examine the approaches of drug policy and practice in other jurisdictions to identify additional evidence-based approaches which might be considered in the Irish context. Ireland is different to other countries. We have a different way of dealing with drug control. We have task forces which some other countries do not have. We have to get an Irish model that suits us, as a country, and the development of the national drugs strategy is a vehicle to do that. We have to get an Irish model for an Irish problem. If we want to we can take bits from other countries and look at them but we have to make sure that whatever we decide suits the model we want in this country.

I encourage every Senator who has contributed to the debate to also contribute to the consultation process that will be launched. A change in legislation on such an important matter requires careful consideration and public buy-in. That is why I ask the Senator to withdraw the amendment and let the legislation go through this afternoon. During the process of consultation on the national drugs strategy, there will be plenty of opportunity for Senators, Deputies, the public and people from agencies to make a contribution. I will do my best. Many people, including Senator Kevin Humphreys, have said that what is out there is not working. If it is not working, it has to be fixed, but we have to find a mechanism to fix it. I have my opinions on that which I will contribute to the national drugs strategy.

I will not be supporting the two amendments. I ask Senators Ruane and Ó Ríordáin to reconsider and hold off until after the national consultation process. Through the national drugs strategy we may be able to look again and introduce a complete way of dealing with decriminalisation.

Senator Lynn Ruane: I thank the Minister of State. On her request that we hold off on proposing amendments to legislation until public consultation, I suggest that she also takes that advice and holds off on amendments to legislation until there is public consultation. The Minister of State mentioned unintended consequences. I agree that lots of things have unintended

consequences. I have spent many nights this week researching those unintended consequences. I will give the best example I can considering it is a new area to me. In Canada, changes to how OxyContin was distributed and manufactured changed the nature of drug use. The manufacturers changed to OxyNeo, which is a liquid form of the drug that changes to a gel. OxyContin was a huge street drug - a prescription drug that people used to grind down and inject. When OxyNeo was introduced as a result of the new legislation, it became a huge health issue because addicts tried to break it down to turn it into gel. Injecting gel has very negative consequences. People then moved to using fentanyl, which is much stronger and which resulted in an increase in the number of overdoses and a greater risk to health. I ask the Government to hold off on including any more drugs in this Bill so that we can feed this type of research into the public consultation before any move is taken.

Deputy Catherine Byrne: I understand from where Deputy Ruane is coming but I cannot give her a commitment that if something develops in the inner city or elsewhere in Ireland, the Government will not introduce legislation to change it. It would be wrong of me to say that. I will not do it. The aim of the legislation is to protect the health of individuals.

Amendment put:

The Seanad divided: Tá, 16; Níl, 26.	
Tá	Níl
Bacik, Ivana.	Ardagh, Catherine.
Black, Frances.	Burke, Colm.
Boyhan, Victor.	Burke, Paddy.
Devine, Máire.	Butler, Ray.
Gavan, Paul.	Buttimer, Jerry.
Higgins, Alice-Mary.	Byrne, Maria.
Humphreys, Kevin.	Clifford-Lee, Lorraine.
Landy, Denis.	Coffey, Paudie.
Nash, Gerald.	Conway, Martin.
Norris, David.	Daly, Mark.
Ó Clochartaigh, Trevor.	Daly, Paul.
Ó Donnghaile, Niall.	Davitt, Aidan.
Ó Ríordáin, Aodhán.	Feighan, Frank.
O'Sullivan, Grace.	Horkan, Gerry.
Ruane, Lynn.	Lombard, Tim.
Warfield, Fintan.	McFadden, Gabrielle.
	Mulherin, Michelle.
	Murnane O'Connor, Jennifer.
	Noone, Catherine.
	Ó Domhnaill, Brian.
	O'Donnell, Kieran.
	O'Donnell, Marie-Louise.
	O'Mahony, John.
	O'Reilly, Joe.

	Reilly, James.
	Richmond, Neale.

Tellers: Tá, Senators Frances Black and Lynn Ruane; Níl, Senators Maria Byrne and Gabrielle McFadden.

Amendment declared lost.

Senator Aodhán Ó Ríordáin: I move amendment No. 2:

In page 5, between lines 22 and 23, to insert the following:

“Possession of controlled drugs for personal use

8. Notwithstanding anything in the Misuse of Drugs Acts 1977 to 2015, in any proceedings for an offence under those Acts it shall be a defence to prove that the defendant had in his or her possession a controlled drug for his or her personal use and for no other purpose. ”.

Senator Kevin Humphreys: I second the amendment.

An Leas-Chathaoirleach: Is the amendment being pressed?

Senator Aodhán Ó Ríordáin: Yes. May I say a few words about it?

An Leas-Chathaoirleach: No, it has already been discussed.

Senator Aodhán Ó Ríordáin: On a point of order-----

An Leas-Chathaoirleach: I cannot allow any further discussion.

Senator Aodhán Ó Ríordáin: On a point of order, regarding some quotations attributed to me-----

An Leas-Chathaoirleach: Order, please. Concluding remarks may be made on the next Stage.

Senator Aodhán Ó Ríordáin: A point of order must be taken. In fairness, I was watching-----

An Leas-Chathaoirleach: Order, please. The Senator is being unruly. I must put the question. Is the amendment being pressed?

Senator Aodhán Ó Ríordáin: I want the record of the House to reflect my remarks properly because I was misquoted by the Minister of State.

An Leas-Chathaoirleach: The Senator can do so on the concluding Stage but not now. The amendment has already been discussed with amendment No. 1. Is it being pressed?

30 June 2016

Senator Aodhán Ó Ríordáin: It is.

Amendment put:

The Seanad divided: Tá, 16; Níl, 26.	
Tá	Níl
Bacik, Ivana.	Ardagh, Catherine.
Black, Frances.	Burke, Colm.
Boyhan, Victor.	Burke, Paddy.
Devine, Máire.	Butler, Ray.
Gavan, Paul.	Buttimer, Jerry.
Higgins, Alice-Mary.	Byrne, Maria.
Humphreys, Kevin.	Clifford-Lee, Lorraine.
Landy, Denis.	Coffey, Paudie.
Nash, Gerald.	Conway, Martin.
Norris, David.	Daly, Mark.
Ó Clochartaigh, Trevor.	Daly, Paul.
Ó Donnghaile, Niall.	Davitt, Aidan.
Ó Ríordáin, Aodhán.	Feighan, Frank.
O'Sullivan, Grace.	Horkan, Gerry.
Ruane, Lynn.	Lombard, Tim.
Warfield, Fintan.	McFadden, Gabrielle.
	Mulherin, Michelle.
	Murnane O'Connor, Jennifer.
	Noone, Catherine.
	Ó Domhnaill, Brian.
	O'Donnell, Kieran.
	O'Donnell, Marie-Louise.
	O'Mahony, John.
	O'Reilly, Joe.
	Reilly, James.
	Richmond, Neale.

Tellers: Tá, Senators Kevin Humphreys and Aodhán Ó Ríordáin; Níl, Senators Maria Byrne and Gabrielle McFadden.

Amendment declared lost.

Bill reported without amendment and received for final consideration.

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

Senator Aodhán Ó Ríordáin: Certain comments were read out during the debate and attributed to me when I was Minister of State with responsibility for the national drugs strategy. I refer specifically to remarks I made in a speech in London. I advise the Minister of State that it may be useful not to use speeches that have been written for her. In my previous role as Minister of State, I rarely read out a speech that had been written for me. The tone of some of the comments made by the Minister of State, which clearly had been written for her, could have been a little more generous.

I thank Senators, including Independents, Sinn Féin and Green Party speakers, for the support they have shown me and Senator Lynn Ruane. Senator Ruane and I have tried to change drug policy to ensure it can effect change rather than reinforce the mistakes of the past. I was disappointed by the conservative consensus reached between the Fianna Fáil and Fine Gael parties, which consistently regurgitated an old drugs policy that has been seen to fail. I appeal to Senators from across the House who succeeded in speaking with one voice on a number of issues not to engage in a knee-jerk reaction to the drugs issue based on what they believe most people will respond favourably towards.

This debate has been another missed opportunity. By criminalising people for having an addiction, we will ensure they have fewer rights than others. I wish the 10,000 people in the State who are in methadone maintenance programmes and the 20,000 people who are suffering from heroin addiction were protesting on the streets outside Leinster House. Perhaps if we had the numbers protesting outside that protested on other issues, Members would think differently about the rights and opportunities of people with addictions and the types of lives such persons are entitled to lead.

I accept the Minister of State's bona fides and I know she is passionate about this issue. She gave the House a commitment to return to the issue of medically supervised injecting centres in the autumn. She and other speakers referred to the Portuguese model. If she is serious about this issue, she should adopt this model in the autumn. It was a mistake on her part to restate the position that the criminalisation of addiction is the correct approach.

I reiterate that the comments the Minister of State attributed to me were taken from a speech that was written on my behalf but which I did not use. I advise her to take her own counsel in deciding whether to use speeches that have been written for her because people will put words she should not use into her mouth. Her beliefs, background and sense of social justice will speak volumes to people who are hanging on every word she says. Those who are suffering from addiction and their families need much more from this Chamber than we have provided today.

Senator Colm Burke: I thank the Minister of State for introducing the Bill, which is only a small part of what needs to be done in this area. All Senators who spoke made constructive contributions. The Senators who tabled amendments hold genuine beliefs, and their views must be taken on board, albeit not in this Bill. I agree with them that the issue they have raised must be addressed expeditiously and I hope the Minister of State will return to the House in the autumn with comprehensive proposals to address it. She should establish a constructive and comprehensive mechanism for dealing with people who are addicted to drugs.

I also agree that bringing people with addiction through the courts is not the correct approach. However, the purpose of the Bill is to deal with drug pushers and it is necessary that we do so. I thank the Minister of State for introducing the legislation and hope it will be passed.

I also hope the regulations required on foot of the Bill will be introduced as expeditiously as possible in order that the Garda has powers to deal with people who are pushing drugs on innocent people.

Senator Kevin Humphreys: I extend my best wishes to the Minister of State, with whom I had the honour to serve on Dublin City Council when she was Lord Mayor of the city. She will bring compassion to her position derived from her personal experience.

I ask the Minister of State to be cautious about unintended consequences during her period in office. We may wish we had a crystal ball, but all legislation has unintended consequences. One of the objectives of the amendment was to limit such consequences by allowing the accused to mount a defence. While I accept the Minister of State's good intentions and I am aware of her background and the part of the city she represents, unfortunately, the unintended consequence of this Bill may be to criminalise 16, 17, 18 or 20 year olds and have long-term impacts on their lives and careers. The amendments proposed to allow a defence to be mounted and enable the court, whether a judge or jury, to make a decision on the matter. This would ensure that young people who chose the wrong path at a certain stage in their lives and were found in possession of certain drugs for personal use would not experience long-term harm and find themselves unable to return to the straight and narrow, become fully participating citizens and pursue careers. I hope the Minister of State will review this matter in the autumn.

I, too, fully accept the Minister of State's bona fides and good intentions. She is an excellent choice for the position to which she has been appointed. However, she will need to consider the possibility that the Bill will have unintentional consequences because they are a feature of most legislation. Senators bring extensive experience to bear in these debates and Ministers should listen closely to what they have to say because they helped to significantly improve legislation during the previous Government. The Bill would have been improved if the Minister of State had accepted the amendments.

Minister of State at the Department of Health (Deputy Catherine Byrne): I am sorry Senator Aodhán Ó Ríordáin was not present when I spoke on the amendments. I missed the Senator's previous contribution, as I was in the ante room. As a new Minister of State, I need as much advice as I can get, as does anyone in a similar position.

5 o'clock

I depend on people in the Departments of Health and the Environment, Community and Local Government, as my community portfolio is under those. While I am given advice, I give the Senator a solid guarantee that I do not say anything unless I agree with and have read it. If I read something and do not like what I see, it does not get printed. That is the way I operate. Yesterday, Senator Boyhan paid me a nice compliment by saying that it was about time people entered the Chamber, put their speeches aside and spoke from their hearts. That is how I operate. Senators Humphreys and Ó Ríordáin know that. We were long enough on the council together.

My role is to pass a Bill to ensure that these five pages' worth of drugs, half of which I cannot even pronounce, are not sold on the street. I am not here to criminalise anyone, only to introduce a Bill that will make selling legal and illegal drugs on streets a crime - regardless of whether we like it, it is a crime - and give the Garda the power to stop and search such people. Yesterday, I gave the example of my son, a garda, stopping someone but being unable to take

away what was in the person's pockets because there was no legislation allowing for it. That situation is what this Bill addresses. I have given a commitment to the Seanad, and will give another in the Dáil, that if the issue of criminalisation is raised in the public consultation process - it will be - the clean injection facilities initiative will still go ahead. The Senator instigated it, not me. When I read the article in *thejournal.ie*, I took it that the Senator had said that. If I have offended him, I apologise. There was no intention of offend any Member. I am one of them, a public representative like everyone present.

The most important issue is that, once the Bill is passed by the Dáil, the drugs listed on these five pages can be confiscated and people can be arrested. That is what it is about, nothing else. I am sorry if I missed the Senator's contribution or he missed mine, but I am full of good intentions. Senator Humphreys is right, in that good intentions do not always produce something, but I am here to listen and co-operate. As I told the Senators, including Senator Ruane, Deputy Jonathan O'Brien of Sinn Féin and Members from various parties, I want a comprehensive national drug strategy that means something. I do not want pages of rubbish, but action.

Question put and agreed to.

Business of Seanad

Senator Jerry Buttimer: Given the delay in our business due to the votes in the Dáil and other factors, I propose an amendment to the Order of Business. The Minister has other engagements and has changed his diary to suit us. I propose that a Senator representing each group be allowed to speak for five minutes and that the Minister be called to reply at 5.40 p.m. before statements conclude.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Ibrahim Halawa Case: Statements

An Leas-Chathaoirleach: The Minister is welcome.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I welcome the opportunity to address the Seanad on the consular case of Ibrahim Halawa, a young Irish citizen who has been detained now for almost three years in Egypt. From my first week in office when I met Ibrahim's father, Sheikh Hussein Halawa, securing Ibrahim's return home to Ireland has been a priority for me and my Department. At my direction, unprecedented sustained and focused attention has been given to this important consular case in my Department, including through our embassy in Cairo, having regard to the special circumstances of the case, namely, Ibrahim's age at the time of his arrest and the fact that he has been detained on remand in an Egyptian prison for three years. As a father, I am acutely aware that his detention is a cause of grief and worry to his family in Dublin and to the wider community.

I am disappointed by the delay in the trial as I know Members of the Oireachtas and members of the public are. No one is more disappointed by the recent turn in events than Ibrahim and his family. I invited members of his family, including Sheikh Halawa, to meet me on Tuesday and my Department continues to provide every consular assistance to them.

30 June 2016

I have spoken directly to many Senators about this case and there are strongly held views about the manner in which the Irish Government has approached, and should approach, it. For my part, I assure Senators that our approach is under continuous review. It is informed and shaped by, *inter alia*, regular contact with Ibrahim's family and his legal representatives, the experience and expertise of my departmental officials, our consultations with other states that have had citizens in similar situations and advice from legal and political experts with a knowledge of Egypt and the situation therein.

Regardless of our difficulties with the trial - I am on record as having many concerns about it - the reality is that the Irish Government cannot directly interfere with a criminal trial in another jurisdiction. What we can do, and what we continue to work hard to do, is to provide all consular care possible to Ibrahim while he is in prison and work towards his release at the earliest possible opportunity. In this regard, we have proactively used all of the diplomatic tools available to us to ensure that the Egyptian Government at the highest levels fully understands the political importance that the Irish Government attaches to a resolution of this case. The Government is continuing to pursue every constructive avenue to secure the release of Ibrahim Halawa and we will continue to bring all of our influence to bear on his behalf through all effective channels.

All actions taken in this case are considered in the context of the Government's clear strategy, which is focused on two core objectives: first, to see Ibrahim released by the Egyptian authorities so that he can return to his family and his studies in Ireland as soon as possible; and, second, to provide every possible consular support for his welfare and health while he remains in detention. All of the sustained and focused actions that have been taken by the Government, the Department of Foreign Affairs and Trade and our embassy in Cairo throughout this case have been aimed at furthering these two objectives and, importantly, avoiding any action that could be counterproductive or detrimental to the interests of Mr. Halawa.

I am in regular contact with my Egyptian counterpart, Minister Shoukry, making clear the Irish Government's concerns and objectives in this case. Most recently, on 16 June I travelled to Cairo to underline our concerns about this case directly to Minister Shoukry. I clearly restated our objective to see Ibrahim return to Ireland as soon as possible. I also underlined our desire that everything possible be done to ensure his welfare and well-being while he remained in custody. My visit conveyed the great importance the Government and I personally attached to this case. The Taoiseach discussed Mr. Halawa's detention with the Egyptian President, Mr. el-Sisi. The Egyptian Government is in no doubt about the Irish Government's position and our anxiety to see Ibrahim released as soon as possible.

In addition to engagement with the Egyptian authorities, the Government has also been engaging on an ongoing basis with other states that have had citizens in similar circumstances, our European and international partners represented in Egypt and the European Union. I have engaged extensively with the EU High Representative, Ms Federica Mogherini, who, at my request, has personally raised Ibrahim Halawa's case with the Egyptian Government. Officials in the Department of Foreign Affairs and Trade, both in Dublin and Cairo, remain in ongoing contact with the Halawa family. I met Ibrahim's father, sister and legal team on Tuesday of this week and my consular officials keep an open channel of communication with them.

In the light of all these efforts, yesterday's further deferral of the trial is deeply disappointing and I share the family's acute frustration at the lack of progress. As many Members of this House will know, the Government formally supported an application made by Ibrahim

Halawa's legal team in 2015 for his return to Ireland under presidential decree 140. We will continue to offer all appropriate support to the efforts of Ibrahim's lawyers to secure his release.

This morning I met the Egyptian ambassador to Ireland and conveyed to her the Government's deep concern about the prolonged nature of the trial and my concerns for Ibrahim Halawa. Ambassador Cole will visit Ibrahim in the coming days and my Department will tomorrow meet the Halawa family and its legal representative to review options for possible next steps. The Government will remain resolute in pursuing its clear objectives in this case and what we firmly believe to be in this citizen's best interests and what is most likely to contribute to a positive outcome for him. I assure any Member of the House who considers that he or she has a helpful contribution to make that my door remains open. As I have stated, our approach to the case is kept under continuous review. Our interest is similar to that of everybody in the House. It is to secure the early release and return of Ibrahim Halawa to his family in Dublin.

Senator Mark Daly: I welcome the Minister. This is a tragic case. As we all know, Amnesty International has declared Ibrahim Halawa a prisoner of conscience. He is the only Irish citizen resting in a foreign jail who has been declared a prisoner of conscience by that organisation. It means that he is innocent of all charges.

On 21 April last year the Department of Foreign Affairs and Trade stated there had been inaccurate reports that Ibrahim had been tortured, yet Reprieve and other human rights organisations have stated there has been a risk of torture and that they understood he had been tortured. It is tragic to think this Irish citizen, a young man in a foreign jail, has been subject to torture. That is one issue but the other is that of charges.

Mr. Halawa's legal team is of the firm belief he is facing the death penalty, yet the Taoiseach said in the Dáil that he was facing lesser charges. Mr. Halawa's legal team maintains the position that he is facing the death penalty. We need to have this clarified, but we also need to know what works. We all agree on that point. What works is what the Australians have done. What they did at the highest level was pursue the President of Egypt on decree 140 which allows for prisoners to be released prior to a trial taking place. This is a legal opinion from Doughty Street Chambers and KRW Law, Kevin Winters' law firm in Belfast. Doughty Street Chambers is internationally renowned. Ms Amal Clooney has been involved in this case also. The legal opinion is that the Irish Government maintains Law 140 cannot be applied. It states that, strictly, the Government has to wait until Mr. Halawa receives a trial. However, the Australian Minister for Foreign Affairs, Ms Julie Bishop, acknowledged on the day when Mr. Peter Grete, an Australian citizen, was sent for retrial after the decision in the original trial had been overturned or quashed that he was back in the position of an accused person awaiting trial. That is exactly the position Ibrahim Halawa is in. According to his legal team, Law 140 clearly allows for the transfer to Ireland of Mr. Halawa prior to a final judgment being given in his case. The legal team urges the Irish Government to pursue Law 140 which permits the transfer of an accused and convicted person to his or her state for the purpose of trying him or her or carrying out his or her sentence. One would imagine that we would be pursuing Law 140.

Last year I proposed to the foreign affairs committee that Ibrahim Halawa's legal team, Kevin Winters' firm, come down from Belfast and that representatives of Doughty Street Chambers come to Ireland to give their opinion on what this Parliament and parliamentarians could do. Believe it or not, it had to be put to a vote, in which Fine Gael and the Labour Party voted not to have the legal team give us evidence on what it believes should happen. What does this say?

Some people believe in soft diplomacy and I have been known to pursue it on occasion, but sometimes I do not believe it works. In this case, it has not worked for Mr. Ibrahim Halawa and it will not work for him. What has worked and what will work is Law 140. Fianna Fáil will be asking the foreign affairs committee to invite Kevin Winters' law firm and Doughty Street Chambers to a meeting of the committee to tell us what they believe will work. What I believe will work is what worked for the Australian Peter Greste. He is now back in Australia, his release having been successfully secured by his Prime Minister in pursuing the President of Egypt to have him issue a presidential decree under Law 140. The man had actually not been convicted, but was released prior to his trial taking place. I ask Members who have party representatives on the foreign affairs committee to ensure transparency this time.

We will be putting on the Order Paper a motion that was passed by the European Parliament and supported by Fine Gael MEPs. When we asked for it to be supported by Fine Gael and the Labour Party in the Houses, they would not do so. When we resubmit the motion next week, I ask that they do so and call for the immediate release of Ibrahim Halawa.

Senator Victor Boyhan: I thank the Minister for taking time out of his very busy schedule this week. We know that he has been involved in many other activities as part of his brief.

We all know the story of Ibrahim Halawa and the issues that arise from it. I remind the House that he is an Irish citizen. We know that his human rights are being violated and that the public at large is not quite convinced by the strategy of the Government. There is, as a result, considerable frustration. There are many associated sensitivities that might not always have been spoken about. However, the reality is that we have to go down the diplomatic route. A new course must be charted because it is clear that the softly-softly diplomatic approach, to which Senator Mark Daly referred, simply has not worked, yet we have to keep the channels of diplomacy open. There are many strands to government, international understandings and coexistence with countries throughout the world. These are facts that pepper and are found in every strand of our relations with other countries and we must respect this. That said, the human rights of Irish citizens have to be defended and protected. As Senator Mark Daly rightly said, Mr. Halawa is on the Amnesty International list of prisoners of conscience.

I implore the Minister to keep going and pursue other possible avenues. The public at large is not convinced. I have met many people in the Halawas' community who are involved with the mosque in Clonskeagh who have said to me they are not convinced. That is disappointing. I acknowledge, however, that there are sensitivities. The Minister is constrained but I wish him well. The pressure has to mount. I thank him for coming to the House.

Senator Fintan Warfield: Ibrahim Halawa is only aged 20, slightly younger than myself. He should be studying in college and living his life surrounded by friends and family. Those college years have been lost because he has spent the past 1,048 days incarcerated in a filthy, overpopulated Egyptian jail. He has detailed the ill-treatment and torture he has faced along with other prisoners. He has been unable to see an independent doctor from outside the prison. It is shocking that the Department of Foreign Affairs has been unable to facilitate and ensure an external doctor visits one of our citizens. Ibrahim was 17 when he was arrested but he is being treated as an adult. He was not charged until a year after this arrest and is now part of a sham mass trial in which he has no hope of ever receiving a fair hearing. His trial has been postponed 14 times.

Sinn Féin understands the Minister absolutely has to be tempered in his remarks but Egypt

is a brutal dictatorship. The Egyptian Government is a notorious human rights abuser and there is no fair legal system. I do not look for the Minister to criticise the Egyptian military regime but I want him to ensure Ibrahim Halawa is released and returned to Ireland. The Department has repeatedly failed to do as much. The Minister has informed the Dáil and the Joint Committee on Foreign Affairs and Trade that the presidential decree under law 140 can only be applied following a prison sentence. That is an untruth. It took Sinn Féin bringing Mr. Peter Greste and his team to Ireland to address Oireachtas Members and the media to explain that is not the case. Mr. Greste is an Australian citizen. He was able to return home because the Australian Government fought tooth and nail for his release and it applied for a decree prior to his sentence. He was on RTE radio yesterday explaining exactly that. He was sentenced *in absentia* and cannot return to Egypt.

I regret that the Government has been misled twice by the Egyptian authorities, once when they lied about Ibrahim's whereabouts and which prison he was in and, again yesterday, when we were led to believe that his trial would conclude only to be postponed for a 14th time. When will the State change its strategy? When will the Minister apply for the presidential decree? I do not say the Department has failed to do anything and the Minister has outlined many of the actions it has taken. We acknowledge the number of consular visits that have been undertaken but the strategy is failing Ibrahim. Sinn Féin is not the only party saying that; the Minister's colleague in government, the Minister for Children and Youth Affairs, said as much earlier.

According to yesterday's report on the trial, the judge released two defendants without reason. Is the Department investigating that? Why was Ibrahim not released? The most worrying aspect of this, which has not been picked up by the media, is that three defendants have died since the previous court hearing. As mayor of south Dublin, Firhouse and Tallaght, I was proud to represent the area in which Ibrahim grew up. I received a letter from him which stated:

Dia dhuit, a chara,

Thank you so much for your support and the Sinn Féin team in Tallaght, How much I miss Tallaght. Please send my Hellos to everyone at home.

Go raibh míle maith again

Yours

Ibrahim Halawa

Cell S

Tora Prison

Cairo

Egypt

I commend the work Ms Lynn Boylan, MEP, who is in the Gallery, has done on this case.

Why has the Minister not asked the Taoiseach to request that the European External Action Service monitors the trial?

Senator Grace O'Sullivan: I thank Senator Buttimer for facilitating the debate and I am grateful to the Minister for attending because this is an important debate. I join previous speak-

ers in expressing utter condemnation of the 14th deferment of Ibrahim's trial and the apparent restarting of the entire process. It is 1,046 days since Ibrahim was first incarcerated in Egypt. He was aged 17 when he was arrested and he is 20 now. He has lost those wonderful formative years when Irish teenagers explore the world and find their feet. My 17 year old daughter travelled to Spain yesterday to visit relatives, as she has done for many years. She was born in Holland but is an Irish citizen. If she took part in a protest, as 17 year olds do, and was arrested, I would move heaven and earth to try to bring her home and I would demand that the Government do so. I would like every Irish parent to imagine if their son or daughter went abroad, did nothing wrong and ended up enduring three years of extreme conditions in jail without trial what they would expect the Department of Foreign Affairs to do and what they would want the Government to do.

I was once detained abroad in 1985 by the French military along with three other members of Greenpeace. My mother frantically telephoned the former Minister for Foreign Affairs, Mr. Peter Barry, who immediately engaged in intensive dialogue with his French counterparts. I was released and deported back to Ireland seven days later without a passport that had been destroyed. In Ibrahim's case, the approach of the Department has been one of caution and temperance. I understand the wisdom of adopting the approach deemed most successful but it has to be admitted that it has to date failed utterly. I implore the Minister to urgently request President al-Sisi to activate law 140 and issue a presidential decree allowing Ibrahim to come home as soon as possible. The Department asked for this previously but the circumstances now demand this request be more forcefully reinstated. We need to know the timeframe, how quickly can the Department can move forward with this request and what is the Minister's assessment of how likely it is to succeed.

No other EU citizen has been treated in such a way. Why then has Ibrahim, an Irish citizen, been left for so long without assistance? If his surname was O'Sullivan or Murphy, I cannot help but wonder whether his plight would have received the same attention in Ireland. He was born in the Coombe Hospital in 1995 and grew up in Dublin. He likes GAA. He does not deserve what has happened to him and we cannot turn our backs on him any longer. I would like renewed urgency from the Department in working towards Ibrahim's release. I would also like the Minister to exploit and exhaust every channel of support available to him, to meet former prisoners who have been released and who are offering their help, and to look to our allies abroad for support. Let us be certain that we are doing all we can. We cannot let this citizen remain in a Cairo prison any longer.

Senator Ivana Bacik: I welcome the Minister to the House and I thank him for taking this important debate. I join others who have expressed deep concern about the ongoing detention of Ibrahim Halawa. All of us are well aware of the background to the case. He was detained originally aged 17 in August 2013 and, therefore, still a child. Almost three years later at the age of 20, he remains incarcerated having spent more than 1,000 days in prison without trial. A number of us have raised the case a few times in recent years and have always been told to wait for the next date on which he was due to appear in court on the basis that a development would arise then. I was told this just last week when I raised the case privately with officials.

Yesterday, there was a further adjournment - the 14th - of the trial. I was a criminal justice practitioner for many years in our courts. That number of adjournments over three years is unprecedented and would be a cause for considerable concern in any normal functioning criminal court system. Looking at the language used, this most recent adjournment until October has been a particular blow to all concerned. Indeed, Mr. Halawa's solicitor, Mr. Darragh Macken,

described yesterday's outcome as an appalling surprise. Mr. Colm O'Gorman from Amnesty International has described the latest postponement as a devastating blow. I echo the assertion of Senator Grace O'Sullivan that it requires a new urgency at Irish governmental level in seeking the release of Mr. Halawa.

I note from the Minister's language, both in the statement he issued yesterday and in his speech today, a welcome ratcheting up of pressure on the Egyptian authorities. Everyone has acknowledged that this issue has dominated relations between Dublin and Cairo for the past three years. The Minister pointed out the extensive consular activity - I noted 51 consular visits, etc. - but it simply has not had the expected or desired impact and we now need to see a ratcheting up of pressure.

On behalf of the Labour Senators, I support Senators Grace O'Sullivan's and Ruane's motion seeking that the presidential decree to be applied to secure the release of Mr. Halawa. Labour Senators have also submitted a shorter motion simply calling for increased efforts to secure the release of Mr. Halawa and I think all of us in this House of whatever party will support that. We have the utmost concern about the continued detention of Mr. Halawa, about the breach of human rights, about the conditions in which he is held and about, most recently, this appalling further adjournment until October.

Deputy Charles Flanagan: I thank the Senators for their contributions. I have taken careful note of what has been said. I assure everybody that this case remains a highest priority in my Department and that I will continue to do everything possible to secure the release of Ibrahim Halawa and to see him return home as soon as possible. When I say "everything", let me assure the House that includes all options, some of which have been mentioned here this evening.

I acknowledge that this is a most difficult time for the Halawa family, as it would be for any family in the circumstances. As a father, I am particularly conscious of the points raised in respect of the difficulties, the trauma, the upset and the anxiety, and that is not lost in terms of the engagement of my Department.

We are liaising closely with the Halawa family. We will continue to work in a spirit of co-operation with them in order to make more positive progress towards our shared goal. Indeed, it is the goal of everybody who spoke this afternoon and it is also the goal of Senators who did not have the opportunity to contribute.

A further meeting between officials of my Department and the Halawa family will take place in the coming days and we will review the latest developments and options for future actions in this regard. I and my officials, including the Irish ambassador, H.E. Damien Cole, in Cairo, will continue to engage intensively with the Egyptian authorities to underline strongly and in clear terms our concerns about this case, particulars of which have been evidenced by the contributions this afternoon, and our desire to be in a position to see real progress towards the return of Ibrahim Halawa to his family in Dublin.

I attach the highest priority in the meantime to ensuring that Mr. Halawa's health and welfare are attended to. In this regard, officials from the embassy are arranging a further consular visit to Ibrahim Halawa in his place of detention over coming days.

I thank again thank Senators for their contributions. I would be happy to keep in close contact with Members of the Upper House in this regard. I assure any Senator who feels he or she has advice of a constructive nature to offer that same will be more than welcome by myself and

by my officials.

Business of Seanad

Senator Jerry Buttimer: As the Minister, Deputy Coveney, is on his way for the debate on waste disposal charges, I propose that we suspend proceedings until 5.45 p.m.

Sitting suspended at 5.35 p.m. and resumed at 5.45 p.m.

Waste Disposal Charges: Statements

Acting Chairman (Senator Gabrielle McFadden): We will take statements on waste disposal charges. I propose that we allow the Minister to contribute first. Is that agreed? Agreed.

Minister for the Environment, Community and Local Government (Deputy Simon Coveney): I did not expect to be back in the House discussing waste collection matters so soon but I am happy to hear people's views, share details on what I understand is happening and outline plans to address some of the issues.

In an open market, it is a matter for waste collectors to set charges at the level they consider to be competitive and in compliance with the requirements of environmental and other applicable legislation. As mentioned last week, the Government secured an agreement with all major waste collection companies to freeze charges so that customers would pay no more than they are currently paying for waste over the next 12 months. I assure Senators that this compromise was not lightly agreed and I sought assurances from the industry that it would abide by the principles. It should be noted that the vast majority of companies are abiding by the agreement and by the spirit of the agreement. They have kept customers on their existing price plans.

Earlier a Senator asked for the terms of the agreement, which are as follows. First, there was an agreed price freeze for 12 months until July 2017. Second, from January 2017 all customers will be able to see, through a dual-billing process, details on their bills in respect of the weight of waste of which they are disposing, the costs under the continuation of their current price plan and details of a comparative pay-by-weight charge. Third, customers would have an opportunity to choose to transition during this period to pay-by-weight charging or they can opt to remain on their current price plan.

There will be an intensive public awareness and promotional campaign by the Government that will help people understand the new system. It will explain how they can change their waste management behaviour and better manage their waste costs under a pay-by-weight system.

A full waste allowance was agreed with the industry for used adult incontinence wear. The issue affects approximately 60,000 families and generates in the region of 39,000 tonnes of waste. I think I said 40,000 tonnes of waste when I was here last but it is certainly around that figure.

At the end of the 12-month transition period that will conclude in July 2017, the Government will review the operation of the pay-by-weight scheme, including the effectiveness of the

transition process. It will make decisions regarding the scheme's further roll out, regulation and oversight. In fact, we have given a commitment to examine the functioning of the entire waste market as part of the review process, which is something a number of Senators have requested.

While the majority of those in the industry have clearly honoured the agreement, there appear to be some instances of divergence from the terms, or if not the terms, certainly the spirit, of what was agreed. I consider that unacceptable. Anything that causes confusion on this issue is unhelpful and counterproductive to what was agreed last week.

I have publicly expressed dissatisfaction with the decision of a particular company to require companies to opt out of pay-by-weight, as opposed to being offered the opportunity to opt in. I signalled in this House that the operation of the price freeze by the industry would be closely monitored. I said that if there was evidence of the agreement being breached, I would look at whether legislation is necessary to enforce it. If we find it difficult or impossible to get agreement on compliance across a range of providers, that is likely to influence the review of the functioning of this industry and this market. This could give rise to an examination of the need for a regulator to ensure we have absolute clarity in terms of predicted behaviour, charging systems and the parameters within which the providers operate. I have mandated senior officials from my Department to meet representatives of the waste industry as a matter of urgency early next week. I expect several issues concerning the consistent implementation of the agreement to be raised at that meeting. It will be made clear to the personnel from the waste industry that if a fair and reasonable approach is not being delivered, I will be forced to take further steps to ensure the agreement is honoured.

Issues seem to have arisen for some customers who are moving from refuse bags to bin services. We spoke about this briefly before the formal statements started. Notwithstanding the difficulties associated with trying to accommodate customers who use bags, and in respect of whom the collector has no data on last year's weights or charges, I am confident that a reasonable and fair solution to this issue can be found. As Deputy Ó Clochartaigh outlined to me, people in some parts of County Galway have their waste collected in bags that they purchase from shops. Under this bag tag system, refuse bags are collected sporadically, which means the same charging data might not be available in respect of certain customers and, therefore, it may be more difficult to agree a charge freeze in the cases of people who are having bags collected on the basis of need. I accept that there may be an issue here. We will look at how best we can deal with it.

It is important to say that waste collection in the form of using bags can be problematic. It is not the ideal way for refuse to be left on the side of a street or outside a home. Littering caused by ripped bags is an issue. Health and safety issues can arise for collectors when sharp objects are placed in bags. Litter can be caused by fly-tipping on streets and in other areas where bag collections take place. Little or no segregation of recyclable or food waste takes place, for the most part, when people put all their waste in a black bag or a bag of another colour. The use of bags leads to an inability to gather data for the purposes of statistical information and environmental reporting on the waste that is collected. The whole point of what we are trying to do with regard to pay-by-weight is to put weighing equipment on the refuse trucks to make sure we get clear calibration and consistency around weighing. We need to understand what volume or weight of waste people are producing. That is the idea in theory, but it is sometimes more complicated in practice. People who live down long laneways or boreens that trucks cannot use have to carry their waste 200 or 300 yards. It is very difficult to roll a wheelie bin for up to half a kilometre. Some people put them in the back of the car. Practical responses are needed,

depending on where people live. My understanding from Connemara is that some practical difficulties are causing problems now. We need to look at that. I am aware of at least one local authority that has already introduced bylaws on foot of such problematic issues to remove from households the option of presenting household waste in bags for collection. I have spoken about the issues in terms of the use of bags.

With those issues in mind, and in the context of the planned introduction of pay-by-weight charging, which cannot easily be applied to bags, it was decided in April 2015 to phase out the use of bags for household waste collection where wheelie bins could be accommodated. That is the important issue. We are trying to switch over to wheelie bins where possible, but there are instances in which they cannot be accommodated. I refer, for example, to apartment complexes. The complex where I stay when I am in Dublin does not have enough wheelie bins for all of the tenants. This is an obvious issue. My Department, in consultation with the local authorities, has set criteria to be applied nationally with a view to the phasing out of bags in all areas other than those where it is not practical to use wheelie bins. When my officials meet representatives of the industry next week, they will discuss how to cater for those who have moved from bags to bins in the context of the current agreement.

I know this was a big issue in the Seanad today. To avoid dividing the House on the matter, I was happy to attend and try to give Senators an update. As I have said, I have asked my senior officials to meet representatives of the industry next week to tease out some of these issues. I have to say the agreement we had with the industry is being implemented, by and large. Many of the big operators have written to all their customers to inform them that a charge freeze has been agreed and that their payment plan for this year will be the same as it was last year. There are issues in areas where this is not happening. Problems are also arising where people are being asked to move from bags to wheelie bins. Some of these problems are accompanied by an increase in the standing charge. We will have a look at such issues and see whether we can resolve them as soon as possible by talking to the industry. The meeting in question should happen on Monday or Tuesday of next week.

Senator Jennifer Murnane O'Connor: I thank the Minister. I have to say I am a little confused. I spoke to the Minister about this issue last week. I have three or four questions for him and I want him to answer them for me. I thank him for coming in to clarify these matters.

The Minister said last week that it had been agreed that there would be a 12-month freeze from 1 July 2016 to 1 July 2017. He said there would be an extensive public awareness, information and promotion campaign to make people aware of this and to ensure they get value for money. He said that under a system which is to be rolled out from January and put in place for a few months, people will have a dual pricing bill. This will enable them to understand the differences and, hopefully, select the cheaper option.

Deputy Simon Coveney: That will be in place from next January.

Senator Jennifer Murnane O'Connor: Yes. It will be available in January 2017. I am trying to get my understanding of these issues confirmed. I understand that as part of these arrangements, the transitional 12-month period for the operation of the pay-by-weight system and of the wider waste market will be reviewed. I also understand that when a decision is being made on the arrangements beyond 1 July 2017, the intention will be to keep the operation of the price freeze under review, with consideration being given to further legislation and intervention if necessary. I know this applies to the following year. That is something else we talked about.

I ask the Minister to explore the option of revocation in one particular case. As Senators will be aware, people who avail of the services of a certain waste management provider have been told they have to pay charges under the new system. This applies in particular to new customers of this provider. I do not know whether I can mention the name of the provider in question. I want the Minister to clarify that for me. It seems that new customers of this provider could have to pay the full pay-by-weight charge. I need to get that clarified.

Customers who want to stay on the current plan are not being given enough information. They have been told they have to let the provider know if they want to stay on the current plan. We have been told that all this information is coming on board. I need to get clarification on the freeze that is being introduced from tomorrow, 1 July. As a result of media hype, the provider in question has announced that it intends to send letters to its customers, who will have a month to say whether they want to stay on the original plan. This applies to customers who have been on the plan in question and not to new customers. I believe other providers are following suit down the same road.

Reasonable and honest people who have been paying their charges without delay or complaint are confused and angry. They are disappointed by the Government's inaction. The Minister needs to be proactive rather than reactive. Perhaps he should listen to what the people are saying before their complaints reach "Liveline". Everybody is getting their information from "Liveline". It has been phenomenal.

I have to say that as a Senator, I was delighted with what the Minister was doing last week. People were happy with the decision to freeze pay-by-weight charges for a year. I think there was agreement here that this was what people wanted. Of course we were looking for a waiver scheme under special circumstances. We need answers. I felt that the biggest issue was the lack of information.

6 o'clock

People automatically thought they would not be affected by any pay-by-weight system for one year. I know the Minister will work on this but I need answers and I need to go back to the people that I represent, as the Minister also represents his constituents, and tell them that there will not be hikes and that the Minister will give a commitment to that effect.

Senator Trevor Ó Clochartaigh: Gabhaim mo bhuíochas leis an Aire as teacht isteach. I appreciate the conciliatory nature of the Minister's presentation and I appreciate him coming to the House to discuss the matter. This is not just something we are trying to cause trouble over. It is a serious issue that has been raised with us and I did make these points in the debate that was previously held, points which were possibly missed during that debate.

There are issues around some of the ways the companies are acting in this regard. I believe that the Minister was probably not told the full truth by the companies when he met with them with the Minister of State, Deputy Seán Kyne, going by comments he has made in the media.

We have an issue around policy of the privatisation of bin services, etc., and the way the Minister is moving on the statutory instrument. I will not go into those issues at the moment. However, I will discuss the specific implementation issues that will kick in from tomorrow, 1 July, as have been related to me. Existing customers with the companies are having a pay freeze. Therefore, a person who is already with Barna Recycling in my area is going to continue with that company, and that charge is frozen. The issue arises for the 37% of people in my

area who are not registered with Barna Recycling but who may have been customers of Barna Recycling. The Minister's assertion that nobody is going to pay more than they are currently paying provides an anomaly for those who use bags or the people who have disposed of their waste in a proper manner.

A number of cases have come up. For example, a pensioner on Raidió na Gaeltachta this morning explained that she had been recycling all her life. She lives alone, buys a green bag very rarely because she recycles most of what she has and she buys a blue bag once a month. She was managing but she feels that she is now being penalised. She went to the shop to try to buy her bags as usual. She could not get the bags and was told that she had to telephone Barna Recycling. She telephoned the company and was told that as she was a new customer, even though she has been buying the bags for 20 years, she had to buy the bags in bulk at a minimum price of €60. She is on a pension and she says that she cannot afford to pay that. She was also told that she would have to pay the standing charge. The standing charge being imposed in our area is between €204 to €238 per annum. It is based on distance depending on which area a person lives in. She explained on the radio that she was a good recycler all her life she is now being penalised and being moved to a situation where she is going to be paying a couple of hundred euro more per year than she would have been previously.

Another call came from a couple who have two young children who are still in nappies. That were using the bag system because their home is more than 100 m away from the pick-up point where the truck would be passing. The family did their calculations and estimated they would be paying €500 extra a year because of the pay-by-weight system and they are very concerned about that.

There is huge concern that there is going to be a lot of dumping because of this issue and because the measure is kicking in tomorrow and the bags are no longer available in the shops. There is a huge issue there. Perhaps the Minister will go back and ask the companies who are selling the bags to the shops to maintain that system for at least the next year while the freeze on charges is in place. The Minister made the point that it is impossible to know how many bags people have bought over the year. Now is the time to start monitoring that practice so that over the next year he will have a proper estimate of how much refuse each of those people are generating. The Minister might also consider waiving the registration charge for those people who can prove that they were customers, albeit buying the service through the local shop as opposed to buying directly from the company. That would maintain the scenario that the Minister has said he wishes to see, which is nobody paying any extra than they currently do.

With regard to the waste bag system will the Minister indicate how the waste allowance system will work for persons who use bags? For example if a person has a medical condition and has medical waste they need to dispose of will the Minister clarify that situation for those people?

Reference was made to the opt-out scenario from Greyhound. The Minister has indicated that it is not acceptable that people should not be told that it is an opt-out rather than opt-in. In some areas, even though it is an open market, there is a monopoly scenario. There are some geographic areas where there is only one company operating and there is no choice. For example, in our own area in Galway, and I have cited this on a number of occasions, the standing charge by Barna Recycling in the Connemara area is between €204 to €238. The same company charges €80 for the same service in Leitrim, which is of very similar geography. There is something very wrong with that.

We are also being told that when people do register with companies they are going to have to put money into banks and into the company's bank account in advance before they get any services. This was raised with the director of services at Galway County Council on Monday and he said he has received no direction whatsoever from the Department. They are still awaiting direction from the Minister's Department on how the system is working. Will the Minister clarify that situation as this is what we have been told by the director of services?

The Minister needs to go back and play a bit more hardball with the waste companies. There has been some illegal dumping but there are people who maintain and manage their own waste disposal. They recycle and then bring any waste they have into places like Barna Recycling. We need to look how those people can be dealt with so they are not paying any extra. I appreciate the Minister has come to the House to sort this problem. We want to help the Minister sort it and if we see any more issues we will bring them to him. However, because this measure is taking effect from tomorrow, people need certainty today that the system they have been working with up to now will continue from tomorrow at least, so there is no disparity of treatment across the board.

An Leas-Chathaoirleach: I call Senator Grace O'Sullivan but the Senator is not offering to speak. Senator Denis Landy has five minutes.

Senator Denis Landy: I thank the Minister for attending the House this evening. Last week he set out his agenda on this issue in a fair and honest way in the House and we had a broad discussion. Many points were made and the Minister took them on board. The key point that I took from the discussion was that he had set out an agreement that he was going to follow through with contractors and service providers. I believe he will do that.

I fully respect Senator Murnane O'Connor's comments in regard to what is happening in Galway. However, it is like other things in this country. There are those who will blaggard the system and will try to do things, particularly to the elderly in this situation, which is wrong and unfair. Those people need to be called out and be told clearly that the representative body of the waste management companies have entered into an agreement with the Minister, as I understand, and that needs to be honoured. I am happy to allow the Minister to continue to engage in these discussions and to make the situation very clear to them.

There are a number of things that could be done. All waste management companies require to be re-licensed at some period in the cycle. That is a big stick and if people are doing what has been said here, then it should be stopped and it will be stopped. I am confident that the Minister will do that.

While I may not agree with all of the approach and the generality, on this issue specifically I commend the Minister for what he has done. I hope that when he engages further with these companies he will call them to boot and they will heel. The items that were raised and highlighted on the floor of the Seanad will be dealt with.

An Leas-Chathaoirleach: I call the Minister to make his concluding remarks.

Minister for the Environment, Community and Local Government (Deputy Simon Coveney) : I thank the Senators for raising these issues. I thank them also for the tone of the debate. This seems much better than the last time we had a discussion on these issues when it was much more adversarial. It becomes difficult to get to the root of things in that kind of environment.

When we made an agreement with the industry we had a conversation around how new customers would be treated. To be fair to the industry, one can have a situation where new customers would come to get a service - from an operator new to them - and they would have the payment plans that other customers would have been given in the previous year. Some of the operators are probably now being forced to charge people at a loss to the company because they have signed up to charging no more than the last bill. There are some companies that are, for legitimate historical reasons, still charging at less than what it costs to provide the service. Therefore, if a new customer comes in to that environment one cannot really expect a company to offer them a charging system at below cost.

There was always the issue around how new customers would be treated. That is why I was insistent that people who were currently paying, and if they stay with their current provider, would not be charged extra. Clearly, an issue arises for people who were having bags collected, in the case of Barna Recycling, but who would not have been considered customers of Barna Recycling because they were only being picked up every now and again whenever the bags were purchased. We must try to deal with that issue with the company involved. I cannot force the company to change but we can certainly try to influence that behaviour to ensure companies are acting in the spirit of the agreement made as opposed to trying to look for ways to get around it.

Likewise, in the case of a large operator in Dublin, my understanding from it was that before it was required to do it on 1 January it would offer an opt-in option to customers for pay-by-weight long before that date because it has the infrastructure to do that now. That company will say it will give customers the option from 1 July if they want it but what I had not expected was that customers who had agreed to opt in to pay-by-weight would now have to opt out if they choose to get out of it. There is a big difference between the *status quo* remaining as a frozen charge and having to opt in to get back to that situation because not everybody will read the letters that come in and so on. The letter to customers is very clear, but not everybody will be in a position to study the options and make a decision. We are speaking to the different customers

The upside is that the majority of companies are abiding by what was agreed. There are isolated cases that have been very vocal today, understandably, because they are concerned, but by and large the concern I was hearing from people in many parts of the country, and particularly in different parts of the capital city, about the transition to pay-by-weight and the potential cost implications for families is not happening now in most cases. We will meet the industry representative body. If some companies are behaving in a way they think is fair but we think is not, we need to talk through those issues and try to resolve them.

As to whether there will be hikes in charges, there will not. The people who are looking at potential hikes in charges are new customers to companies who are being put straight onto the pay-by-weight system. They would not have been on it previously and therefore they are seeing a significant potential increase in their charge. We need to try to address that with the companies, especially if they are in an area where there is no other option. If the Senator compares the same company operating in Leitrim and Galway, she might find that there is competition in one area where people have other options.

Senator Jennifer Murnane O'Connor: Yes.

Deputy Simon Coveney: That is the point of having a competitive market.

Senator Jennifer Murnane O'Connor: Absolutely.

Deputy Simon Coveney: If someone does not like the price package they are being offered by one service provider, they can go to another one. The thinking behind having an open, competitive market is that we would encourage companies to compete with each other and offer different solutions, collection rotas and pricing models. We were trying to layer on top of that a requirement that everybody would have to factor in a pay-by-weight model as part of that pricing model. We will phase that in over time rather than mandate it.

I dealt with the issue of new customers and the freeze, which is a tricky issue. Companies in this industry get a very bad name. They frequently get beaten up, so to speak, in this House and in the other House. Some of the companies have acted honourably in terms of what I have asked of them. We must not forget that we legislated for the introduction of pay-by-weight. They have invested heavily in that to be able to make it happen. Some of them were not ready, but many of them were ready. Given the understandable kickback due to the lack of preparation in terms of communication to ready households for this change, we have essentially put it off for a year. We now have a plan to try to improve that communication significantly during that period.

It is important to state that many in the industry have responded to what I have asked them to do. They will reduce their margins in terms of what they otherwise would have been making as a result of that and if there are some who have not behaved in the same spirit, we need to try to deal with that. This is a very competitive, aggressive industry in terms of how it operates, and we should not fool ourselves in this regard.

In terms of customers only being offered pay-by-weight, and the Senator seems to be suggesting there is no other option for customers, I want to be clear. There is no mandated requirement now for any company to have to introduce pay-by-weight and nothing else-----

Senator Trevor Ó Clochartaigh: This is not for bags, is it?

Deputy Simon Coveney: -----but there is no requirement on them not to offer pay-by-weight either. Many companies have been collecting on the basis of pay-by-weight for years. Approximately 20% of households pay by weight. They are happy to do it, and it works very well. They segregate their waste and so on. We are not asking those companies to offer some kind of standing charge system without pay-by-weight in terms of a dual pricing model. It is important to say that we cannot ask some companies that operate on the basis of pay-by-weight to wind the clock back on that, but companies which have not offered pay-by-weight and which now must offer that option after 1 January are in a different category.

In terms of the incontinent wear waste, which was the subject of a negotiation that was going on between my Department and the industry before this kicked off as a political issue, the industry showed some foresight in this regard. We cannot have a situation, for obvious reasons, where people who have a significant waste linked with a medical condition, a disability or the fact that they may be incontinent are punished through an increased charge on the back of a pay-by-weight system. That makes no sense on any level. In terms of what will happen, the industry has committed to agreeing an estimate on the basis of the allocation of incontinent wear from the Health Service Executive. Approximately 65 million individual pads are provided to about 60,000 families, and on the basis of that and on the basis of an average weight of that wear when it is waste, there will be an allowance on the charge for that volume of weight which, if we

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were to have pay-by-weight on the basis of 30 cent to 35 cent a kg, would be in excess of €12 million of potential retail charges. It is about €3 million of landfill charges for the industry also, so we are not talking about a small amount of waste. We have agreement from the industry that it will provide that allowance by working with the HSE. Of course, data protection issues arise in terms of not giving out somebody's medical details but simply the number of pads allocated.

On the issue of bags sold in shops, I will come back to the Senator on that. I do not know whether that is covered by any new conditions of licensing regulation.

When we have a clearer picture next week I might write to the people who have been raising this issue to outline the results of the meetings we have had.

An Leas-Chathaoirleach: When is it proposed to sit again?

Senator Ray Butler: Next Tuesday. Could I make a comment on the issue?

An Leas-Chathaoirleach: No. The Minister has concluded. Sorry about that.

The Seanad adjourned at 6.20 p.m. until 2.30 p.m. on Tuesday, 5 July 2016.