



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Déardaoin, 7 Iúil 2016

Thursday, 7 July 2016

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.
Reflection and Prayer.

Business of Seanad

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

The need for the Minister for Education and Skills to provide an update on plans for the provision of two new secondary schools at Castletroy and Mungret in Limerick.

I have also received notice from Senator Frank Feighan of the following matter:

The need for the Minister for Social Protection to establish how many Arigna miners who suffer from a work-related illness have received compensation to date and how many of those who have applied have yet to receive compensation.

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

The need for the Minister for Health to examine the grounds on which a patient suffering from Degos disease can access the drug Soliris, or eculizumab, through a compassionate access scheme when the patient's doctor has recommended this treatment.

I have also received notice from Senator Lynn Ruane of the following matter:

The need for the Minister of State with responsibility for mental health services and older people to indicate if she is aware of concerns raised by the Mental Health Commission in its 2015 annual report that people with severe mental health difficulties are living in HSE-run 24-hour staffed community residences around the country which, in effect, do not qualify as community care services as they are institutional in nature; to advise how many such residences there are; if she will extend the remit of the Mental Health Commission to empower it to regulate community-based services, as recommended in the review of the Mental Health Act 2001; and if she will require the Inspector of Mental Health Services to conduct annual inspections of all 24-hour staffed community residences.

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

The need for the Minister for Health to introduce an independent appeals process under the fair deal scheme to allow a right of appeal for nursing home providers who are unhappy

with the fee proposed by the National Treatment Purchase Fund.

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 expressed about the proposed 50% cut in the number of night nursing staff at Cloverhill Prison.

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

The need for the Minister for Health to provide an update on progress in the provision of a primary care centre in Monaghan town.

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

The need for the Minister for Transport, Tourism and Sport to review Government policy on the Road Safety Authority's tender process for driving licence applications to allow post offices to act as agents in co-ordinating and processing applications.

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

The need for the Minister for Jobs, Enterprise and Innovation to urgently seek to implement a system of identity validation of names submitted to the Companies Registration Office for directorships of companies in the light of the potential deliberate misleading of this State office by some companies.

I have also received notice from Senator Gabrielle McFadden of the following matter:

The need for the Minister for Health to provide assurances regarding the future of St. Vincent's Care Centre in Athlone.

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

The need for the Minister for Agriculture, Food and the Marine to outline what the Government is doing to support farmers in accessing low-cost credit.

I regard the matters raised by the Senators as suitable for discussion. I have selected the matters raised by Senators Kieran O'Donnell, Frank Feighan, Paul Daly and Lynn Ruane and they will be taken now. Senators Colm Burke, Máire Devine, Robbie Gallagher, Paddy Burke, Neale Richmond, Gabrielle McFadden and Maura Hopkins may give notice on another day of the matters they wish to raise.

Commencement Matters

Schools Building Projects

An Cathaoirleach: I welcome the Minister, Deputy Richard Bruton.

Senator Kieran O'Donnell: I thank the Minister for coming to the House to take this issue

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which is very important for parents and pupils in the constituency of Limerick City.

I want to clarify a number of points with the Minister. The two schools in question are in the Dooradoyle, Raheen and Mungret area, to be based in Mungret, and the greater Castletroy area. They are known as Limerick city environs south west for Dooradoyle, Raheen and Mungret and Limerick city environs east for the greater Castletroy area. The need for these schools was highlighted in a report on the configuration and development of post-primary school provision for Limerick city and parts of its environs from 2014 to 2024 which was completed for the Department in 2014. The report identified a need for two new schools in the Dooradoyle, Raheen and Mungret area, to be based in Mungret, and the greater Castletroy area. In the Dooradoyle, Raheen and Mungret area it showed an expected increase in population of 5,400 up to 2022 and in Castletroy an extra 3,600. Specifically, it stated there was a need in the next ten years for an extra 1,700 post-primary places in Limerick city and its environs and these two areas were identified. The Department's document, Arrangement for Patronage in the Establishment of New Post Primary Schools, refers to demographics. The two areas which required new secondary schools were Dooradoyle, Raheen and Mungret and the greater Castletroy area.

The closing date for applications from patrons was Wednesday, 8 June. How many potential patrons applied and who were they? What is the timeframe for their consideration? When will the announcement be made? What are the criteria to be met in the selection of the patrons? It is extremely important that the needs of children and their parents, living in the areas identified in the report completed for the Department in 2014, are catered for. They were the areas that showed huge growth in the population of schoolgoing children, giving rise to the need for schools to be located in them.

Will the Minister confirm the proposed sites of the two new schools in Mungret and Castletroy? What sites have been identified and where does the Minister expect them to be located? When are the schools expected to be opened? We understand the two schools will each cater for 600 pupils and it is extremely important that parents be given certainty about the building programme. We understand the school in Mungret will be opening in September 2017 and that the school to be located in the greater Castletroy area will open in September 2018. Living in Castletroy, I am aware that we have a fine school in Castletroy College, but there is a clear need for another school to cater for the increasing number of schoolgoing children coming up. Preference forms were provided whereby parents had to indicate to the Department which patron they preferred. It made no reference to the school that the particular student or pupil was attending. I hope there will be such a reference as it would give a clear indication of the need within the schools in the areas of Dooradoyle, Raheen, Mungret and Castletroy.

Who will be making the recommendation? It is something on which parents and pupils are entitled to certainty. The wishes of parents living in the areas to which I refer must be given weight and taken on board in the criteria being considered as to who will be appointed patron and the type of school it will be. The Minister might provide clarity in that regard.

Minister for Education and Skills (Deputy Richard Bruton): I thank the Senator for raising the matter of these two schools. He has outlined a great deal of the relevant information. A demographic assessment was published in 2015 and at that stage nine new schools were announced to be opened in 2017 and 2018, including two in Limerick. One was announced for 2017 for Limerick city and its south-west area at Mungret and the other for 2018 serving the Limerick city environs to the east, including Castletroy. Each school will provide approximately 600 post-primary places to add to the provision.

As the Senator said, we invited applications for patronage in April with a closing date of 8 June. Parental preferences for each patron together with the extent of diversity currently available in the area will be the key to decisions made in the process. We seek to ensure diversity in the offer looking at what is already available in the area and then parental preferences. In this regard, prospective patrons were requested to submit with their applications a parental preference template in which parents had been requested to indicate a preference for their children to be educated through that patron's school model and also whether the preference was for instruction through the medium of Irish or English. The closing date was 8 June. I do not have the full list of patrons that have submitted their applications, although I am sure I could provide it for the Senator. The system is that applications from the prospective patrons are being assessed and an assessment report will be prepared for the consideration of the new schools establishment group. The group which is independent adjudicates on applications. It will submit a report with recommendations to me for consideration and final decision. I will announce the patronage of the school following the completion of this process. The patronage assessment report will be published on my Department's website.

The Senator raised an issue as to the catchment within which the assessment of parental preference occurred. My understanding is it is the planning area as defined by the Department. These are broad areas of which are 310 throughout the country. Any parent within that catchment is generally assessed. I note the Senator's concern that the views of people in the immediate area must be taken into account. Obviously, they will be. However, my understanding is no greater weighting is afforded to someone in the immediate parish as opposed to someone in the next parish as long as he or she is within the planning area. Those who live outside the planning area do not have their views taken into account. I have seen cases where patrons in their enthusiasm have gone way beyond the planning area and collected parental preferences which are not taken into account. It is strictly based on the preference of those living in the area specified when the call for patronage was made. It is done in accordance with the invitation.

Regarding the accommodation of the schools, my Department works closely with local authorities under the memorandum of understanding on school site acquisitions to identify suitable sites for school development. Work on the acquisition of permanent sites for the schools is under way. Subject to the necessary statutory approvals, it is my Department's intention to acquire land at Mungret which is currently in the ownership of Limerick City and County Council for the purpose of providing permanent accommodation for the new post-primary school to serve the Limerick city and environs south west area. My officials are liaising with officials in the local authority to progress this site acquisition. With respect to the new post-primary school to serve Limerick City and environs east area, my Department has requested Limerick City and County Council to assist under the memorandum of understanding with the identification and procurement of a suitable property to serve as the permanent location for the school. Officials from the local authority have identified a number of potential site options and these are now being assessed technically to establish their suitability. Once the assessment phase is completed, it is anticipated that negotiations with the relevant landowner will commence.

Major construction projects to provide the buildings for the two post-primary sites in Limerick are included in my Department's six-year construction programme scheduled to proceed to tender and construction in 2018 and 2019 to 2021, respectively. We are proceeding with due haste.

Senator Kieran O'Donnell: I have two quick questions. The demographics report to which the Minister referred and which was published in 2015 specifically recommended that

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one school should be provided in the Mungret-Dooradoyle-Raheen area and that a second school should be provided in the greater Castletroy area. That was based on the demographics in these locations. It is very important that extra priority be given to the parents and pupils living in the immediate areas of these schools. That was the basis under which the building of the schools was recommended. We cannot have a situation where schools are built and pupils living in the immediate area are not given preference and priority in terms of being able to be educated in their own localities. It is very important for the Minister to look at that matter. Will he indicate when he expects the announcements to be made and when he expects both schools to open for enrolment?

Deputy Richard Bruton: Whatever was placed in the patronage advertisement, including as regards the planning area, will have to be complied with. Patrons will have used that area in good faith to identify parents who would support them. I do not have the exact geographic areas, but they are centred on Mungret and Castletroy. There is no way a parent living closer to the school is given a greater priority than a parent further from the school if they are both within the area. My understanding is all parents within the area advertised will be given equal priority. One cannot assess the wishes of parents who live outside the area. At this stage, it cannot be changed. Perhaps I might get the Senator the exact geographical area.

Senator Kieran O'Donnell: This is critical because the schools were recommended on the basis of the increase in the number of schoolgoing children in these locations. It is extremely important to factor this into the assessment.

An Cathaoirleach: The Senator has made a very good point. Normally, ten minutes are allowed for a matter, but 13 have elapsed. The Minister has given a comprehensive reply.

Senator Kieran O'Donnell: I appreciate that.

An Cathaoirleach: If he has more to add, I am sure he can communicate with the Senator.

Deputy Richard Bruton: I will provide the Senator with the exact map of the area within which the patronage is assessed. The issue of when the schools will open is not one on which I can give an exact date as it depends on site acquisition, design and snags in site specification. That work will proceed. There is a staged approval process whereby the Department satisfies itself at each stage that its requirements are being met. There will be no unnecessary delay in executing the process.

An Cathaoirleach: If progress has not been made early in the new year, the Senator can revisit the issue again.

Disablement Benefit

Senator Frank Feighan: I wish to establish how many Arigna miners who suffered work-related illness have received compensation to date and how many of those who have applied have yet to receive compensation. In 2010 the National Coal Miners Group secured agreement that the Department of Health would extend disablement benefit to former miners suffering from the prescribed occupational disease pneumoconiosis, commonly known as black lung disease. Since this review was established in 2010, when I strongly lobbied on behalf of the coal miners, hundreds of miners have applied for disability arrears under the scheme. This

does not just apply to Arigna but also to those who worked in the Castlecomer, Ballingarry and Rossmore mines. The Arigna mine is adjacent to the three areas of north Roscommon, Leitrim and south Sligo.

I pay tribute to the former Minister, Deputy Eamon Ó Cuív, for his work with the cross-party committee. He was very helpful in ensuring these miners were included and we have worked very hard together. Many of the men were formerly Arigna miners and, unfortunately, they have suffered severe health-related illnesses due to working long hours in the mines. As one can imagine, they had to work in very difficult conditions underground, with resultant health consequences. Legislation such as that in place in the United Kingdom was not in place here to protect these miners.

I understand that, to date, over €1 million in State disablement benefit arrears has been paid out to former miners nationwide, almost half of which has been paid to Arigna miners. The Minister might confirm these figures and also outline to the House how many applicants are still awaiting moneys and how many applications have still to be processed, if any. I hope no applicant is facing avoidable delays. At one stage, the official average waiting time between submission of application and receipt of arrears was six months and longer in many cases. At this stage, sufficient staffing resources should be in place in the disablement benefit section of the Department to ensure outstanding claims are expedited.

Recognition of the plight of the miners would not have come except for the sterling work of many people, including former Roscommon county councillor, Charlie Hopkins, who became a very strong advocate of the National Coal Miners Group. I pay tribute to Mr. Hopkins, the National Coal Miners Group and all who have campaigned on the miners' behalf. Living only a short distance from Arigna in the vicinity of north Roscommon, south Sligo and Leitrim, I know many of the men who worked hard in the mines all their lives to provide for their families. I recognise their vital contribution to the local economy for many years.

I hope all those who still meet the criteria under the scheme will receive payment as soon as possible.

Minister for Social Protection (Deputy Leo Varadkar): I thank the Senator for raising this important issue. Disablement benefit is one of the payments available from my Department under the occupational injuries scheme and may be payable as a single lump sum or regular pension, depending on the extent of the injury or effect of the disease. Eligibility is not limited to miners or to any particular occupation. It is a social insurance benefit and, therefore, any person may qualify for it if he or she works, or worked, and pays, or paid, PRSI at class A, B, D, J or M, and loses physical or mental ability because of an accident at work, a commuter accident on a direct route between home and their workplace or a prescribed disease contracted as a result of his or her work. The level of payment depends on the assessed degree of loss of physical or mental faculty. A prescribed disease is a disease that has developed because of the type of work a person does and also includes any condition resulting from the disease.

Since 2010, my Department has received a total of 247 claims for disablement benefit from former Arigna miners in respect of a variety of diseases and injuries. Of these, 89 have been awarded, 81 were found to be ineligible and 77 are still under investigation. In regard to the total of 81 cases that were found to be ineligible, some of the common reasons for ineligibility are, for example, claims for occupational asthma which have not been made within the statutory limit of ten years of leaving the relevant employment, and, similarly, in respect of occupational

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deafness, the claim must be made within five years of leaving the relevant employment. In addition, former miners who ceased mining employment prior to 1 May 1967, when the legislation for occupational injuries came into effect, are not covered under the scheme for injuries or diseases originating before that date. In a majority of the total of 77 outstanding cases, my Department is waiting for additional information or evidence to be supplied by the claimant in support of their claim. A small number are awaiting a medical assessment by the Department's medical assessor. My Department will do all it can to process these claims through to conclusion as quickly as possible.

Senator Frank Feighan: I appreciate the response. I am concerned that the small number of cases awaiting assessment by the medical assessor be dealt with as quickly as possible and that the Department has enough staff to deal with the applications. These were hardy men who worked in very difficult times and who provided for their communities through the 1950s, 1960s, 1970s and 1980s. This work-related black lung disease has overwhelmed their health. To see men coming to meetings with respiratory diseases is horrific. I believe they are thankful for the work done so far and hopeful it will continue.

Deputy Leo Varadkar: I again thank the Senator for raising this important issue. As I said, 77 cases are outstanding. In some cases, we are awaiting additional information and, in others, it is our delay because the medical assessment has yet not happened. A new chief medical officer has been appointed to the Department in recent weeks, Dr. Max Hills, and we have recruited nine additional medical officers. While it is hard to recruit doctors, not only in the health service but also in social protection, nine have come through interview and although they have not all yet accepted the post, we hope they will. These cases will be prioritised.

I had the opportunity to visit Arigna many years ago, accompanied by Councillor John McCartin, and Councillor Charlie Hopkins may have been with us also. It is a fascinating place and a very interesting part of our industrial history and particularly interesting to see how mining was carried out in those days. They really were hardy men. It was old-fashioned mining where the miner would effectively climb into a crevice with a hammer and start to dig into the coal seam. It is also a very important place for our political history because it was one of the few places where the red flag flew in the 1920s, under the Arigna Soviet, which was established for a period at the time - a very controversial thing to do in 1920s Ireland. That is not discussed in great detail in the museum there, although perhaps that has changed since I visited. I thought it would be an interesting addition to the visitor facility. I advise Senators who have not had a chance to visit Arigna that it really is worth a visit.

Medicinal Products Availability

Senator Paul Daly: I appreciate the attendance of the Minister of State, Deputy Helen McEntee, to answer my queries. The issue has been raised previously through a Dáil parliamentary question. The person in question, Charlotte Connolly from Mullingar, has been diagnosed with a rare blood disorder known as Degos.

11 o'clock

She is the only person in Ireland who has been diagnosed with the disease. There is a drug available, Soliris, which is produced by Alexion Pharma and which has been used in similar cases in America with a high degree of success. The Connolly family requests that she be given

access to this drug. In previous answers to parliamentary questions in the Dáil on this matter it was stated the drug was unlicensed for the treatment of Degos disease and that it was exorbitantly expensive. When Alexion Pharma was approached, it suggested she could gain access to the drug under the compassionate drug access scheme. When this issue was raised in the Dáil by Deputy Robert Troy, the then Minister for Health, Deputy Leo Varadkar, said he was unaware of such a scheme. Has the new Minister updated himself on it? Will he inform me of its availability and how it could be used? The drug is unlicensed for the treatment of Degos disease, but it has been recommended for use by the consultant neurologist at St. James's Hospital. Will the Minister progress the issue in a positive manner?

With this matter on my mind this morning, I was taken aback emotionally when entering Leinster House. Last week I could not get in because there were many people outside protesting and lobbying on behalf of the Irish hare. This morning there was no one outside for Charlotte Connolly. She is a human being and the eventual outcome of her condition is death. We have many discussions about various issues in the House. Yesterday I felt more comfortable in my role as agriculture spokesperson discussing the issue of farm safety and the potential saving of lives by taking action and spending money. Today I can actually identify an individual human being whose life could be saved by taking action. I hope I will not receive the copy-and-paste response received previously. Declan Connolly, Charlotte's husband, has written to the Minister since his appointment. He received an acknowledgement of just one letter and no response to the second. If it is not possible for the Minister to give me the answer that I would so love to hear this morning, could he, at least, meet the Connollys to progress the issue further down the line to come up with some solution?

Minister of State at the Department of Health (Deputy Helen McEntee): I thank the Senator for raising this issue. I am taking this matter on behalf of the Minister for Health, Deputy Simon Harris, who sends his apologies for not being able to attend. I understand the type of issue the Senator is dealing with, as I have dealt with a similar one in my constituency. I know how difficult it is for the individual affected and their family. The Senator will appreciate, however, that I am not in a position to comment on the case of any individual patient, even when some personal details are already in the public domain.

The HSE, as the principal provider and budget holder in respect of public health services, is obliged to use the resources available in the most beneficial, effective and efficient manner to improve, promote and protect the health and welfare of the public. This requires it to make difficult decisions to ensure the finite resources at its disposal are used to best effect. Soliris is an ultra-orphan medicine manufactured by Alexion Pharma and licensed for the treatment of two rare blood disorders. The drug is not licensed for the treatment of Degos disease by either the European Medicines Agency or the US Food and Drug Administration. The licensing of pharmaceutical medicines is a matter for the Health Products Regulatory Authority in Ireland and the European Medicines Agency in the European Union. It is not in the power of the Minister for Health to licence any pharmaceutical product, regardless of whether it has already been approved for use within the European Union. It is appropriate that such matters are dealt with by expert and impartial authorities established for this purpose.

In early 2015 the HSE decided to fund the provision of Soliris for sufferers of two specific conditions for which it had been licensed. At an individual cost of over €400,000 per patient per year, the drug is expected to cost the HSE approximately €8 million in 2016. Given these substantial costs, the director general of the HSE has put in place formal procedures to ensure each case in which Soliris is used is the subject of clear advance authorisation. These arrange-

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ments would not permit the drug to be used for the treatment of a condition beyond the terms of the marketing authorisation and where evidence of clinical benefit has not been demonstrated.

It is open to a drug's manufacturer at any time to submit an application to the European Medicines Agency to have a product licensed for use for a specific indication. Once the drug is approved by the European Medicines Agency, the manufacturer can, if it wishes, submit an application for pricing and reimbursement to the HSE.

It should be noted that there is no provision in legislation for the approval of compassionate access programmes for specific groups of patients with an unmet medical need. I trust the Senator will appreciate the position in this matter. Perhaps such a programme might be looked at further down the line.

I will raise with the Minister the fact that the Connolly family has written to him twice and ask him to respond.

Senator Paul Daly: I note the response which is gut-wrenching. We are talking about a human life, but this is a copy and paste answer. I respectfully request the Minister to commit to meeting the Connolly family in person and explore avenues, be it the introduction of a compassionate drugs access scheme or otherwise. The family needs real, not copy and paste, answers. It is a family life that is on the line. I am emotional in addressing the issue. As a county councillor, I get great satisfaction in driving past a signpost on a road where I know I played a part in having it put there. I cannot even imagine what it would be like to help to save human life. Copy and paste answers do not wash. I respectfully request the Minister to meet the family in question to explore other avenues, if the drug in question is unlicensed and there is no compassionate drugs scheme in place. At least we should explore other avenues and give people some hope.

Deputy Helen McEntee: I take on board what the Senator said. I understand where he is coming from, as I have dealt with a similar matter. I cannot speak on behalf of the Minister, but I will bring it to his attention personally and ask him to come back to the Senator.

Mental Health Services Provision

Senator Lynn Ruane: In the 1950s Ireland held the world record for the number of people detained in psychiatric institutions. Thankfully, the majority of the older style Victorian hospitals are now closed and the focus of mental health services is on treating people in the community as close to their homes as possible. In the 1980s, 24-hour supervised residences were opened to accommodate service users who had resided in the old-style psychiatric hospitals, many for long periods. Accordingly, these residences are their homes. It is recommended that such homes be confined to having no more than four residents. However, 40% of the residences inspected by the Inspector of Mental Health Services in 2015 had more than 13 beds. It is important to note that these service users are particularly vulnerable, as many of them have been living with long-term mental health difficulties within institutional settings for most of their lives. However, rather than benefiting from a move to community care, they have, in essence, been forgotten and abandoned by the modern health system which has simply moved from larger to smaller institutions.

Crucially, we do not know how many people are living in these conditions or how many

of these residences there are. In its 2015 annual report the Mental Health Commission stated there was a fundamental issue with identifying precisely the number of residences, as well as the number of people living in them. Despite repeated discussions with the HSE, no agreement has been reached on the issue. Additionally, the commission is concerned that some of these residences are too large, have poor physical infrastructure, are institutional in nature and lack individualised care plans. Under the Mental Health Act 2001, the inspector can visit these facilities and report on his or her findings. A service can be requested to provide a quality improvement plan. However, under current legislation, these facilities are not subject to regulation by the Mental Health Commission. This means that the commission has no statutory powers over them, unlike inpatient units, which it can close down if they breach certain standards of care. The expert group established to review the Mental Health Act 2001 made the following recommendation:

The new Act should give the Mental Health Commission specific powers to make standards in respect of all mental health services and to inspect against those standards. The standards should be made by way of regulations and the regulations should be underpinned by way of primary legislation.

In 2015 the Mental Health Commission inspected 20 24-hour supervised residences. The 2007 HSE report on accommodation for people with disabilities, *Time to Move on from Congregated Settings - A Strategy for Community Inclusion*, recommended that home sharing arrangements be confined to no more than four residents in total and that those sharing the accommodation, as far as possible, choose to live with the other three people. Some 55% of HSE mental health service 24-hour supervised residences inspected in 2015 had more than ten beds and 40% had more than 13 beds. According to these inspections, only six out of 20 residences inspected were described as in good decorative order, comfortable and homely. A number of residences were institutional in function and environment. For example, chairs were lined up against the walls in a row, bedrooms were devoid of personal possessions, shower facilities were locked, residents were not allowed to lock their wardrobes or bedroom doors. Only seven, 35% of the residences, had exclusively single bedrooms, while 12 had double bedrooms, ten of which had no provision for individual privacy. One residence had two four-bed rooms. The inability to provide residents with a single room impacts on their privacy and dignity. With reference to one of the residences, the inspector reported that the overall state of the residence was poor.

It is recommended that all residents have a yearly medical assessment. In ten of the 20 residences inspected in 2015, the residents had a six-monthly medical check with their GPs, in six residences there were annual medical checks, while in four the residents did not attend a scheduled medical check and attended a GP only if they became unwell. In 14 residences it did not appear that the residents were means tested for charges and each resident paid the same charge.

In summary, the Mental Health Commission stated many of the residences inspected were too big, in poor condition and institutional. There was limited multidisciplinary input in over 50% of the residences inspected. Some residents had no care plans or any meaningful activity to occupy them during the day. Many 24-hour supervised residences were failing to provide opportunities for the optimal recovery and rehabilitation of their client populations, as outlined for them in *A Vision for Change*, which has been in operation for ten years. Recovery in this context reflects the belief that it is possible for all services users to achieve control over their lives, recover self-esteem and move towards building a life where they can experience a sense of belonging and participation. The guiding principles relevant to the housing needs of indi-

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viduals with mental health difficulties should include citizenship, equity of access, community care including specialist mental health support, co-ordination of support and inclusiveness. The provision of community residential care for vulnerable mentally ill people, who may not be in a position to articulate their wishes, must be on an equal basis with other citizens and such provision should be a priority.

In 2008 the HSE conducted an evaluation, in accordance with the guidance for value for money and policy reviews, of the efficiency and effectiveness of long-stay residential care for adults within the mental health services. The report found wide variations in resource allocation, a significant minority of clients were deemed to be inappropriately placed, low levels of discharges from long-stay residential services to lower level supports and a lack of consistent understanding of or approach to rehabilitation among the residences. I have more to say, but given that I must conclude, I will send it to the Minister of State.

An Leas-Chathaoirleach: The Senator will have to write a letter. She seems to have many pages.

Deputy Helen McEntee: The best thing would be to arrange a meeting to discuss it. I thank the Senator for her detailed analysis of many problems. There is widespread acknowledgement that there are many problems that must be addressed. Mental health continues to be a priority for the Government. It is reinforced by the fact that funding is increasing and we have given a commitment to continue to increase it. This will be paramount to how we can progress and address many of the issues the Senator raised.

The Mental Health Commission annual report 2015 reflects the widely accepted need to further develop a community based mental health service, with a prevention and recovery focus, as outlined in A Vision for Change, which, as the Senator said, is ten years old. Given that it was to be reviewed after seven years, we need to get moving on it. The Mental Health Act 2001 provides that the inspector of mental health services visits, inspects and reports on every approved centre at least once every year. The inspector may also inspect any other service where mental health services are being delivered under the direction of a consultant psychiatrist.

The report of the expert group on the review of the Mental Health Act 2001 was published last year. The group recommended the Mental Health Commission develop a risk-based approach to inspection to ensure maximum effectiveness and efficiency in the use of scarce resources. The group was in broad agreement that inspections of approved centres should be proportionate, based on risk and take place at least once every three years. Annual inspections may be required if the risk profile merits such scrutiny. This would allow for community services to be registered and inspected at reasonable intervals using a risk-based system starting with all community mental health teams. Work on the general scheme of a Bill to amend the Mental Health Act 2001 and to include the recommendations I have mentioned is under way in my Department. I will take the Senator's suggestions and would welcome working with her on any of them.

In the context of ongoing development of community mental health teams, the HSE continues to promote prevention and recovery initiatives and enhanced service user engagement across the mental health services. This has been reinforced by my decision to commence a process of policy review for mental health, guided by research into international evidence and best practice in these areas. We should focus not just on mental illness but also on health, well-being and many other factors that contribute to it. Six approved mental health centres achieved full

compliance with all regulatory requirements in 2015. While 55 centres were found to be non-compliant to varying degrees, 82% of these findings were small issues rated as having a low to moderate risk of recurrence, which can and, I hope, will be addressed in the very near future. I have urged the maximum effort on the part of all non-compliant centres to meet the necessary requirements in 2016 and in this respect I welcome the introduction of the Mental Health Commission Judgement Support Framework to guide and assist approved centres to comply with the commission's regulations, rules and codes of practice and to promote improved quality of services through a transparent inspection process. In the light of the fact that it will take time and funding to improve it, we must give as much support as possible to the services to try to ensure they are as compliant as possible.

Funding for the mental health service in 2016 has increased from the 2015 outturn of €785 million to €826 million, an increase of €41 million, which includes the €35 million ring-fenced. This funding is used to develop the priorities for 2016, which includes improved counselling services across both primary and secondary care, continued development of community mental health teams, improved 24/7 response and liaison services, which needs to be a priority, psychiatry of later life, perinatal mental health and two new mental health clinical programmes, namely, ADHD in adults and children and dual diagnosis of those with a mental illness and substance misuse.

The Department of Health sanctioned the HSE to commence expenditure and I have signed off on approximately €22 million of this year's funding for new developments. It is expected that sanction for the remainder of the funding will be signed off on in the coming weeks.

Senator Lynn Ruane: I thank the Minister of State for her response. It is a large area and the Minister of State has probably already met Mental Health Reform.

Deputy Helen McEntee: Yes, I attended its AGM.

Senator Lynn Ruane: I was going to ask for that to happen.

Deputy Helen McEntee: I would welcome the opportunity to meet the Senator to go through some of the issues she has raised.

Senator Lynn Ruane: I thank the Minister of State.

Sitting suspended at 11.10 a.m. and resumed at 11.30 a.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, motion re appointments to the Houses of the Oireachtas Commission, to be taken without debate at the conclusion of the Order of Business; No. 10, non-Government motion No. 8 re Ibrahim Halawa, to be taken without debate at the conclusion of No. 1; and No. 3, Proceeds of Crime (Amendment) Bill 2016 - Committee and Remaining Stages, to be taken at 2 p.m.

Senator Catherine Ardagh: I raise the issue of waiting times for speech therapy and early

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diagnosis of speech and language difficulties. Early diagnosis of autism, in particular, and other medical problems is crucial in order that children can progress. A number of medical conditions are being diagnosed earlier and an early diagnosis gives children a better start at school. Waiting times for assessment are a big issue in many of our constituencies. The average waiting time should be three months, but in many cases it is much longer. Speech and language therapy is important because if the problems are nipped in the bud before children go to primary school, they will not have the development issues they might have otherwise. They will also be on the same level as their peers if there are early interventions. Disability services are being reconfigured and one of the main issues is the recruitment of occupational and speech and language therapists. In 2014 the previous Government announced the allocation of moneys to provide 275 additional therapists, including 88 speech and language therapists. At the end of October last year, only 27 additional speech and language therapists had been recruited. I looked for a section 13 report on the assessment of needs for occupational and speech and language therapists. The last report I found had been completed in 2007. Section 13 of the Disability Act 2005 provides for an annual report to be given to the Minister on needs identified in an area and the future allocation of speech and language therapists. If a more recent report has been published, I ask the Leader to provide it for the House. If no report has been completed since 2007, will he ask the Minister for Health to commission a section 13 report on the assessment of needs for speech and language therapists in all HSE areas?

Yesterday, after I had contributed on the Order of Business, Senator Rose Conway-Walsh made various comments on Fianna Fáil's record on home care services. On 5 January this year the United Kingdom Homecare Association which represents independent health care providers published a press release entitled, The State of Home Care Funding in Northern Ireland. It is stated in the first paragraph-----

An Cathaoirleach: Senator-----

Senator Catherine Ardagh: -----"Home care services in Northern Ireland have been pushed to the brink of collapse leaving old people and disabled people at risk of inadequate care-----

An Cathaoirleach: The Senator should respect the Chair. That is a matter for-----

Senator Catherine Ardagh: This was mentioned yesterday

An Cathaoirleach: If the Senator wants to correct the record, there are ways to do so.

Senator Catherine Ardagh: I would like to correct it.

An Cathaoirleach: The Senator can raise the issue by way of a Commencement matter. We cannot reopen yesterday's Order of Business and refer to what someone said - dúirt bean liom go dúirt bean léi. I cannot allow the Senator to do that.

Senator Catherine Ardagh: Yesterday Sinn Féin had free rein in attacking Fianna Fáil.

An Cathaoirleach: From time to time there is a lot of barracking while Members are speaking and I will not allow it to happen. I was not in the Chair yesterday. This is not the Dáil. This is a special Chamber in which there are special protocols that will have to be respected. The Senator has made her point.

Senator Gerard P. Craughwell: This week the role of the Attorney General was brought

into question with respect to advice given to the Government. I am somewhat unclear about this. A number of people have contacted me about the statement made by my colleague in the Lower House, the Minister for Transport, Tourism and Sport, that the opinion of the Attorney General was nothing but an opinion. We need a debate in this House in order to establish whether the opinion of the Attorney General should determine the way in which legislation will pass through the Oireachtas or whether we can second-guess that prestigious office. The latter has not happened in the past, I understand, but is now very much on the table. In fairness to the Oireachtas and the people of the country, we need to establish what the Attorney General's advice means when it comes to passing legislation through the House. If the situation that has now developed is that every time the Attorney General gives advice it can be second-guessed, we need to clear up that matter and do so very soon.

An Cathaoirleach: The Seanad has no role in matters concerning the Attorney General and we should not discuss matters in the other House. The Senator has made his point. What happens in the Dáil is a matter for that House to rectify or change the rules. We are different and we have certain restrictions, but we must respect what the other House does also.

Senator Trevor Ó Clochartaigh: I dtosach báire, tá a fhios agam gur ardaigh mo chomhghleacaí, an Seanadóir Paul Gavan, ceist inné maidir le táillí bruscair. Tá mé ag iarraidh a fháil amach an bhfuil aon fhreagra ar sin. We had a meeting last week with the Minister about the ongoing refuse collection issues. He assured us that he would have a meeting on Monday or Tuesday of this week to clarify the position. From what I can see, there has been no clarification whatsoever so far. I am getting calls about this issue from people who have no mechanism to get rid of their refuse this week. This will continue next week and they need clarification on the matter. I think the Minister was asked yesterday to seek clarification. Will he clarify the position? Otherwise, next week we will have to raise this issue once again in the Seanad and I do not want to have to do so on an ongoing basis.

Many people are thinking about school holidays, but many parents are faced with the proposition of school transport for next year and there are some serious issues in this regard. Very severe cutbacks were introduced in 2011 by the Fianna Fáil and Green Party Government, which were continued during the last Administration because, we were told, of lack of funding, etc. However, there have been some serious anomalies, particularly in rural areas. Yesterday I visited a school in Mullagh, County Galway, that has a very big problem in that it is being asked to send children to schools in different parishes because they are 100 m. closer to a school over the parish boundary than they are to the one they want to attend. There are serious issues in this regard and in the way in which the Department is very rigidly imposing the school transport directives. I call for the Minister of State with responsibility for school transport to come before the House, possibly before we break for the summer, in order that we can raise some of these issues with him now, rather than having to come back to them after the fact in September, once the issues have been raised.

I note with concern that in County Monaghan this week five heifers belonging to a south Monaghan farmer were shot dead by the Defence Forces. I understand this relates to a repossession case. I am very concerned about the issues surrounding repossessions in the State and the way they are being handled and I have raised the matter on many occasions. Surely there are questions as to why the Defence Forces had to get involved in such a situation. The Animal Health and Welfare Bill was brought before the Houses under the last Administration, during which time we went into an awful lot of detail about the health and welfare of animals. To see five animals shot in County Monaghan, on foot of some form of repossession, is extremely

worrying, and we should have an explanation as to what exactly happened. I want us to have a specific debate on the whole area of repossessions. Again, in Galway in the past week there have been more than 100 repossession hearings in the courts. This is happening in courts across the country. There does not seem to be any move whatsoever to try to resolve these issues for people who find themselves in these situations. There are also serious questions about the way banks, the legal profession, etc., are handling all of these matters. I call for a debate on repossessions to be held as quickly as possible.

Senator Frances Black: I was honoured to be selected yesterday as the chairperson of the Oireachtas cross-party group on alcohol harm, which is an informal group seeking to progress legislation and policy that can reduce alcohol harm in Ireland, with a particular emphasis on the implementation of the Public Health (Alcohol) Bill. Yesterday we had our first briefing which highlighted the impact of harmful parental drinking on children in Ireland. There was a great turnout at the event and it was fantastic to see such huge interest. We were honoured to have such speakers as the chief executive of the ISPCC, Grainia Long; the head of advocacy at Barnardos, June Tinsley; the chief executive of the Children's Rights Alliance, Tanya Ward; and Suzanne Costello from Alcohol Action Ireland.

As many Members may know, I hear daily from family members impacted by a loved one's alcohol, drug or gambling problem. Families all over Ireland are devastated by alcohol misuse and the most vulnerable person within the family unit is the child. Children living with parents who drink in a harmful manner are among the most vulnerable in society. The wide range of harms caused to children as a result of harmful drinking in the home is known as "hidden harm" as the harm is often not visible in public and largely kept behind closed doors. These vulnerable children can suffer in silence. They do not know where to turn for help and the impact of harmful parental drinking has a deep and long-lasting impact on their lives.

The voice of Irish children was heard on this issue when the ISPCC national children consultation surveyed almost 10,000 children aged between 12 and 18 years on the effects of parental alcohol use on their lives. The findings from this survey show that one in 11 young people said parental alcohol use affected them in a negative way. These negative effects include emotional impacts, abuse and violence, impacts on family relations, changes in parental behaviour and neglect. Some children who took part in this survey commented:

It worries me; I can't get on with my life as I am taking care of my mum.

When they get drunk, they don't know what they are doing. It's embarrassing. I hate it.

I have to mind my sister while my [mam] looks for my father in the pub.

We need to address the impacts of parental drinking by introducing measures to protect children from alcohol harm in the home. It is imperative that we ensure the best possible start in life for every child and effective prevention of alcohol harm and provide for early intervention. The Public Health (Alcohol) Bill is evidence-based legislation that aims to reduce the high levels of alcohol consumption in Ireland and can, therefore, play a key role in helping to break the negative cycle of harmful parental drinking that causes so many problems for children. The Bill contains a provision for structural separation of alcohol products in mixed retail outlets such as supermarkets and convenience stores, which will mean that they can no longer be displayed like everyday or ordinary products such as bread or milk.

I also acknowledge all the great work that Alcohol Action Ireland has done on this issue in

the past few years. It is a privilege to work alongside it. I look forward to continuing to work with it in the future and moving forward with this legislation.

Senator Aodhán Ó Ríordáin: I refer to the Admissions Bill, as published yesterday by the Minister for Education and Skills, Deputy Richard Bruton. I understand the Bill will be brought before the House in due course, but I wish to raise a matter of concern. There seems to be a level of confusion regarding the processes surrounding the Bill and that some of the issues would be dealt with in the committee, according to the Minister, or a committee being set up within a committee. The committees appear to deal with some issues surrounding admissions to schools, while other will be dealt with by legislation. There is also confusion as to whether the Minister intends to tackle the school tie issue, by which some schools in the State insist on keeping their intergenerational, hierarchical bloodline in place to demand priority be given to children of past pupils, which, of course, discriminates against those who are from outside the area or those of a family background of parents who possibly did not attend secondary school. I ask the Leader to facilitate a discussion in this House with the Minister, understanding, of course, that the legislation will be brought before this House in due course. I know, however, that the Bill was a source of great tension in the last Government. It did not reach any agreement between the two parties in government last time. It is now the intention of the Minister to bring the issue forward. I am slightly confused and concerned, however, as to why some of the issues surrounding school admissions are being dealt with in a committee and some through legislation and at the same time what was considered to be a very minor change proposed by the Labour Party a number of weeks ago in the Dáil was voted down by a conservative consensus of Fianna Fáil and Fine Gael.

Senator John O'Mahony: Last week I raised the issue of the delay in the processing of passports. I welcome the Minister's announcement yesterday that 233 people had been appointed to the Passport Office to deal with the backlog. I urge members of the public to check their passports in good time in respect of renewals. There is a facility where a passport holder can sign up to receive an alert three months before a passport is due for renewal. However, in many cases, there is a need for a passport to be renewed six months before its expiration date; therefore, it makes common sense that the alert should be six months before a passport is due for renewal. Nowadays with technology, every passport holder should receive an automatic alert. That would reduce the bottleneck that occurs every year in May and June, at the beginning of the holiday period.

Senator Robbie Gallagher: I wish to comment on the incident that occurred in County Monaghan this week where five cattle were put down. I am not aware of the full facts surrounding the case, but it is a cause of concern and, on the face of it, it appears it was done in a heavy-handed manner. I understand they were five limousine heifers about 18 months old. This appears slightly over the top. When cattle get excited, it takes a while for them to settle down. Having been born and reared on a farm, I know that there are ways and means in which cattle can be handled. I ask the Leader for a report on the particular incident.

I wish to raise the issue of the Kevin Bell Repatriation Trust. With other Members, I attended a briefing by Colin and Eithne Bell from Newry. Three years ago they lost a son in Australia in tragic circumstances and his body had to be repatriated. At the time the people of Newry fundraised. Arising from that incident, the Kevin Bell Repatriation Trust was born. A total of 197 bodies have since been repatriated by that trust. When I speak of a trust, I am speaking of a husband and wife, Colin and Eithne Bell, and their children. I commend them for the work they do in a voluntary capacity. I will give Members some idea of the work the

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trust does. In November 2015 the bodies of eight young Irish people had to be flown home to their families, which involved a huge cost. The service provided by the trust is invaluable and cannot be quantified. However, the need for the service has increased and the trust has got to a point where it needs help. It has opened an office but is under financial pressure and is seeking funding of approximately €50,000 per annum towards the running of the office. Will the Leader contact the relevant Minister in order that the issue will be addressed as members of this family are providing a fantastic service on a purely voluntary basis and we should support them?

Senator Ray Butler: I would like if the relevant Minister would come to the House to deal with the North-South interconnector. I know that because of the oral hearing, the Minister could not answer questions in the other House. We all know Fianna Fáil and the Green Party started the North-South interconnector. When Fianna Fáil was in power, it was like “The Wombles”. It was all right for the interconnector to go overground but as soon as it was out of government, it had to go underground - wombling free. I understand that is politics and that we have to move on.

Senator Diarmuid Wilson: The Senator is wandering.

Senator Ray Butler: I met various Ministers during the five years I was a Member of the other House. We were told it could not be changed and that it was further down the road than any other project. That message was shoved down our throats. There are 155 pages in the programme for Government between Fine Gael and Fianna Fáil, which includes bogs and the butterflies. However, there is no mention of the North-South interconnector. Deputies in my area and Cavan and Monaghan shouted about this and it was a huge issue during the general election with people with EirGrid posters outside the church shouting “Butler out”, “Butler out”. My family had to walk through them on the Sunday before the general election. The programme for Government does not mention the North-South interconnector, but the bogs are mentioned.

Senator Trevor Ó Clochartaigh: Shame on you both.

Senator Ray Butler: We do not want to leave Sinn Féin out, we want to bring it into the picture.

Senator Trevor Ó Clochartaigh: Good man.

Senator Ray Butler: It can come riding in on its high horse because we have good news. Sinn Féin is going to stop this. As result of the Brexit vote, there is a problem for the North-South pylon project. It is a designated EU project of common interest. To be awarded this status, a development must have benefits for at least two European Union states. I call on Sinn Féin - we have Members who are from the North-----

An Cathaoirleach: I ask the Senator to address his remarks through the Chair.

Senator Ray Butler: Sinn Féin can sort the whole thing out. It can stop the North-South interconnector. I call on Sinn Féin to get off the fence and stop this once and for all.

Senator Trevor Ó Clochartaigh: Good man.

Senator Diarmuid Wilson: As a matter of clarification for Senator Ray Butler, there is no programme for Government between Fine Gael and Fianna Fáil.

Senator Trevor Ó Clochartaigh: There is; it is as good as one.

Senator Diarmuid Wilson: We are facilitating a minority Government in the interest of the State.

Senator Trevor Ó Clochartaigh: Tweedledum and Tweedledee.

An Cathaoirleach: Some of the comments by Senators Diarmuid Wilson and Ray Butler might be more appropriately dealt with in their respective parliamentary parties.

Senator Diarmuid Wilson: I agree totally. I just wanted to clarify the matter.

Senator Trevor Ó Clochartaigh: Or at a Cabinet meeting.

Senator Diarmuid Wilson: West Donegal and the wider Gaeltacht community is in mourning following the sudden death of Seamus Mac Géidigh, broadcaster and manager of RTE Raidió na Gaeltachta northwest service. Seamus was a much respected broadcaster. He was passionate about Gaelic football and a highly respected commentator on Gaelic games. On Saturday evening last, Seamus travelled to Breffni Park to commentate on the Ulster semi-final replay between Monaghan and Donegal. I am sure he left Breffni Park with a smile on his face having witnessed his beloved Donegal beat unfortunate Monaghan. Seamus was heavily involved in the Irish language and in his local community in Gortahork. I extend my sincere condolences to his wife, Dolores; his three children, family, friends and work colleagues. Ar dheis Dé go raibh a anam.

Senator Tim Lombard: I raise the issue of Japanese knotweed. It is an invasive plant. As a state, we need to bring together all our organisations to come up with a solution. As most Members are aware, Japanese knotweed has become very prevalent in recent years and local authorities are struggling to deal with it. It is an exceptionally invasive plant. At present, it comes within the remit of the Minister for Arts, Heritage and the Gaeltacht, Deputy Heather Humphreys. We have to look at how to deal with it and we need to work with all Departments to come up with a national strategy to deal with it. To give an example, it cost £70 million to clear Japanese knotweed from the site where the Olympic village in London was located. The National Roads Authority, NRA, has put €5 million aside this year to deal with it. The NRA will clear motorways, but the railway lines, the inland waterways or the minor roads will not be cleared. We need a comprehensive plan to sort out this issue. The Minister and other Ministers should come up with a national plan to deal with this invasive plant.

Senator Grace O'Sullivan: I thank all Senators who have signed a motion calling for the release of Ibrahim Halawa. In particular, I recognise the work Senator Mark Daly has done in the past three years and continues to do to try to secure Ibrahim's release. I would also like the Seanad to acknowledge the great efforts of Lynn Boylan, MEP, as well as former Minister, Alan Shatter. Today marks the 1,055th day that a young 20 year old Irish citizen has spent in custody abroad without trial.

12 o'clock

He is a man who was just a child when he was arrested and incarcerated. Diplomatic efforts towards securing Ibrahim Halawa's release so far have, unfortunately, been fruitless. Last week his trial was postponed for the 14th time. My Green Party colleagues and I in the Dáil sought support for identical motions in both Houses today as it has become clear that a stronger more public statement is now required. All parties have pledged their support in both Houses, which sends a very strong message. The Minister for Foreign Affairs and Trade, Deputy Charles

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Flanagan, now has the full weight and support of the Oireachtas behind him. The Oireachtas must stand up for the rights of all citizens. We must now expend every effort towards securing Ibrahim Halawa's release.

An Cathaoirleach: An agreed motion will be taken without debate later.

Senator Michelle Mulherin: I also refer to the bizarre incident at a farm in Carrickmacross, County Monaghan, where five heifers were shot dead by members of the Defence Forces. There was also the involvement of the Garda and the Department of Agriculture, Food and the Marine on private property where an official assignee was in the process of seizing assets and disposing of them for a bankruptcy case. These are all State resources. Who made the decision? Did the Department of Agriculture, Food and the Marine make the decision that these animals would be shot down in this manner or was it the decision of the official assignee? It has been reported that they tried for eight hours to round up the animals. I find it very difficult to believe they could not round up five heifers, having already rounded up 30 cattle and calves. Is this the most humane way to put animals down if they represent some risk to public health? We need a statement from the Department of Agriculture, Food and the Marine and/or the Department of Justice and Equality and perhaps the Department of Defence. Who is footing the Bill for all of this? It sounds crazy and bizarre. It was reported that the animals had been wild. It was also reported that the animals had failed a TB test. How was it possible that the animals could be rounded up for a TB test but could not be rounded up subsequently? The official assignee is reported as saying that the animals were roaming the road, yet they were shot in a field. This matter gives rise to many questions and considerable concern over the use of State resources in cases of this nature. Is chasing down animals for eight hours the most humane way to proceed? People who know anything about animals will be aware that things will not get better after chasing them round a field for eight hours. I know many farmers with wild cows or calves who can coax them back to wherever they want them eventually. What happened in this instance does not sound very humane to me. Why were tranquilisers not used? I call for a statement from the relevant Ministers on how all of this came to pass. On the face of it, what happened seems pretty barbaric. At best it sounds as if a sledgehammer was used to crack a nut.

Senator Máire Devine: I again raise the issue of the ongoing industrial dispute between the Psychiatric Nurses Association of Ireland, PNAI, and the HSE. The dispute has now entered its second phase, which commenced this morning. The HSE needs to commit to resolving this dispute urgently before patient care is impacted on. Phase 2 commenced this morning throughout hospitals. Essentially, nurses will not be performing what they consider non-nursing duties. I spoke to a representative of the PNAI this morning who acknowledged that good progress is being made on 15 out of the 16 issues to which the dispute relates and that the subgroup is meeting to tease out the most difficult ones. Phase 3 which is scheduled to commence next week will involve an overtime ban. We all know that overtime is keeping hospitals ticking over. Psychiatric services in particular cannot function without the use of overtime. Therefore, should the dispute enter phase 3, patient care and treatment will be severely impacted on. The PNAI and I call on the HSE and the Department to restore good faith and meet its demands to resolve this dispute in the interests of patients and their families. I also call on the Minister for Health to provide an update on where his Department and the HSE stand.

Senator Frank Feighan: In 2012 the European Court of Justice made a landmark decision that obliged the United Kingdom to grant a free fuel allowance to those who had lived or worked in the United Kingdom and had been born before 5 July 1951. There was no means test imposed in respect of qualified. One of the only times I received thanks in this country was

from the tens of thousands of Irish people who had lived and worked in the United Kingdom, who had worked hard all their lives and did not expect anything for nothing. They were able to get between €115 and €350 a year from the British Government towards free fuel, which was very welcome. Based on the numbers applying, I believe it would cost the United Kingdom Government approximately €40 million a year. I am concerned that with Brexit, this may not be delivered on. I have raised the issue with Members of the UK Parliament at the British-Irish Parliamentary Assembly. I ask that the Minister for Foreign Affairs and Trade or the Minister for Social Protection come before the House to allay the fears of tens of thousands of Irish people. These individuals have not contacted me. All their lives they were not used to getting something for nothing. It is vital to continue this payment for people who worked all their lives to build up the United Kingdom and who sent money back to this country. I hope it will continue.

Senator Lorraine Clifford-Lee: I draw the attention of the House to an auction taking place at Christie's auction house in London at 7 p.m. Three paintings that form part of the Alfred Beit collection are going under the hammer, namely, "Venus Supplicating Jupiter" by Reubens, "Piazza San Marco, Venice" by Guardi; and "The Piazzetta, Venice, with the Doge's Palace" also by Guardi. They are being sold to fund an annual operational deficit in maintaining Russborough House and keeping it open to the public. I call on the Minister, Deputy Heather Humphreys, to intervene immediately to halt this auction. As it is taking place at 7 p.m., this is very urgent. We cannot allow our heritage to be sold off in this fashion. These paintings are being sold to fund the operational costs of Russborough House, which is open to the public. Any member of the public can go to view these wonderful historic paintings. We need to ensure that they remain in the country. In 2015, three paintings were withdrawn from auction and sold under a tax relief purchase scheme. This was done with the support of three private donors and then the paintings in question became part of the national collection at the National Gallery of Ireland. The proceeds of the sale were put into an endowment fund for Russborough House. I call on the Minister to intervene and to something similar today. It is essential that these works are kept in Ireland because they form part of our heritage and must remain accessible to the public. If the Minister does not intervene, not only will part of our artistic heritage leave the country but the ability of the Alfred Beit Foundation to attract private philanthropic donations in future will be affected if the collection is dissipated in this fashion. I would appreciate it if the Leader raised it with the Minister in order to try to halt tonight's auction.

Senator Paul Coughlan: It seems strange that five cattle had to be destroyed in the manner they were. However, contrary to what Senator Trevor Ó Clochartaigh stated, it was to prevent these cattle from entering the food chain; it had nothing to do with repossession. We all have our views on repossessions. Repossession should obviously only be used as a last resort when all other avenues have been explored. In this case, I understand the animals were destroyed because they had TB or some other related disease and meat from them had to be prevented from entering the food chain. Therefore it was a public health matter, regardless of who made the decision. Let us not jump to conclusions.

Senator Trevor Ó Clochartaigh: Let us ask the Minister to clarify.

Senator Paul Coughlan: Exactly. We will hear the Leader respond in due course.

Senator Denis Landy: Earlier Senator John O'Mahony spoke about passports. I agree that the position is very serious. He put forward an idea on issuing reminders. One of the big problems with passports is that one has to send back one's existing passport with an application for a

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new one. I recently encountered the case of a young girl who had to travel abroad for a year as part of her college education and consequently was not in a position to send back her passport. Despite this, she sent it back within the 21-day period by express post, but she could not get it back. Therefore, if we are to propose changes concerning the passport system, there ought to be a provision whereby a photocopy of the existing passport or document of that nature could be sent back rather than the full passport. It is a mess at present, including because of what is happening with Brexit. If we are to consider this, we need to overhaul the whole system.

A number of councils around the country brought to my attention the fact that the new tenant purchase scheme in some local authority areas contains a clause that does not allow a tenant to purchase the house if the local authority deems it to be under-occupied. If a mother and father in their 50s whose children have moved out want to buy the family home, they cannot do so in certain areas. Everybody likes to have his or her own home. In some local authority areas, tenants are being prevented from buying their home. This is unfair. I have never seen it before with a tenant purchase scheme.

I would like the matter to be brought to the attention of the Minister and for the relevant section of the new tenant purchase scheme to be amended to allow all tenants who meet all the other relevant criteria to be allowed to purchase their house without being told there are not enough people living in it to permit them to do so. Many tenants who were not able to afford to participate in a tenant purchase scheme in the past but whose circumstances have improved on getting employment would be prevented from buying the family home, and they would see it lost. The family house is the family home and it is where people like to meet and congregate. The arrangement needs to be changed where it is being implemented by local authorities.

Senator Colm Burke: I agree with what Senator Denis Landy said. The regulation seems to be very difficult. I encountered a case in which a local authority deems that, because the social welfare income of two retired people on the old age pension is inadequate, they may not purchase their house with the support of family members. The decision is being made on the basis of income rather than family support. The local authority is stating it is not prepared to sell the house, in which the couple has lived for over 40 years. They are now being denied the right to buy it. The regulation is wrong in such circumstances. The Minister should come to the House to explain to us why it is so difficult for people to purchase, particularly where they have paid rent for a house all their lives and are now in a position to buy. Those affected would have been able to buy ten years ago if there had been a tenant purchase scheme in existence. We should certainly examine this matter.

There is a presentation being made in Buswells Hotel this morning by booksellers and members of their representative organisation. There is now to be just one central tendering process for the purchase of books for libraries. Many of the people involved in this area believe they will go out of business because of the new process being introduced. The likelihood is that the contract could very well go to an organisation outside the country. There are jobs at risk. It is not appropriate to have one central tendering process for the purchase of books. It causes a problem for those who produce and publish their own books. Many Irish authors may be excluded under the process. This is a matter that should be taken up with the Minister for Education and Skills or another relevant Minister to determine why we are now moving towards one central tender for the entire country.

Senator Fintan Warfield: I wish to follow up on the points made by the previous Senator. The library service is a source of national and local pride. Many councillors will know that

the library service is passionately supported by local authorities. It is one of the only really continuously positive stories of the local authorities. It is a national resource. Ballyroan and Tallaght libraries come to mind as libraries I visited while a member of the council. The issue of procurement of library stock is being highlighted by the Booksellers Association today. The Government is planning a blanket, State-wide tender for book stocking across libraries in September 2016. The result will obviously have a considerable economic impact on small bookshops, in addition to specialist Irish library suppliers, be they of children's books, fiction or otherwise. The proposal has the potential to greatly affect content as Gaeilge across the library service. It is important in the arts that we tell our own stories, on screen or in print. September 2016 is the deadline for State-wide procurement to be stopped. Like the previous Senator, I request a statement from the relevant Minister because time is not on our side.

Senator Maria Byrne: I raise the issue of eFlow tags. From 31 August one will no longer be able to use one's eFlow tag on the N7 between Dublin and Limerick, the Waterford city bypass and the M1. This follows a breakdown in communications between Celtic Roads Group and eFlow. I request the Leader to speak to the Minister for Transport, Tourism and Sport to ascertain whether he can intervene to determine whether this can be sorted out. So many people use eFlow tags daily to shorten their journey time and in order that they will not have to queue at the tolling station.

Senator Catherine Noone: I support Senator Lorraine Clifford-Lee's call for the Minister for Arts, Heritage and the Gaeltacht to address the issue of the sale of paintings from the Beit collection. It may be too late if the event is being held this evening. I raised this issue in 2015 when some paintings were to be sold. It is possible that some solution could be found. There are many people in the country who invest heavily in art who, if they were aware of this and given the opportunity, might be willing to offer a solution to the problem. I commend the Senator for raising the issue.

The Minister for Communications, Energy and Natural Resources was in the House yesterday. He is clearly a Minister who is very much on top of his brief. I hope we have him here regularly. Logically, we would have him here regularly. Particularly on the subject of broadband, he was very comprehensive in his comments. Mobile phone coverage is a considerable issue throughout the country. The current mobile and voice data obligations are based on population and do not result in universal coverage. ComReg imposes a population coverage requirement of 70% for companies to fulfil their licence obligations. This requirement allows them to leave out the more sparsely populated areas and more isolated communities where communication is clearly a significant issue, especially for SMEs. I accept that we just had the Minister in but this is an issue we need to track regularly. It is welcome that Deputy Bernard J. Durkan has organised presentations in the Audiovisual Room on broadband and mobile phone coverage. He has agreed that all the providers will come here again in a few months. It is a matter we should also keep an eye on in this House.

Senator Kieran O'Donnell: I support my colleagues who raised the issue of public procurement. It affects booksellers today and others on other days. As a matter of urgency, we should invite to the House the Minister of State at the Department of Finance with responsibility for public procurement, Deputy Eoghan Murphy, to have a debate on the issue. Up and down the country, SMEs are losing contracts for a service that they may have been providing for 20 or 30 years for a particular State body in a particular location. The frameworks are being designed where they are looking at it in gross terms, all the contracts combined, which could in some cases be 100 or more contractors, suppliers or small family businesses. If there appears to

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be a small saving to the State, they lose the contracts to, in a lot of cases, large multinationals. A lot of them provide employment here, but some may not. There is a loss of jobs throughout Ireland, aside from the social dimension.

Senator Fintan Warfield spoke about local libraries. A local bookseller would provide books relevant to that local area. If it is, for instance, in Limerick City and County Council, someone may be providing books that are relevant to local historians in Limerick. That would be unique to Limerick Library. That whole intellectual knowledge would be lost. This is about the design of the frameworks, about finding a methodology where local contractors can retain the contracts. They have to go up for tender in the normal way, but at least they should be able to tender. At the moment they are not. I ask the Leader and the Cathaoirleach to, as a matter of urgency, arrange for the Minister of State at the Department of Finance, Deputy Eoghan Murphy, to come before the House in order that we can debate the matter at length.

Senator Jerry Buttimer: I thank the 21 Senators who have raised matters on the Order of Business. Before I reply to them, on the Order of Business yesterday Senator Paddy Burke referred to the European Council's decision on the EU-Canada free trade agreement. For the information of the House, the agreement can or may be applied on a provisional basis if the Council agrees and the European Parliament gives its assent. Member states would then have to ratify it. That means that it would be brought to the Oireachtas for ratification following the conclusion of procedures by the Council and the European Parliament. Members will be aware of this from what happened yesterday.

I thank Senator Catherine Ardagh for raising the very important issue of speech and language therapy. She is correct that early diagnosis and intervention are critical. There is a commitment in the programme for Government to review the provision of services for children with additional needs. A cross-sectoral team of officials from the Departments of Health, Children and Youth Affairs and Education and Skills is to meet the HSE on Friday to move matters forward. One of the key items on the agenda for the meeting is the provision of speech and language therapy. I will seek further information for the Senator. It is a topic to which we will come back because it is one we need to highlight in this House. I understand the issues raised by the Senator. There has been investment in the service, as well as the recruitment of staff. There is, however, a deficit and further work needs to be done. I am happy to move on the issue for the Senator, on which I am at one with her.

Senator Gerard P. Craughwell referred to the Attorney General. That is not a matter for the House and I do not want to dwell on it as she is the law officer to the Government. Her advice is given in a considered manner, rather than as part of a cavalier approach.

Labhair an Seanadóir Trevor Ó Clochartaigh mar gheall ar chúrsaí bruscair. Bhí mé ag caint leis an Aire agus is dóigh liom go dtiocfaidh sé ar ais chugam Dé Máirt nó Dé Céadaoin seo chugainn. Is dóigh liom freisin go mbeidh sé ag caint leis an Seanadóir.

Senators Trevor Ó Clochartaigh, Robbie Gallagher, Michelle Mulherin and Paul Coghlan referred to the incident in County Monaghan. I do not have all of the information to hand, but I understand members of the Defence Forces were asked to carry out this exercise, if I can use that term - the destruction or killing of five animals - on a farm in County Monaghan out of concern for public health and safety. The operation was carried out at the request of the official assignee responsible for the herd, in conjunction with An Garda Síochána, the Department of Agriculture, Food and the Marine and the Defence Forces in keeping with official protocol.

The carcasses were removed and not included in the food chain. I will seek more information for Members, if that is what they want, but that is the information available to me.

I will be happy to arrange a debate on school transport at the earliest convenience.

I again thank Senator Frances Black and acknowledge the work she has done in highlighting the misuse of alcohol and the effect it has on children. The all-party committee on health in the last Oireachtas engaged in the pre-legislative scrutiny of the Public Health (Alcohol) Bill which will be brought before the House again in the autumn when I am sure we can address the issue further.

Senator Aodhán Ó Ríordáin referred to school admission policies. The relevant Bill will be brought before the House when there will be an opportunity for him to discuss the issue with the Minister for Education and Skills. To facilitate the passage of the Bill, perhaps we might arrange a briefing on it for Members and the Cathaoirleach.

Senators John O'Mahony and Denis Landy raised the important issue of passports. I welcome the allocation of new staff. The issuing of a reminder notice is a matter we should pursue with the Department.

Senator Robbie Gallagher raised the very important issue of repatriation. I join him in sympathising with Colin and Eithne Bell and paying tribute to them for the work they are doing. I know that there is discussion taking place on the issue of the repatriation of bodies. Again, perhaps it is one on which we might work together as it affects many families and communities. Dealing with the death of a loved one is a source of huge stress, without the bureaucratic nightmare of trying to get a body home, which can be heartbreaking. We can certainly take up the matter with the relevant Minister and Department.

Senator Ray Butler referred to the North-South interconnector. I will not get into a debate on the Wombles, but we can have the Minister for Communications, Climate Action and Environment in the House to discuss the interconnector issue. I hope, in keeping with new politics, that Members opposite will be able to work with the Senator to ensure we will have an outcome that will be in keeping with the mood of people living in that part of the country. The oral hearing is ongoing. I attended it on one day as part of the Seanad election campaign when I witnessed at first hand the tension and anxiety of residents.

Senator Diarmuid Wilson referred to the death of Séamus Mac Géidigh who was a broadcaster of high repute. He was a man of integrity in the promotion of the Irish language and Irish culture. He had listeners to his local radio station enthralled with his commentary. We extend our sympathy to his wife, Dolores, and family on his untimely death.

I thank Senator Tim Lombard for referring to the scourge that is Japanese knotweed. He will be aware that in his area, at Minane Bridge, there is a very impressive company, Japanese Knotweed Ireland Limited, which is dealing with the problem. It has been in contact with many of us about the issue. We need a national strategy to deal with it. I will be happy to ask the relevant Minister to come to the House to discuss it.

Senator Máire Devine referred to the dispute with psychiatric nurses. The Government recognises their importance and the serious issues that have been raised. It is important to say there is a mechanism that the State uses to resolve industrial disputes and it should be used at all times. In saying this, there is also the issue of maintaining services with staffing levels that

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are safe. Recruitment is taking place in a variety of places to fill vacant positions in the mental health service, of which the former Minister of State, Kathleen Lynch, was a strong advocate. I am sure the current Minister of State, Deputy Helen McEntee, will also be a strong advocate of the service. As the Senator is aware, 1,500 new posts have been approved since 2012, of which 1,150 have been filled. It is important that the new posts be filled. The issue needs to be addressed and I hope the mechanisms in place can be used in doing so.

Senator Frank Feighan referred to UK-EU relations in the context of the fuel allowance. The Minister for Social Protection, Deputy Leo Varadkar, will be in the House next Tuesday to discuss social protection issues. He might perhaps address the issue on that occasion.

Senators Lorraine Clifford-Lee and Catherine Noone mentioned the forthcoming auction in Christie's of the Beit collection in Russborough House. I will be in communication with the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs on this very important issue after the Order of Business. It is important that every avenue be used to avoid paintings being sold and leaving the jurisdiction or even being placed in private hands. I hope we can address the issue.

Senators Denis Landy and Colm Burke referred to the new tenant purchase scheme. I will be happy to ask the Minister for Housing, Planning, Community and Local Government to come to the House to discuss it. It is important that there be a resolution of the matter.

Senators Colm Burke, Kieran O'Donnell and Fintan Warfield raised the issue of the purchase of books, procurement and the tendering process. I very much share the views expressed by them. It is not just about books; it is also about the importance of the public procurement process and the need for Ireland as a small island nation to recognise the importance of small, family-run businesses which are providing services and products for a multiplicity of State agencies. They should be allowed to continue to tender in a real way, not just cosmetically. The framework process is one that needs to be changed and I am very happy that the Minister of State, Deputy Eoghan Murphy, should be asked to come to the House to discuss it. I hope he will be here on foot of the summer economic statements to be made next week. It is important that we debate this issue. As such, I will try to facilitate one before the summer recess. To assist Members, it would be useful if a Commencement matter could be tabled on it also. It would find universal, cross-party support. If the rules of the House allow, there should be a Commencement matter tabled by a number of Senators to get the issue on the agenda.

Senator Maria Byrne referred to the M7 and the use of eFlow tags. This is an issue the Minister for Transport, Tourism and Sport, Deputy Shane Ross, must address. In a previous existence he was instrumental in having a switch made to have the EazyPass system used on the toll bridge on the M50. I hope we can address the matter. I am not sure if the Senator is referring to the toll plaza near Portlaoise, but as someone who uses the M7, I note that use of a tag helps to facilitate speedier commuting times.

Senator Catherine Noone raised the issue of communications. We have asked the Minister for Communications, Climate Action and Environment to come to the House to discuss the issues of broadband provision and phone coverage.

I thank the parties represented in the House for their co-operation in advance of taking the motion on the appointment of members to the Houses of the Oireachtas Commission.

Order of Business agreed to.

Membership of Houses of the Oireachtas Commission: Motion

Senator Jerry Buttimer: I move:

That Seanad Éireann, in accordance with section 8(3)(b) of the Houses of the Oireachtas Commission Acts 2003 to 2015, appoints the ordinary members of the Commission as follows:

Senators Paudie Coffey, Gerard P. Craughwell and Ned O'Sullivan.

Question put and agreed to.

Irish Prisoners Abroad: Motion

Senator Jerry Buttimer: I move:

That Seanad Éireann:

- notes that Ibrahim Halawa, an Irish citizen, has been detained without due process in Egypt for three years since being arrested as a child of 17 years of age;

- considers this to be an unacceptable infringement of his basic human rights by any international standard;

- believes the conditions of his imprisonment are of serious concern, given his young age, the length of time he has been in detention, his separation from family and friends in his home country, and having regard to his general physical and mental welfare and wellbeing, all factors which have contributed to the extreme suffering and distress being endured by him in these circumstances;

- acknowledges the tremendous distress his family in Ireland have been experiencing since his detention;

- further notes that his trial date, with over 400 co-accused, has been adjourned 14 times and that the trial is due to resume in October and that there is still no clear indication as to when it will conclude;

- recognises that he has been designated by Amnesty International as a prisoner of conscience;

- recalls that on 17 December 2015 the European Parliament passed a resolution by 566 votes to 11, calling for his immediate release;

and:

- requests the Joint Committee on Foreign Affairs and Trade to invite the ambassador of the Arab Republic of Egypt, Her Excellency Soha Gendi, to appear before it to address the repeated delays in Mr. Halawa's trial and to request her to convey to the relevant authorities in Egypt this House's concern that Mr. Halawa be released and allowed to return to Ireland as soon as possible;

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- proposes that Seanad Éireann join Dáil Éireann in establishing a parliamentary delegation to visit the Egyptian Parliament and seek to arrange a visit to Mr. Halawa in prison;

- welcomes the confirmation from the Minister for Foreign Affairs and Trade that the Government will give its full and urgent support to a further application for Mr. Halawa's release by presidential decree under Law 140 from President Abdel Fattah el-Sisi to allow Mr. Halawa to return to Ireland immediately and supports the Government in its continued efforts to secure Mr. Halawa's release and, while he is in detention, to provide all appropriate consular assistance for him and his family, including through regular visits by Embassy officials to him in prison; and

- resolves that this motion be brought to the attention of the ambassador of the Arab Republic of Egypt, Her Excellency Soha Gendi, in order that she may convey it to the relevant authorities in Cairo.

Senator Grace O'Sullivan: I second the motion.

Question put and agreed to.

Sitting suspended at 12.35 p.m. and resumed at 2 p.m.

2 o'clock

Proceeds of Crime (Amendment) Bill 2016: Committee and Remaining Stages

Section 1 agreed to.

SECTION 2

An Leas-Chathaoirleach: As amendment No. 1 in the name of Senator Niall Ó Donnghaile involves a potential charge on the Exchequer, it has been ruled out of order.

Amendment No. 1 not moved.

Section 2 agreed to.

SECTION 3

Government amendment No. 2:

In page 4, line 32, to delete "direction" and substitute "authorisation".

Amendment agreed to.

Senator Ivana Bacik: I move amendment No. 3:

In page 4, between lines 36 and 37, to insert the following:

“(8) Where property is seized and detained under subsection (1) or (2), an application to the Court for an interim order or an interlocutory order in respect of the property shall be made by the bureau officer concerned as soon as he or she has enough evidence to make such an application.”.

I welcome the Minister of State, Deputy David Stanton. I am glad to see him in the Chamber.

Let me explain the context of the amendment. It arises from a concern I expressed on Second Stage about the extension of powers of seizure and detention of goods to officers of the Criminal Assets Bureau, CAB, and the Chief Bureau Officer. I said we needed to scrutinise these provisions very carefully to ensure adequate safeguards were provided for parties whose goods would be seized. We should all be aware that it represents a very significant expansion of powers and a break from the current regime under the Proceeds of Crime Act 1996 which requires High Court supervision in the seizure and detention of goods. We should be conscious of the current provisions in the 1996 Act for the granting of an interim order which only empowers the High Court to permit the detention of goods for 21 days. Section 3 of the Bill purports to extend that power to the Chief Bureau Officer. There is, of course, importantly, recourse for an aggrieved party to go to the High Court to contest this, but, nonetheless, it places, perhaps, an unfair onus on an aggrieved party and does not allow for automatic High Court or any court supervision of the powers of seizure and detention.

As I said on Second Stage, I accept absolutely the need for the Bill which we are supporting. However, we want to ensure it is sufficiently robust to withstand any challenge. We are concerned about the lack of an obligation on the CAB to use the existing court order regime where it gathers sufficient evidence during the 21 day period to go to court before its expiry. As I see it, the problem is that the Bill does not place any obligation on the CAB to curtail the 21 day period. It seems the default position will be, if section 3 is to be used, for goods to be held for 21 days before the normal provisions of the 1996 Act kick in and before the CAB goes to the High Court for an interim order or an interlocutory order.

The purpose of the amendment is to insert a new subsection (8) which reads: “Where property is seized and detained ... an application to the Court for an interim order or an interlocutory order in respect of the property shall be made by the bureau officer concerned as soon as he or she has enough evidence to make such an application”. As I said previously, it is similar to the power of detention under the Criminal Justice Act 1984 where the Garda is obliged to release or charge somebody once it has sufficient evidence one way or another, without waiting necessarily for the expiry of the maximum period of detention for which it is allowed to keep a person. We are putting forward the amendment as a suggested mechanism to ensure an additional safeguard would be in place.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I thank Senator Ivana Bacik for her contribution on the amendment. The Bill, as initiated, contains sufficient safeguards for affected persons against any potential abuse of the new seizure and detention powers. Persons can apply to the court to have an authorisation revoked and to do so need only undermine any one of the four grounds on which the Chief Bureau Officer must rely. It is also the case that failure by the CAB to make an application to the court for an interim order or an interlocutory order before the expiry of the 21 day period will open the door to a compensation action by the owner of the property.

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The Proceeds of Crime Act 1996 has been litigated to the nth degree, as the Senator knows, by criminals who have been convicted of some of the most heinous crimes at considerable expense to the taxpayer. The High Court and the Supreme Court have been tied up in such cases for lengthy periods. That is as it should be. Everybody, either guilty or innocent, is entitled to access the courts to ensure his or her rights are fully vindicated. I know that there are provisions elsewhere in law that require persons to be charged without delay when the Garda has sufficient evidence to do so. That is only correct. The person concerned will be prosecuted for a criminal offence and his or her liberty may be at stake. It is important that such matters be placed in the hands of the courts without delay. I am afraid, however, that the amendment would open the door to litigation based on procedural arguments that would tie up the CAB and the High Court in a potentially endless discussion on when the CAB had enough evidence to make an application. It has to be borne in mind that when conducting an investigation and, in particular, when making an *ex-parte* application to a court, investigators are bound to be fair and make reasonable efforts to seek and consider exploratory evidence. Forcing the CAB to cut that process unduly short might in itself render the overall process unfair.

My officials have consulted the CAB about this proposal and it has expressed strong concerns that it would render the entire process unworkable. In that light, I ask the Senators not to press the amendment.

Senator Ivana Bacik: I thank the Minister of State for his reply. I am grateful to his officials for engaging with me on this issue and indicating they would engage with the CAB on this amendment. The Minister of State said they had done so.

We support the Bill absolutely. On Second Stage we all expressed our strong condemnation of the dreadful events of recent weeks and months, the shootings and the extent to which organised crime had permeated different communities. It goes without saying we want to support the efforts of law enforcement agencies in tackling organised crime, in particular through the mechanisms for the seizing of the proceeds of crime. However, there are people who will be affected by this legislation who may not themselves be directly engaged in criminal activity. Clearly, everyone has a right to be deemed innocent. Subsection (1B) states: "A person who has possession or control of property which is the subject of an authorisation, or who is affected by an authorisation...". I believe that acknowledges there may be entirely innocent parties who are unwittingly caught up in this. I gave a hypothetical scenario on Second Stage of a business owner whose premises is being used unknown to the owner in order to store proceeds of crime. The CAB may, in good faith, as it is entitled to do, go in and freeze those assets for 21 days under this legislation but that may have a hugely adverse affect on somebody who is running a legitimate business, the premises of which happen to be used in this way. Given that somebody in such a situation will have to go to the High Court, with all the additional legal costs that may entail, I question whether that is a sufficient remedy in this scenario. There is currently High Court supervision first; therefore, the High Court first determines whether goods can be seized. The point we are making is that we want to ensure there is a sufficient safeguard and that the 21 days will not automatically run without some sort of scrutiny at some point. It is important the legislation is robust enough to withstand challenge.

I agree with the Minister of State there has been extensive litigation and challenges to the 1996 Act precisely because it was such a departure from our normal due process rules, and the courts have acknowledged this, while upholding the legislation. As the Minister of State said earlier in the debate, as a result we have this very finely crafted balancing exercise in the 1996 Act to ensure it withstands all the challenges to it. I want to make sure this amending Bill, with

its very significant expansion of powers for CAB officers, will fit within that constitutional framework and not be found to tip the balance in any way.

Senator Lorraine Clifford-Lee: I accept Senator Ivana Bacik's point that there is a dramatic expansion of powers, but I believe this is proportionate. While I also accept her point about innocent business owners being caught up in this, I note this is for a 21-day period and not longer. Taking into account the scale of the threat before us, we, in Fianna Fáil, are satisfied that the safeguards as outlined by the Minister of State are proportionate. If the amendment was made, it could make the legislation unworkable and would place undue pressure on the officers within the CAB, who are already under pressure as well as being under-resourced. We have called for more resources to be allocated to the CAB but, in their absence, this amendment might hamper its work. As outlined by the Minister of State and the Senator, this legislation has been much litigated in the past. If this amendment was passed, it could open the State to extensive litigation. Therefore, unfortunately, we will not be able to support Senator Ivana Bacik's amendment.

Senator Martin Conway: The Minister of State's explanation and the fact the officials have engaged with the CAB demonstrate that this is in line with what was suggested on Second Stage. With regard to Senator Ivana Bacik's example of a property owner being in such a situation, to the best of my knowledge, the legislation excludes land.

Senator Ivana Bacik: It is property on premises that is in question.

Senator Martin Conway: While there is always the risk something like that could happen, as the Minister of State said, the person can go to court to seek redress. This legislation will no doubt be challenged by people who do not have the best interests of the State at heart, similar to the last legislation, which was one of the most litigated pieces of legislation that ever went through these Houses. Nonetheless, I accept the amendment was tabled in good faith and I ask the Minister of State to keep this issue under review. In the short to medium term, the Minister might get the officials to see if the Senator's concerns are borne out when the Bill is commenced.

Senator Ivana Bacik: To put the record straight, we simply want to make the legislation as robust as possible. As we are approaching this in a constructive manner, of course, I tabled the amendment in good faith. Undoubtedly, there are already people who, under existing legislation, are caught up in the sort of applications about which we are talking. Clearly, there is a right of recourse to the court, which is very important. We just want to make sure sufficient safeguards are built in. In the light of what has been said, I will not press the amendment.

Amendment, by leave, withdrawn.

Government amendment No. 4:

In page 5, line 5, to delete "less than €5,000" and substitute "not less than €5,000".

Amendment agreed to.

Government amendment No. 5:

In page 5, line 33, to delete "during the currency of or upon" and substitute "before".

Amendment agreed to.

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Section 3, as amended, agreed to.

Sections 4 and 5 agreed to.

NEW SECTIONS

An Leas-Chathaoirleach: As it involves a potential charge on the Exchequer, I must rule amendment No. 6 out of order.

Amendment No. 6 not moved.

Senator Niall Ó Donnghaile: May I speak to the section?

An Leas-Chathaoirleach: I will call the Senator when we dispose of the amendments. Amendments Nos. 7 and 8 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Lorraine Clifford-Lee: I move amendment No. 7:

In page 6, between lines 11 and 12, to insert the following:

“Amendment of section 4 of Principal Act

6. Section 4 of the Principal Act is amended in subsection (1) by substituting “4 years” for “7 years”.”.

The reasoning behind this amendment is that in 2011 the Department of Justice and Equality set up a working group to examine the proceeds of crime legislation. As far as I know, that report has never been made. However, it was indicated by the then Minister, Alan Shatter, and the CAB in 2013, two years after the working group was established, that the CAB had conducted an analysis of its cases and found that after two or three years, and definitely after four years, very little happens in regard to confiscation orders. It indicated it wanted the retention period brought down to at least four years, if not lower. On that basis, we have brought forward this amendment. I understand the Department has some fears in this regard and would like the Minister of State to outline his concerns.

Deputy David Stanton: I thank the Senator. I appreciate the motivation behind the proposed amendment which is well intentioned. It would be great if the CAB could deprive criminals of the proceeds of crime without delay. However, Senators will recall that the Minister on Second Stage emphasised the critical balance of the Proceeds of Crime Act, which operates as a piece of civil law. The Supreme Court has found the Act does not amount to criminal proceedings. The special provisions of the Act are possible to maintain because they amount to civil proceedings. Additions to the Act, therefore, must not tip the balance of the Act in order that they become criminal proceedings. It is for that reason that I want to emphasise the care that has been taken to ensure this Bill is not only constitutionally sound but is also sustainable in the special civil context of the Proceeds of Crime Act. The Attorney General’s advice has been sought on the proposal to reduce the waiting period for a disposal order from seven years on a number of occasions during the years. In 1999 and in 2003 the then Attorneys General advised against the reduction of the seven-year period. The Senator will recall that former Chief Justice Keane described the Act as “unquestionably draconian”. The seven-year period has been seen

as an important counterbalance to the Act's draconian nature and one that prevents it from being seen as a penal measure. The advice of the Attorney General has been sought once again in the context of the current Bill and the proposed amendment. I am advised that in the absence of a clearly demonstrated need for and justification of a reduction to four years, it is too risky to do so as it would jeopardise the proportionality of the legislation.

As was said on Second Stage, the Proceeds of Crime Act has served us well for 20 years. It has been tested again and again in the courts. We must be sure any change to this carefully honed legislative tool does not blunt or break it. I, therefore, ask the Senator not to press the amendment.

In addition to that fundamental point about the proportionality of the Act overall, there are practical questions concerning how such a reduction in the period would apply to existing cases and what transitional provisions might be required. If I have not convinced Senators of the risks inherent in reducing the waiting period, I at least ask that they not press the amendment today but pursue the question as part of the medium-term review of the legislation.

Senator Lorraine Clifford-Lee: We will press the issue as part of the medium-term review. We are eager that the Bill proceed and that those involved in gangland crime be tackled and apprehended, particularly in the wake of the most recent shooting in north County Dublin and the shooting in the south inner city a few days previously. Innocent members of the public have been caught up in the feud. We must ensure legislation is in place. We appreciate the Government's efforts in that regard and I call on the Department to allocate adequate resources so as to prevent gardaí from being taken from other divisions to tackle this crime. I will not press the amendment, but we will pursue the matter at a later stage.

Amendment, by leave, withdrawn.

Amendment No. 8 not moved.

An Leas-Chathaoirleach: I must rule amendment No. 9 out of order as it involves a potential charge on the Exchequer.

Amendment No. 9 not moved.

SECTION 6

Question proposed: "That section 6 stand part of the Bill."

Senator Niall Ó Donnghaile: I will be relatively brief. I have not been too lucky with my amendments, but I will not take it personally.

I thank the Minister of State for addressing the House on this important legislation. The sentiments expressed today and in the amendments indicate that we are all approaching this from a sincere point of view in that we want to get the legislation right. In the past 24 hours I have engaged with some of the Minister of State's officials to try to refine the Bill. While I appreciate the nature of Standing Orders, I encourage the Minister of State and his officials to reflect on the sentiments expressed in the previous amendments.

We are dealing with criminals who are preying on society and living lavish lifestyles while routinely destroying the communities that we all care for, come from and have the privilege to represent. There is an urgency in the core elements of the Bill and we do not intend in anything

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we do to try to delay or impede its passage. I support the seizure of criminals' assets and the transfer of same simply and directly to the communities most affected by the gangsters. This investment of assets would and should be direct, smooth and, where possible, unhindered by bureaucracy. We want to see the people most affected by these criminals benefitting from the seized assets. We need a review of the current system in order to achieve a direct line of funding via the seized assets for communities in need. The direct line approach is also appropriate in circumstances where, for example, assets are seized in either Irish jurisdiction, North or South. Assets should not be frozen while awaiting a legal challenge by criminals. They should be transferred to the areas where the crimes were committed. I am concerned that, in the midst of the difficult and sometimes damaging situations addressed by this legislation, we not lose sight of this opportunity. Following implementation by the Minister of State's colleagues in the North, I am aware of community groups, organisations, projects and programmes benefitting from directly seized criminal assets. We should consider this issue, tease it out and examine best practice as the Bill and subsequent reviews proceed.

In terms of the broader societal and criminal justice issues, those who are responsible for the crimes on the streets and for torturing communities must be tackled swiftly and in compliance with human rights legislation. In parallel with this and where opportunities present, there is an onus on us to ensure we direct responsibly and appropriately some of the ill-gotten assets back into the communities that suffered the burden of crime.

Senator Ivana Bacik: A number of us spoke on Second Stage in favour of the principle of the amendments that have been ruled out of order, that being, the funds raised should be ringfenced for the disadvantaged communities that have suffered the most from the sorts of organised crime that we are discussing. This is in keeping with the broader issue, namely, that criminal justice measures are not enough on their own to tackle organised crime, gang crime or drug crime. A range of initiatives need to be taken. The Minister of State is in agreement, as the justice committee has generally been. We must consider a multidisciplinary approach rather than just criminal justice measures. An initiative to ringfence the proceeds raised from this sort of civil forfeiture legislation would also be a way of tackling disadvantage. We all accept that this is the type of issue that might best go forward to the wider review of the legislation that the Tánaiste mentioned on Second Stage. The issue that I raised in my amendment regarding the extension of the CAB's powers could be included in that wider review.

Question put and agreed to.

NEW SECTIONS

Senator Gerard P. Craughwell: I move amendment No. 10:

In page 6, between lines 14 and 15, to insert the following:

“Report by Minister

7. The Minister shall, within three months of the enactment of this Act, lay before both Houses of the Oireachtas a report on measures that will be undertaken to tackle proceeds of crime within the unregulated gambling industry.”.

It is my great pleasure to welcome the Minister of State and congratulate him on his elevation, which was well deserved, I am sure.

As we move down the food chain of ensuring no one benefits from the proceeds of crime at any level, all too often we hear of convicted criminals being properly sentenced by the courts and arriving at their designated prisons only to be fed their lunches or dinners, handed travel warrants and sent home. I am not suggesting for one moment that the mid-level criminals that the Bill is designed to hurt avail of this revolving door system to the same degree as those who might be described as petty criminals, but we must be aware of the fact that the bottom feeders or petty criminals are a part of the criminal fraternity that is managed by the dons whose activities we are seeking to limit. I refer to them as “dons” because how they are behaving is akin to how mafiosi behaved previously in that they shoot people within the criminal fraternity who do not do what they ask them to do.

We must move to zero tolerance of crime. We must openly demonstrate that crime, regardless of its level, does not pay. We must hit the criminals where it hurts, that is, in their pockets. The Bill sets out to do this. Hitting criminals in their pockets means closing off all avenues available to them to launder their ill-gotten gains. Many view this Bill as going after drug barons, those who are behind the shootings about which the House sadly hears too much, but there are others operating in society’s criminal underbelly. We need to hit them. We need to deal with fuel laundering, cigarette smuggling and crimes involving precious jewellery. We need to deal with the criminals that no one ever gets to hear about or see. I am referring in particular to the pimps who run sex operations throughout the country. I have anecdotal evidence of pimps who bring tens of thousands of euro to betting shops or bookies and request that the money be divided equally across all races or gambling activities on that day. In this way, they clean their money. Some of the large gambling institutions in this country are far from such and are actually banks. These criminals operate them as their banks. Criminals leave tens of thousands of euro on deposit with the large gambling institutions in question. When they need a few bob, they draw money out. When they have money, they chuck it onto the table and ask that it be stuck on every favourite for the day. In this way, they accumulate significant amounts of money. When the Minister, Deputy Frances Fitzgerald, was here last year, she advised me that the gambling control Bill was being drafted. There have been problems with it. The purpose of the amendment is to limit the illegal banking activities that are happening through the gambling world where one can take, for example, €1,000 and turn it into €800 of clean money. We must stop this.

People’s lives are suffering as a result of the criminals operating on the underbelly of society about which most decent people know nothing. Nobody gets shot or injured, that we are aware of. However, I am mindful of one piece of anecdotal evidence. The criminal involved is now a guest of Her Majesty in a UK prison. He brought in young women from eastern Europe, brought them to houses in the midlands and beat them to a pulp until they saw prostitution as something that was a worthy escape from what they were suffering. He made tens of thousands of euro on the backs of these poor girls, brought it to betting shops and cleansed it. This is why I have proposed the amendment.

One cannot walk across the road to AIB or into an insurance company, stockbroker or high quality car dealer or jewellers and throw €40,000 on the table without somebody asking where one got it. However, one can do it in a betting shop. One can walk into a bookie’s, put down tens of thousands of euro, walk out the door and nobody other than the staff will ever know one did it. Nobody will question where the money came from and one walks out of the place clean. I am not sure many people in the country know that this is happening. I am not sure many people who live in the leafy suburbs of the various well-off places in Ireland are aware that ther

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are individuals doing this in their areas. However, I believe the anecdotal evidence has strong supporting evidence, if we only look for it, and, if so, we must tackle the people in question.

I will go one step further. In the past few days it has come back to me. I have been contacted from outside the House by a person who said I should go further and call for the Criminal Assets Bureau to go into these large institutions today and freeze all accounts until it was established from where the money had come. If what I am being told is true, we are not talking about thousands of euro but potentially millions of euro in illegal money sitting in accounts that are, allegedly, betting accounts. If it is true, we have a much bigger problem on our hands than I thought when I first tabled the amendment. I am interested in hearing what the Minister of State has to say about it.

Deputy David Stanton: I thank the Senator for raising this very important issue and giving me a chance to outline the proposed approach to the gambling sector's potential vulnerability to being used to launder the proceeds of crime. Certain parts of the gambling sector are already subject to controls in this regard. All private members' clubs in which gambling activities are carried out are required to register with the Department and inspections to ensure their compliance with money laundering legislation are carried out by the anti-money laundering compliance unit of the Department of Justice and Equality.

Regarding the broader gambling industry, a transposition of the fourth EU anti-money laundering directive requires us to review the risks in this area and consider what further controls may be required to mitigate the risks. A review being carried out under the aegis of the anti-money laundering steering committee, chaired by the Department of Finance and involving all relevant State agencies including my Department, the Garda and Revenue, will examine the inherent risks in this area, the specific threat factors in this jurisdiction and measures that may mitigate such risks. It will also consider the supra-national risk assessment of the sector carried out by the European Commission. Based on the results of the review, we will determine what the necessary measures to reduce the risks in this area may be and what legislative or other measures may be required. The deadline for the transposition of the directive is May 2017 and work on the review has commenced. I hope the Senator will understand the amendment would not be feasible before the completion of the review in mid-2017.

It is also best that any legislative requirement be considered as part of the law regulating gambling, or the transposition process for the anti-money laundering directive rather than the Proceeds of Crime Acts. I would be happy to arrange for the Senator and any other Senators to be briefed on the review process in due course if they are interested, as I am sure they are. I hope my commitment on this will help the Senator in reflecting on the need for the amendment. I thank him for highlighting this very important issue and assure him that it will be addressed.

On the broader issue of regulating the gambling industry, the heads of the gambling control Bill have been agreed and are with the Office of the Parliamentary Counsel. I am taking a personal interest in the legislation being progressed. The justice committee produced a comprehensive report on it during the previous Dáil and I am anxious that it be progressed as soon as possible. I thank the Senator for the work he has put into the issue and ask him to hold off on it for the moment. We will arrange for a briefing for anybody who is interested and by mid-2017 hope to have the review completed, which will meet much of what the Senator is seeking.

Senator Martin Conway: I commend Senator Gerard P. Craughwell for putting the issue on the agenda. It is a scandal that these institutions have become the fraud banks for criminals.

These accounts can be opened at will and there are no questions about from where the money comes. Many of the dealings in the betting shops are in cash. Some criminals will go somewhere such as Galway city or Cork city and will float between all the different betting shops in the city centre and deal with up to €400,000 on a busy Saturday between themselves and their officials who work for them. It is very important this be dealt with.

I am annoyed that the gambling control Bill did not come in under the previous Government. The Minister of State chaired the justice committee and there was a ground-breaking report on the issue. We had witnesses from the sector and went to Betfair to hear submissions. People from the various betting shop organisations made their case and a huge amount was raised. People who put money on horses which turn out to be non-runners assume they are losers and millions of euro are tied up in this which we believe should go into some sort of State deposit, if they are not claimed. The unclaimed small prizes also account for millions of euro in betting shops.

We badly need the gambling control Bill. I thank the Minister of State for telling us it will be progressed. It was very important that the Senator's amendment was aired and that the issues were, again, brought onto the floor of the Seanad.

Senator Gerard P. Craughwell: I thank the Minister of State and the officials from the Department, with whom I have engaged on the issue in recent days. I did not table the amendment to be in any obstructive or difficult. I am deeply concerned. I have been reassured by the officials and by the Minister of State's reassurance today. The Minister of State's particular interest in the area has given me great hope for the future. In bringing this forward today, we are firing a warning shot at those who believe they can operate above the law in a quasi-fraudulent way, which seems to be legal, given that it is done through a betting shop. I hope those who are running these large gambling institutions that operate online and which I will not name - everybody knows them, as they advertise morning, noon and night - realise we are watching them. I hope they realise the Minister of State will take a particular interest in them. I thank him and his officials for the extremely courteous way in which this matter has been dealt with today. Based on what he has said, I am happy to withdraw the amendment and have it dealt with through the other legislation he has set out. His comments are much appreciated.

Amendment, by leave, withdrawn.

Senator Ivana Bacik: I move amendment No. 11:

In page 6, between lines 14 and 15, to insert the following:

“Certain payments not to be proceeds of crime

7. The Principal Act is amended by the insertion of the following section after section 15:

“Certain payments not to be proceeds of crime

15A. (1) Subsection (2) applies if by any enactment to be passed it is provided that a person who pays or gives another person money or other consideration for the purpose of engaging in sexual activity with a prostitute is guilty of an offence, while the receipt of money or other consideration paid or given for such a purpose is not made an offence.

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(2) If this subsection applies, then the money or other consideration referred to in subsection (1) shall not, by reason only of the passing of an enactment providing as referred to in that subsection, be the proceeds of crime for the purposes of the Principal Act.”.”.

This is another amendment about which I spoke briefly on Second Stage. It concerns the proposed change in the law through the sexual offences Bill to ensure somebody engaged in the sale of sexual services is not criminalised. We are anxious to ensure that if that reform which I very much support and which the justice committee chaired by the Minister of State before us recommended were to be passed, it would not be an unforeseen consequence of this legislation that gardaí would not be enabled to seize assets or moneys received by those engaged in prostitution since they would effectively be decriminalised through the other legislation.

I accept the wording “if by any enactment to be passed” is an unusual formula and not a normal way of framing a proposed amendment, but at this stage we just want to flag the issue. Again, having engaged with the Minister of State’s officials on it since Second Stage, it may well be the case that this issue can be addressed through the sexual offences Bill itself when it comes back before us, as I hope it will very soon. In any case, we want to flag it at this point to ensure there is no unforeseen consequence for people who might effectively be decriminalised and that they are not brought back into a law enforcement net through proceeds of crime legislation.

Deputy David Stanton: I thank Senator Ivana Bacik for raising what could almost be seen as an anomaly in some ways and for flagging it as she has so helpfully done. However, the amendment, as the Senator knows, would disapply proceeds of crime legislation to conduct which, as it stands, is not criminal. Under current law, neither the payment for sexual services nor the receipt of payment for providing such services is a criminal offence. I understand, of course, that the intention is to provide in the Criminal Law (Sexual Offences) Bill 2015 for an offence of payment for sexual activity with a prostitute and that this was a subject of considerable debate in this House, the justice committee and elsewhere. While that Bill was passed by this House earlier this year, it has not yet been enacted and it is a matter for both Houses to pass the legislation.

While I know that the processes in the sexual offences Bill are generally well supported in Dáil Éireann, it is a matter for the Dáil to conclude its work in that regard. I have some difficulty, therefore, with introducing provisions in this legislation relating to the proceeds of crime arising from conduct that is not currently criminal. In my view, it is not appropriate to introduce a provision which pre-empts the work of the other House, a point to which the Senator herself has alluded in her comments. That said, this amendment requires further consideration for a number of reasons. The objectives of criminalising the purchaser of sexual services outlined during debate on the sexual offences Bill in this House and in the report of the Oireachtas joint committee which recommended criminalising the purchase of sexual services, include reducing both push and pull factors. I am concerned that this amendment could have negative implications for persons who offer sexual services and could offer an opportunity for those who would exploit the law and exploit those who are vulnerable. For instance, the exemption of the purchase of sexual services from criminal conduct for the purpose of proceeds of crime could lead to sex workers being pressurised into holding moneys as seemingly legitimate fronts for pimps, traffickers and other organised criminals. It might also make it more difficult for the CAB to pursue proceeds of crime held by pimps or traffickers. For instance, the CAB could have to show derivation from trafficking-related prostitution as distinct from non-trafficking-related

prostitution. These matters all need be considered further.

It is also the case that while the amendment would disapply the proceeds of crime legislation to money obtained by a person who offers sexual services, that money would still be the proceeds of criminal conduct for the purposes of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010. To attempt to exempt the purchase of sexual services in that respect could have potential effects on international obligations and on the regulatory system for money laundering prevention and detection and, again, the potential for sex workers to be used as seemingly legitimate fronts for holding money for pimps and traffickers. We could consequently have a situation where, if the amendment is accepted and the offence of purchasing sexual services introduced, money obtained from providing such services would be the proceeds of criminal conduct under money laundering legislation but not under the proceeds of crime legislation. In addition, aside from the fact that I would have difficulty introducing a provision into law which anticipates the outcome of further legislative deliberations, it is my view that effectively exempting moneys derived from the purchase of sexual services from the proceeds of crime would, for the reason outlined, be fraught with difficulty, contrary to policy objectives and unadvisable. I, therefore, ask the Senator not to press the amendment, but I have listened very carefully to what she has said very and the matter will have to be considered in further discussions on the other legislation to which she refers.

Senator Ivana Bacik: I thank the Minister of State. In the circumstances, I will withdraw the amendment. I am conscious that this issue has been raised previously. It is certainly one we want to keep under review, pending the consideration by the Dáil of the reform in the sexual offences Bill.

Amendment, by leave, withdrawn.

Section 7 agreed to.

Title agreed to.

Bill reported with amendments and received for final consideration.

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

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I thank the Senators and the Leas-Chathaoirleach for their work on this Bill and all Senators for their considered amendments, some which were allowed and some which were not allowed, obviously. However, they were all tabled with sincerity and due diligence, for which I thank them, and we will note what has been said as the Bill proceeds.

Senator Martin Conway: On behalf of the Fine Gael group, I thank the parties in the House for their co-operation in this regard. We start this term as we finished the last term; overloaded to a large extent with justice legislation. It is very important legislation and Senator Ivana Bacik will appreciate where I am coming from in that comment. The Bill will make a difference to the CAB and in dealing with the criminal elements in this city that are destroying people's lives. It will further equip the CAB to seize the property and assets that are purchased and acquired as a result of ill-gotten gains. That is good for Ireland and the citizens of the country and this city.

Senator Ivana Bacik: I thank the Minister of State, the Tánaiste and the officials for

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engaging with us, particularly with those of us who expressed issues we had with the Bill on Second Stage and who tabled amendments. I appreciate that engagement and look forward to working with everyone on the wider review. I express again the condemnation I think we have all expressed in this House of the consequences of organised crime and the need to tackle it through robust and effective legislation. We approach this constructively to try to ensure the legislation is robust enough to withstand challenge, being conscious that the civil forfeiture regime, when introduced, was seen as draconian by the courts and that they have subjected it to intense scrutiny during the years. We will all be mindful of this in any debate on the legislation.

Senator Gerard P. Craughwell: I join my colleagues in thanking the Minister of State and particularly the officials in the Department who brought forward this legislation in jig time in the light of a crisis that has hit the country. It is an excellent piece of work. There is work to be done all the time, but I congratulate the officials and the Minister of State. I look forward to a message going out from the Oireachtas in general to those who wander around the streets of Dublin and other cities in this country with guns that we are watching and will not sit idly by. We will strip them of every single asset they have until such time as they have no means left. That is the message we need to send to criminals. I thank the Minister of State for having come to the House today. I also thank the Minister, Deputy Frances Fitzgerald.

Senator Lorraine Clifford-Lee: I echo the comments of my colleagues. I thank the Minister of State for coming before the House, expediting this legislation through the House and working with us. We all had very valid concerns about the legislation and I appreciate the engagement with the Minister of State's Department in this regard. I also echo, in particular, Senator Gerard P. Craughwell's comment that this is a strong signal from this House that those who perpetrate such terror in communities across the country will not be tolerated any longer. We will take their assets from them, put them out of business and into jail, thereby keeping communities safe. That is the signal I want to go out from this House and the Fianna Fáil Party. I hope the Minister of State will empower and resource those in the relevant services and allow them use this legislation to the best of their ability.

Senator Niall Ó Donnghaile: I thank the Minister of State for his contribution. This has been a tempered and sincere debate, with contributions across the spectrum. Any legislation that appropriately empowers the Garda and other agencies to deal with the criminals who are plaguing communities and the streets is of critical importance and can only be welcomed. As we move ahead in terms of broader societal issues, we should not lose sight of the fact that, as Senator Ivana Bacik outlined, such issues are complex and multifaceted. While this legislation is vitally important, it alone will not resolve these issues. Where there are opportunities to utilise legislation further and review, amend and add to the legislation, this should be done. It is also about empowering communities that suffer as a result of these criminal actions. We must seek to support and regenerate those communities and give them the confidence and the ability to work with the Government and other State agencies to deal with the criminals who are plaguing them, their families and neighbours.

Question put and agreed to.

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

Senator Martin Conway: At 2.30 p.m. on Tuesday, 12 July 2016.

The Seanad adjourned at 2.50 p.m. until 2.30 p.m. on Tuesday, 12 July 2016.