



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Máirt, 29 Samhain 2016

Tuesday, 29 November 2016

Chuaigh an Cathaoirleach i gceannas ar 11.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Address to Seanad Éireann by Ms Nicola Sturgeon

An Cathaoirleach: Is mór an onóir dom a bheith in ann ar son gach comhalta de Sheanad Éireann céad míle fáilte go dtí an Seomra seo a chur roimh Chéad-Aire na hAlban, Ms Nicola Sturgeon, MSP. Ócáid stairiúil atá ann a dhéanfaidh níos láidre agus níos doimhne an ceangal atá ann idir ár dtíortha.

It is a great honour for me, on behalf of the Members of Seanad Éireann, to offer the traditional hundred thousand welcomes to the First Minister of Scotland, Ms Nicola Sturgeon, MSP. This is an historic occasion that will strengthen and deepen the links between our two countries. The roots of the relationship that Ireland and Scotland have grown together already run deep. The 20 miles of water that separate, or perhaps connect, us have facilitated strong interaction between us in many spheres - political, religious, economic, cultural and linguistic - throughout our recorded history. From the early Gaelic kingdom of Dál Riata to the influence of Colmcille at Iona in the sixth century and Edward Bruce in Ireland in the latter Middle Ages, through the contribution of the Scottish Enlightenment to political thought in 18th century Ireland and migration in both directions over the centuries, our countries have together established strong bonds that will always endure.

Relations between Ireland and Scotland at the political level remain as close as ever, with a regular exchange of high-level bilateral visits in recent years. The visits to Scotland by our President, Taoiseach and Ministers and the visits to Ireland by the First Minister and other Scottish Ministers serve to remind us of the extent of political and official co-operation in many areas of mutual interest. These interests are many and varied and include energy, education, urban housing, planning reform and international development. Co-operation also takes place on a multilateral basis within the framework of the British-Irish Council and, at parliamentary level, the British-Irish Parliamentary Assembly.

The First Minister's visit to Ireland comes at a challenging time in the history of both countries. The result of the referendum in the UK on membership of the EU has placed before all of us in Britain and Ireland the need to examine in a fundamental way how we relate to one

another and the EU in the years ahead. We in Ireland know that a majority of the people of Scotland voted to remain in the EU and we understand the position of the Government of Scotland regarding exploring options for a continued Scottish relationship with the EU following the withdrawal of the UK. We also know that Scotland's Government and the other devolved administrations are engaging constructively within the framework of the Joint Ministerial Committee and we hope that a negotiating position that reflects the interests of all constituent parts of the UK can emerge from that process. We wish the First Minister well in her efforts to secure the optimum outcome for the people of Scotland.

Ireland, as an EU member state, will be open to engaging constructively with the British Government once the negotiation process begins so that a withdrawal agreement that acknowledges the diverse range of interests within the UK can be achieved in a manner consistent with our national interests and the interests of the EU as a whole. Much of our focus is, naturally, on Northern Ireland, which gives rise to a unique set of challenges arising from the Border and the entitlement of the people born there to Irish and EU citizenship.

Before I conclude, I will extend a warm welcome to the ambassador of the UK, H.E. Mr. Robin Barnett, CMG, who is present in the Visitors Gallery.

I speak on behalf of all Senators when I pay tribute to the First Minister for the way in which she embodies so well the spirit of the modern, confident and outward-looking nation that she has the privilege to lead. I wish her, her Government and all of the people of Scotland every success in their endeavours as they look towards a challenging, but exciting, future. Be assured that you may always rely on the Irish people and the Members of Seanad Éireann to remain firm and supportive neighbours. It is my pleasure to invite the First Minister to address Seanad Éireann.

Ms Nicola Sturgeon: I thank the Cathaoirleach for his very warm welcome. It is a great honour to be invited to address all of you today. As I understand I am the first serving Head of Government to address the Seanad, it is truly an historic day for all of us. I thank you warmly for giving me the opportunity to join you in these absolutely beautiful surroundings.

Last night I had the pleasure of visiting Trinity College Dublin where, for the first time in my life, I saw the Book of Kells, a moving reminder of how deeply and inextricably linked the peoples and cultures of Ireland and Scotland have always been. When Colmcille travelled from Ireland to Iona in 563, he helped to shape Scotland forever. More than 200 years later, when monks made the corresponding journey from Iona to Ireland, they bequeathed to this country in the Book of Kells one of the great masterpieces of European civilisation. Exchanges in both directions across the Irish Sea have continued ever since, creating a special and unbreakable bond between our two countries. As a student, a lawyer and, most recently, a Member of the Scottish Parliament in the city of Glasgow, I have seen evidence of this bond every day of my adult life and know that it has enhanced Glasgow and Scotland in many ways. One of Scotland's great Gaelic poets, Sorley MacLean, described it as the humanity that the ocean could not break and that 1,000 years had not severed. The strength of the bond is not defined only by the people who have moved between our two countries. Much of the modern history of Scotland and Ireland has been shaped by our experiences of emigration beyond these islands. As a result of this, for all the deep regret we undoubtedly feel about the historical causes of emigration from our shores, both countries can today take great pride in what Scottish and Irish people have achieved overseas. As countries, we are unusually blessed with ambassadors, supporters and advocates in every corner of the globe. When the Irish rugby team beat New Zealand three

weeks ago, an event I thought it politic to mention, not least because it gives hope to all of us, they had the good fortune of being able to play at home in the great city of Chicago.

There are two points, in particular, I want to make about our shared history and experiences. As we know, Europe is facing its greatest refugee crisis since the end of the Second World War. Scotland and Ireland know that at other times and in very different circumstances the peoples of our nations were also driven by the instinct for self-preservation and the desire for a better life to seek a future far away from the lands of their birth. This, perhaps, helps to explain why Scotland and Ireland have responded with such an open heart to the current crisis. Today Scotland is home to almost one third of the Syrian refugees who have been resettled in the United Kingdom. I know that Ireland, too, is playing its full part. Both countries are making the case for a co-ordinated European response. Given our own national experiences, were Scotland and Ireland to turn away from this crisis, it would be not only a failure of compassion but, perhaps, also a denial of our identities. In helping people who so desperately need our help today we are, in some sense, repaying the obligations of our past.

The second point I want to make is perhaps a more straightforward one. Although we share, as countries, more than 1,000 years of history I hope and believe that relations between Scotland and Ireland now are stronger, warmer and more harmonious than they have ever been in the past. I have been immensely touched by the hospitality I have been shown since I arrived here in Dublin yesterday. I hope that the President, who I had the honour of spending some time with yesterday, felt the same warmth of welcome when he did us the honour of visiting Scotland in June.

In terms of political co-operation, Ireland has recently increased its diplomatic representation in Scotland. This year Scotland has established a new Government office in Dublin. Ireland, of course, is one of Scotland's biggest export markets. This morning I discussed how we can further strengthen and deepen those links with the business community.

As well as healthy business relationships, we also share and enjoy strong cultural ties. Indeed, the Abbey Theatre is now directed by two people who were previously based in Glasgow while a Dubliner runs the Edinburgh International Festival. These political, economic and cultural links draw great strength from and re-enforce the most important connection of all - the friendship and, indeed, kinship shared by millions of Scottish and Irish people across these islands and right around the world. I believe passionately that all of these ties will be strengthened even further to our mutual benefit in the years ahead.

Throughout the past four decades an important context for our co-operation has been our shared place in the European Union. Last year I gave a lecture at Sabhal Mòr Ostaig, the Gaelic language college on the island of Skye. Former President Mary Robinson delivered the same lecture there 18 years ago. As I prepared my speech I was struck by her remarks because in her lecture she attributed the revival of traditional Irish culture in part to Ireland's membership of the European Union. She said: "The experience of interaction with other European States on a basis of equality helped our national self-confidence and heightened our awareness of the value of our distinctive contribution to European culture and civilisation."

Scotland's experiences in Europe have not been identical to Ireland's. We are not an independent member state, yet. Much of what the former President Robinson said holds very true for Scotland as well. The sense that small countries can be equals in a partnership of many is something that appeals to us about the European Union. The basic principle of EU membership

that independent countries co-operate for the common good has generally seemed to us to be praiseworthy rather than problematic. Indeed, that perspective might help to explain why Scotland voted so convincingly to remain within the European Union. It is not just that we value the practical benefits that EU membership brings, although we do. It is also that for many people in Scotland, as in Ireland, being European has become a positive part of who we are and how we contribute to the world around us.

There is no doubt whatsoever that the UK-wide vote to leave the EU was deeply unwelcome. For Scotland, as for Ireland, it creates a challenge that is not of our making or choosing. Last week I had the pleasure of meeting the Taoiseach at the British-Irish Council in Cardiff and yesterday I met the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan. It was clear from both discussions that Brexit is the greatest foreign policy challenge Ireland has faced since it joined the European Union. For Scotland too, we know that how we and, indeed, how the UK as a whole respond to the vote last June will define us for generations to come. I thought it might be helpful to set out some of the principles that are guiding the Scottish Government as we confront the consequences of the EU referendum and seek to navigate the best way forward. The first is straightforward. Scotland believes that the UK as a whole should now seek continued membership of the European Single Market and the European customs union. After all, 48% of voters in the UK chose to remain in the EU, so too did two of the four nations of the UK. Many people who campaigned to leave the European Union were clear in their view that doing so need not involve leaving the Single Market. I accept there is a mandate for the UK Government to take England and Wales out of the European Union, but I do not accept that there is a mandate to take any part of the UK out of the Single Market, especially when we consider the economic consequences of such a step.

Second, to guard against the very real possibility that the UK does decide to leave not just the EU but also the Single Market, we are exploring options that would respect the vote in Scotland and allow us to retain the benefits of the Single Market, not of course instead of free trade across the United Kingdom but in addition to it. The Scottish Government will publish some proposals before the end of this year setting out our thinking in further detail. These proposals will focus on options for Scotland within the United Kingdom. Of course there is also the option of Scotland considering again the question of becoming an independent country. That option remains firmly on the table. If the path that the UK chooses to take turns out to be deeply damaging to Scotland's best interests, to our economic, social, cultural and international interests, then the people of Scotland must have the right to choose a different future.

We understand acutely that none of what lies ahead will be easy but then nothing about Brexit is going to be easy. We are living in unprecedented times and those unprecedented times require imagination, open minds and fresh thinking.

The third point I want to make about our approach relates specifically to Ireland. The Scottish Government knows and understands how vitally important it is to maintain an open border on the island of Ireland. Regardless of what agreements may be reached elsewhere on these islands, we will support unequivocally an open border here. We fully understand that for reasons of geography, history and the simple preservation of peace, Ireland's circumstances demand close and particular attention.

The final theme I wish to address today is a more general one. It is about cohesion, social justice and solidarity. When President Higgins spoke to the Scottish Parliament in June this year he talked about the consequences of unsustainable economic models which have fomented

instability and widening inequalities. In my view, Brexit is one of those consequences. There are many different causes of the UK's vote to leave the European Union and we will no doubt be analysing and debating those causes for many years to come. For a lot of people they will have included entirely legitimate concerns about the EU - it is after all an imperfect organisation - but there also seems little doubt to me that the Brexit vote was also a product of inequality, of disillusionment with the established order and of a sense of alienation and disenfranchisement. After all, if people do not believe and feel that they are benefitting from the *status quo*, we cannot be surprised if they choose not to vote for the *status quo*. Although every single region in Scotland voted to remain in the EU, as First Minister of Scotland I cannot ignore or forget the fact that even in Scotland, 1 million of our fellow citizens voted to leave.

One consequence of the referendum for us is an even sharper focus on social justice. That crystallises in the challenge, indeed the choice, that the Brexit result poses for all of us who support free trade and who value the economic, social and cultural benefits of immigration. We can choose to turn inwards or we can choose to stand strong for the principles of an open economy and a progressive, liberal democracy. I choose the latter, but in doing so, I recognise that we must not just assert the benefits of these values. We must be able to demonstrate the benefits of these values. Ireland, I think, provides an interesting example, the decisions the country took after 1958 to open its economy to the world were transformational. Ireland is wealthier, more open and more diverse society as a result. The recent years have demonstrated that all open trading nations, including Ireland and certainly Scotland, need to ensure that growth is truly sustainable, that all parts of our society have a fair chance to contribute to it and that everyone can fairly share the benefits of it.

There should be no contradiction whatsoever between being an open, dynamic and competitive economy and a fair, inclusive and welcoming society. In fact what we are seeing around the world today demonstrates that the two must go together. A fair society is essential if we are to sustain support for an open economy. That is the reason that the Scottish economic strategy prioritises fairness together with economic competitiveness. It is also why Scotland like Ireland was an early supporter of the United Nations sustainable development goals. We believe the goals provide a framework for all countries to follow. They encourage us to exemplify fair and sustainable development at home while also promoting it overseas. As we do this, there are many areas where Scotland and Ireland can work with and learn from each other.

I had talks yesterday that touched on how our governments and our businesses are co-operating to promote renewable energy and tackle climate change. In Scotland, the ban on smoking in public places in terms of social policy was heavily influenced by Ireland's example. That policy is already improving the health of our people. I know that Ireland is considering Scotland's legislation on minimum unit pricing of alcohol and I wish Members well as they do so. Both our nations have also travelled a long way in recent years on issues such as equal marriage. It was legalised in Scotland at the end of 2014, while Ireland to its great credit became the first State to enshrine that right in its Constitution.

I know that President Higgins has called recently for small countries to work together on conflict resolution and sustainable development. I welcome warmly that call and I believe that Scotland and Ireland as individual nations, but also as partners, are well placed to play our part. In terms of overseas development co-operation, Scotland is committed to learning from the example of other small countries, including Ireland. Indeed in 2012, it was partly the influence of Mary Robinson that led Scotland to become the first country in the world to establish a climate justice fund, a fund that recognises and seeks to address the fact that the people affected most

by climate change across our planet are those who have done the least to cause climate change. It is further evidence of Scotland's determination to show leadership on climate change, the biggest environmental, economic and moral issue currently facing our planet. It demonstrates our desire to lead by example at home and exert a positive influence overseas. In all of this and in so much more, Scotland and Ireland are living examples of the positive impact that small, open, outward looking countries can have on the world around us. The need to safeguard and enhance our reputations as open, outward looking countries is perhaps greater now than it has been for many decades. I hope very much that we can and will support each other as we seek to do so.

I began this speech today by referring to the Book of Kells. The first line of the very first page of the book is widely believed to have been from St. Jerome, setting out his intention to make a new work from the old. There is an echo of that sentiment in the quotation I wish to close with. In 2004 Ireland's Presidency of the European Union coincided with the accession of ten new member states. The occasion, as I am sure many will vividly remember was marked on May Day in the Phoenix Park. The ceremony included a poem by the great Seamus Heaney.

12 o'clock The closing verses of that poem speak to optimism, the humanity and the basic kindness that all good societies need to flourish and succeed. They also encapsulate the tolerance, internationalism and open-mindedness that I believe must always define who we are, no matter the headwinds and the challenges we might currently face:

So on a day when newcomers appear
Let it be a homecoming and let us speak
The unstrange word, as it behoves us here,

Move lips, move minds and make new meanings flare
Like ancient beacons signalling,
peak to peak,
From middle sea to north sea, shining clear

It is my hope that Scotland and Ireland, sharing as we do an open heart for newcomers and a faith in dialogue's power to move minds, will work even more closely together in the years ahead. I hope we will make new works, new meanings and new impacts from our ancient ties and our shared values. If we do so then we can and will ensure that our small nations send a big and very powerful signal to others across the world. We can help to deliver real and tangible benefits throughout these islands, across our continent and right around the world. Thank you so much for the honour of addressing you today.

An Cathaoirleach: I thank the First Minister. It is a historic and important day, so the leaders from each group have five minutes and we will then allow questions from as many Senators as possible, with the proviso that our guest of honour, Ms Nicola Sturgeon, will respond not later than 1 p.m. If Senators stick to their times, more people can come in. Fine Gael will be first with Senator James Reilly.

Senator James Reilly: I will share my time with Senators Mulherin and Feighan.

An Cathaoirleach: It was agreed there would be no sharing of time. It was communicated to all leaders. It was declined as it was going to cause problems. I will allow the Senators in later to ask a question.

Senator James Reilly: Gabhaim mo leithscéal leis na Seanadóirí eile. I was not aware of that and I apologise. At least it means that my delivery will not be as rushed as it might otherwise have been. I welcome the First Minister on this historic occasion. It is not her first visit to this country as First Minister but it is certainly a historic one, which we all welcome.

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As the First Minister has pointed to in her speech, Scotland and Ireland share many common values and a long, long history. Reference was made to rugby and many of us follow the Celtic soccer club in a very committed way. We have a long history of immigration back and across from Scotland into Ireland and from Ireland into Scotland. As the First Minister has pointed out herself, we have been strengthening ties through our consulate and following very closely the Scottish position *vis-à-vis* the UK exit from the EU.

We very much share a common cause in ensuring that the UK stays as close to the EU as it possibly can, and in particular in respect of the Single Market. I note the First Minister's comments on the various outcomes that could possibly arise and how she reserves Scotland's position in that regard. It is very important to Ireland, and we are very much heartened by the fact, that Scotland voted to stay in the EU. We would be very supportive of ensuring that Scotland's voice is heard during the UK negotiations, as well as the voices of our fellow Celts north of the Border, who also voted to stay within the EU. We know, however, that in remaining in the Single Market, the UK will be faced with a serious challenge if it refuses to allow the free movement of people. In her delivery today Ms Sturgeon alluded to that issue, to our own shared history of emigration across the world, and to the generosity shown to our people when we were in need hundreds of years ago and in more recent years as people sought a better life outside our respective countries. It does behove us, as Ms Sturgeon pointed out, to be supportive of that movement of people and to do our fair share in regard to the current immigration crisis in Europe and north Africa.

I want to thank her in particular for her comments around the support for the Border and that as little as possible should change in that respect. Only harm can come from a hard border for us in the Republic of Ireland and the North of Ireland.

The ongoing uncertainty and volatility of sterling has already had a major economic impact on this country and the people of Britain as well. However, Scotland has a particular role to play in this area, as Ms Sturgeon said, and I would also like to finish on a positive note. We are all Celts and have been very successful in the past, and good at turning adversity into advantage and at turning challenges into opportunities. I believe, in particular following the comments of Ms Sturgeon today, that we can and will do so again, notwithstanding the serious challenges ahead.

On behalf of Fine Gael, I again thank Ms Sturgeon for her historic visit, for taking the time to come here and for her very supportive comments on the UK staying as close as possible to the EU, in particular given the Border situation.

Senator Catherine Ardagh: I had intended to share time with Senator Clifford-Lee, so I will speak for no longer than three minutes.

I am very pleased to welcome Ms Sturgeon to the Seanad on behalf of Fianna Fáil. Her election as leader of the Scottish National Party and assuming the office of First Minister in November 2014 marks the first occasion a woman was elected to either of those posts. It was obviously a tremendously proud time for her, her family and her many supporters, in particular *mná na hAlban*, the women of Scotland.

I had the great pleasure of meeting Ms Sturgeon yesterday during a discussion in Leinster House with other female elected representatives organised by the Women for Election group. Her talks yesterday and today were inspiring and she is a role model for many women who have

been elected and for those women who are unelected but are contemplating running for office.

Her commitment to equality and social justice is admirable and her courage in sticking to her beliefs when it comes to gender equality in her Cabinet, in particular, is unquestionable - she leaves us in the dust when it comes to equality in Cabinet. The day after her election as First Minister, she unveiled her first Cabinet with a 50-50 gender balance. Without a doubt, it was a very brave decision. By comparison, less than 27% of our Cabinet is female.

Ireland has always had a great affinity with Scotland, most likely because of our shared and common history and the independence our countries sought and fought for. I admired Ms Sturgeon's determination for independence in the 2014 referendum and her continuing passion for independence. While it was not to be her day in 2014, Scotland's day will come and I know she will succeed in the future.

At a time of great uncertainty within Europe, I also know we share many common values and aspirations with the Scottish people. This uncertainty, which has stemmed from Brexit, is deeply worrying to Scotland and Ireland. The turbulence we are experiencing should lead to both countries forging even stronger links, and moving together and working to achieve our common goals. The strength Ms Sturgeon showed in the immediate aftermath of the Brexit referendum demonstrated to all that she is a formidable and able politician and one not to be reckoned with.

The people of Scotland clearly have confidence in her and know she will take the necessary measures to do what is in their best interests. I hope, following on from her visit to Dublin, she will return to Scotland more confident and assured of her relationship with Ireland, and knowing she has a strong ally across the water and that our co-operation, support and friendship will grow stronger in the future.

It is a tremendous personal pleasure to address Ms Sturgeon today and I wish her the very best of luck in the weeks and months ahead.

Senator Michael McDowell: Cuirim fáilte roimh an Príomh Mhinistear na hAlban. It is wonderful that those words are spoken in the first languages of both our countries. As an Independent Member, it gives me pleasure, on behalf of the Independent Members, and, I think, everybody here, to thank Ms Sturgeon for the thoughtful, challenging and understanding words she has spoken to us. When the Cathaoirleach was speaking about the channel between Northern Ireland and Scotland being 18 miles wide, I was thinking that it was, at one stage, the highway between the peoples on either side rather than a dividing geographical feature. My father and mother's names come from Argyll and Barra, which shows how connected that part of the world was in those days.

On my behalf and that of most Members here, if not on behalf of everyone, I wholly and unambiguously support Scotland's movement for national independence represented by Ms Sturgeon's party. I salute her, as First Minister, her predecessor, Mr. Alex Salmond MP and her party on their great achievement in bringing the issue centre and front in the affairs of these islands. Nationalism and the idea of an independent nation state are sometimes regarded as ideologically suspect or wrong by some people. Dealing with the point Ms Sturgeon made about fairness in the face of global finance and the inexorable workings of capitalism, the nation state is often the bulwark to which ordinary women and men can turn in order to defend their interests and articulate their need for protection from what would, otherwise, be overwhelming

forces. The words Ms Sturgeon spoke about the partnership of independent states in the EU echo the feelings of most Irish people towards the EU. It is not a super-state but a partnership of individual states. I hope the day comes when Scotland plays its part as a full member state of the EU, however challenging the prospect might seem at this stage.

As Ms Sturgeon said, Scotland and Ireland have so much at stake in the outworking of the Brexit process. We did not need the eagle-eyed telephoto lens of a journalist outside Downing Street yesterday to underline the fact that so much is unknown. The decision by a majority of the people of the UK to leave the EU is not merely a leap into the unknown, but a leap into the unknowable, given that the parameters of the negotiations are so unclear. The words Ms Sturgeon has spoken about the priority of maintaining the Single Market and the common customs area are priorities. Although it may not be obvious to many people who feel Brexit means Brexit, whatever that means, in Scotland and all parts of Ireland we believe it is an imperative that whatever happens between the UK and the EU, the relationship should be as close as possible. It is not in the interests of the peoples of any part of Europe or these islands that there should be a distant relationship.

The achievements of the Scottish National Party are huge. The fact that, during the last general election, the party was regarded by some people as a threat to be avoided and a galvanising argument for some people by way of reaction speaks strongly to the power and strength of the party's arguments and movement. In the years ahead, when there are so many uncertainties, I hope this historic occasion marks the beginning of a real, demonstrated cordiality between the Irish and Scottish people. They share many values. They do take pride in their independence and nationhood.

In the past, many people have queried the value of independence. For this country, independence has been a remarkably transforming phenomenon. I have no doubt but that the genius of the Scottish people, once released through full independence, will achieve the same for Scotland. From that point of view, it is a great honour for me to be allowed to express these views, through the Chair, to the First Minister. I welcome her warmly and hope she will return here and that we will engage with her more and more.

Senator Rose Conway-Walsh: Ba mhaith liom fáilte a chur roimh Chéad Aire na hAlban, Ms Nicola Sturgeon, go dtí an Seanad inniu. It is a great honour to welcome her to Ireland and this House on behalf of the Sinn Féin party. We welcome her as the leader of a nation with whom the Irish enjoy a long and enduring affinity as close neighbours and good friends. We share a strong Gaelic heritage, language and Celtic culture, of which we are both rightly proud.

The historic bond between the two nations has been catalogued. It was spoken about by the Cathaoirleach and the First Minister. Scotland gave us two iconic revolutionaries of the Easter Rising of 1916 in James Connolly and Margaret Skinnider, who in no small way, along with others, shaped Ireland over the past century in our struggle for national independence.

In 1937, the Kirkintilloch tragedy affected Achill Island in my community in County Mayo. Ten people from the island lost their lives in the tragedy. Scotland made a great contribution when people from the west of Ireland, including the community I came from, travelled to Scotland to participate in potato harvesting. Many families in the west were dependent on money coming from Scotland. We make every effort possible to keep up those ties on a community level. The First Minister would be very welcome to County Mayo, including Achill Island, to see this for herself.

Today, the First Minister's visit is about the future and how our nations will strengthen the bond that ties us politically, culturally and economically. The island of Ireland and Scotland have held membership status of the EEC and the EU since 1973. Throughout this 40-year period, we have become progressively integrated into the European Union and the Single Market. Sinn Féin has a long-standing policy of critical engagement with the EU. We support measures that are in Ireland's interest and oppose and campaign for progressive reform in respect of those that are bad for Ireland. There is absolutely no denying, however, that the unilateral decision being taken at this time by the British Government to withdraw from membership of the Union and to drag Scotland and the North of Ireland with it, without our consent, is disastrous and profoundly undemocratic. I welcome the First Minister's statement that she will support unequivocally the open Border.

The British Government is on a collision course with the EU in which our stability and economic progress are regarded as collateral damage. On 23 June, 62% of voters in Scotland and 56% in Northern Ireland democratically expressed their wish to remain within the European Union. For our part in Sinn Féin, we are strongly opposed to the North being forced out of the EU and believe that, as part of the Brexit negotiations, it is essential that we argue the case for designated special status for the North within the European Union. We believe it is in our interest to find common cause with regions, such as Scotland, which share our objective to remain and to work together and argue our case in forthcoming negotiations on Brexit.

The British Government is indicating that it intends to repeal the European Communities Act, leaving all EU legislation on the statute books so Westminster can pick it apart and decide what is to be retained, amended or repealed. This would have very serious consequences for the devolved regions since the legislative competence is underpinned by the Scotland Act and the Northern Ireland Act 1998, which means that no law can be incompatible with any of the conventions on rights or be incompatible with European Community law. Today Ireland, like Scotland, is a confident region in transition. The Good Friday Agreement, which received overwhelming endorsement in referenda held North and South, represents the institutional, constitutional and legal framework that defines the new relationships that now exist within and between Ireland and Britain.

The Agreement also enshrines the right of the Irish people alone to exercise their right to self-determination and to a united Ireland through consent by referendum North and South. Sinn Féin believes that Brexit and the insistence of the British Government to drag the North of Ireland out of the EU with it, severely undermines the institutional, constitutional and legal integrity and status of the Good Friday Agreement, an international treaty of which the Irish Government is a co-guarantor. The people of Ireland reasonably expect it to safeguard and defend all of its parts, as otherwise we risk unravelling the peace and progress of the past 20 years.

We are in uncharted territory since no member state has previously left the EU. However, given that there is already recognition at EU level of the special circumstances that pertain on the island of Ireland, it is entirely rational to argue for the North to be designated as special status within the EU. The political stability, economic prosperity, trade relationships and jobs of the entire island of Ireland must be protected and enhanced together. Ireland must also support Scotland's democratic right to retain its natural position within the EU through a differentiated relationship with the EU.

I commend the Scottish First Minister's leadership in standing up for Scotland's national interest in this regard.

Senator Alice-Mary Higgins: On behalf of the Civil Engagement group, I thank the Scottish First Minister for her visit to the House and for her inspiring speech. There is a long and interwoven history between Scotland and Ireland - in the migrations of our people, in the constant crossing of our seas and in the overlapping of our myths, stories, music and language. The vibrant exchange of ideas has always been part of this, from the journeys of Colmcille, through to the great debates of the Enlightenment when Scottish and Irish thinkers sent new ideas across Europe. Of course, at another revolutionary time, 100 years ago, Scottish migrants, James Connolly and Margaret Skinnedar brought their ideas and commitment to Ireland's cause, from their founding roles within the trade union movement to the part they both played in our Rising, which we commemorate this year. Certainly, Ireland must thank Scotland for the inspiration each new generation draws from Connolly's ideas, his internationalism and his ambition for humanity.

To quote from one of the great Scottish contemporary writers, Alasdair Gray, "A good life means fighting to be human under growing difficulties." Something similar might be said of the good society, for there is such a thing as society. Scotland has always shown, and continues to show, its willingness to fight for progressive social policies even in the face of the greatest challenges.

The Scottish First Minister demonstrated this in the clarity and leadership of her statement on the morning after the Brexit referendum, when she spoke to migrants living in Scotland to assure them of their welcome and the value placed on their contribution. That message of inclusion is ever more important at a time of increasingly divisive language of hate and racism across the world.

Scotland has also inspired through a deep and innovative public service commitment. Its investment in social housing, its access to education at all levels and its determination to tackle alcohol-related harm are deeply resonant in this Chamber. Measures such as those put forward by the Scottish Dementia Working Group, have been of keen interest to my colleague, Senator Kelleher, and others across the Oireachtas, who plan to visit Scotland to learn about those policies. I also note the practical solidarity which Scotland has offered to women from Northern Ireland in supporting their access to reproductive health services.

Underpinning all of this is Scotland's fundamental recognition that equality is the foundation on which social and economic progress must be grounded. As might be expected from a nation of great engineers, the Scottish have sought to put in place real structures and mechanisms to deliver that equality, including the statutory public duty, gender and equality budgeting, and annual equality statement. This is an area we in Ireland are now starting to explore and one I hope we will embrace still further. I would greatly appreciate it if the First Minister would comment on the importance of Scotland's annual equality statement and the message it sends. I ask this because, as the First Minister has observed, disaffection with the political system is felt in too many communities and there is, right across Europe, a need to rebuild connections between public and parliaments and between democracy and decision-making. I commend the young and vibrant Scottish Parliament at Holyrood which has stepped up with very active campaigns of engagement and enfranchisement. I know the First Minister is determined to keep faith with that enfranchisement by ensuring that the votes which so many Scottish citizens cast against Brexit are recognised and respected in any new process or roadmap which emerges.

There is a friendship and a solidarity which runs deep between our countries from the letter of Bruce who urged our peoples, free in ancient times, to come together more eagerly and joy-

fully in friendship. Alongside that friendship and solidarity is a creativity and ingenuity which Ireland and Scotland share. This can be a powerful force in business, science and the arts. There are opportunities there which I hope we will seize together, but we must also employ these and other skills together to face up to the great global challenges of our times, which the First Minister correctly described as unprecedented. These include the ticking clock of climate change, with its immense moral, social and environmental implications, and the work of peace. The First Minister began her own political career in the anti-nuclear movement and appreciates the fragility and importance of peace right across the world, including the importance of the Good Friday Agreement, an importance that must be underscored and understood by everyone at European level. At this crucial juncture for our nations and, indeed, Europe as a whole, it is important that Ireland and Scotland support each other's voices. We must make not only our concerns but our ideas heard on the importance of a social Europe grounded in peace, participation and inclusion by, as the First Minister put it so eloquently, equals in a partnership of many.

I thank the First Minister for the true leadership she has personally shown in stepping up to the important debates of our time on the national and international stages. I look forward to ever-deepening, more complex and constructive co-operation in the important years ahead.

Senator Aodhán Ó Ríordáin: The First Minister is extremely welcome and I am delighted to address her on behalf of the Labour Party group in the Seanad. The international labour movement has perhaps had an uncomfortable relationship with national movements in the past. Indeed, our own founder, James Connolly, who was from Edinburgh, once said one could change the symbols of a state but that would never be enough. The First Minister's own national movement for self-determination contains much to admire, certainly in this part of the world where we have seen such sectarian tension, violence and bloodshed. The First Minister's movement for national self-determination has seen none of those things and, in fact, the referendum two years ago was inspiring for us in Ireland to witness. There was a fantastic engagement, in particular with young people, and the vote did not become in any way a sectarian headcount. Rather, it became something that has perhaps unified Scotland.

As somebody who is deeply worried about trends across Europe and the world, I find it inspiring to be in the First Minister's presence today. I see what is happening in the USA, Britain and across Europe, but when I hear the First Minister speak, I am inspired that things can perhaps get better. The very first issue she raised in the House today was the refugee crisis. I find that deeply moving. I find the fact that she is so in touch with her own history, our history and our responsibility to that history incredibly moving and inspiring. While nationalism across Europe now has a very bad name, the First Minister's nationalism and her sense of her nation's history is to be greatly commended.

I admire her stance on things like TTIP and marriage equality. I admire her determination not to allow her country, the UK and the rest of Europe break away from what has been a good and honourable movement since the mid-1940s. Let us remind ourselves that the European Union arose at a time of great division, war, pain, death and suffering. It appears that it is now turning in on itself on the basis, in respect of the Brexit campaign, of a racist lie on the part of those who pretend to care about public services but who really have a xenophobic heart. The Scottish First Minister is ranged against it, for which we commend her. At this time of great uncertainty and fear, a time when people are facing off against each other and leadership is needed, she is a shining light not only on these islands and across Europe but also across the world. As the inevitable reaches its conclusion and Scotland takes its place among the nations of the world and its self-determination becomes a reality, it should know that in these Houses and this

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country it will have the closest of allies, not just on the basis of national self-determination but also because of what we must give to the world, namely, our belief systems and values. At this historic juncture, what people in Ireland and Scotland believe in is more important than ever before. I congratulate the Scottish First Minister on her address and offer her our solidarity.

An Cathaoirleach: I propose to allow two speakers from each group to speak and our guest of honour, the Scottish First Minister, Ms Nicola Sturgeon, MSP, to respond to them. The first speaker is Senator Michelle Mulherin. I will be very strict on time as we do not want speeches. The Senator should just ask questions.

Senator Michelle Mulherin: I welcome the Scottish First Minister. It is a great honour to have her in the Chamber, as has been mentioned across the way.

There are so many issues, Brexit being the burning one. The Scottish First Minister referred to climate change and immigration which is tied to Brexit. Although one does not always want to say it, as a woman, it is great to have the Scottish First Minister here. Just a few decades ago it was not possible for women to engage in public life in this country in the way they do now. It is, therefore, always a source of inspiration. We know that the same job of work needs to be done, regardless of whether someone is a man or a woman, but without women's participation, we would be missing out on 50% of the talent among the population. It is in that context that I thank the Scottish First Minister for being here.

I also welcome the debate she has initiated on the issue of nationalism. It is not insular. If we are to accommodate others in our country, we must draw circles of inclusiveness. It is about how we do this in a modern way and bring people in our own nation with us.

I have two questions.

An Cathaoirleach: The Senator's time is up.

Senator Michelle Mulherin: Briefly-----

An Cathaoirleach: I will not allow it because the Senator will prevent others from coming in. I was very clear that I would not allow it to happen.

Senator Michelle Mulherin: May I finish with one question?

An Cathaoirleach: I must be fair and equal. The Senator used up one minute and 20 seconds and now wants to ask two questions.

Senator Mark Daly: I welcome the Scottish First Minister. One hundred years ago Ireland was continuing on its long road to independence following the 1916 Rising. I hope Scotland's journey to independence will not take 100 years. The nationalism espoused by Vladimir Putin, Marine Le Pen and Donald Trump is corrosive, but the civic nationalism espoused by the Scottish First Minister - fairness, progressive democracy and social justice - is positive. What can Ireland do to help Scotland to achieve its full potential and independence? How can we be of assistance to it?

An Cathaoirleach: The Senator was very concise.

Senator Marie-Louise O'Donnell: The Scottish First Minister is most welcome. It is even more glorious that the Scottish First Minister is a woman. I want to ask her a very practical

question. When will she make the decision to ask the Scottish people to vote again on Scottish independence? We can be as independent as we like in our minds, but we must be practical about it because the British people voted to leave the European Union. Unfortunately, Scotland was part of that decision insofar as it voted against leaving the United Kingdom. When will the First Minister make the decision to ask the Scottish people to vote again for an independent Scotland, because that is the start? No better woman to do it and no better woman to lead it, but we would like to know when she feels might be the right time? What would stop her from, or alert her to, doing it?

Senator Fintan Warfield: In the coming months the House will debate the Electoral (Amendment) (Voting at 16) Bill 2016. If passed, citizens who have reached the age of 16 will have the right to vote in local government and European Parliament elections. It is worth noting any attempt to widen the franchise for referenda, general or presidential elections will require a referendum of its own, as proposed by the Constitutional Convention in 2013. The Bill is ambitious, achievable and, above all, the right thing to do. Sinn Féin believes now more than ever is the right time to do it, to increasingly find ways of strengthening participation and democracy. Does the First Minister believe 16 and 17 year olds casting their vote and having their say has strengthened Scottish democracy and the future of Scotland?

Senator Kevin Humphreys: The First Minister is very welcome. She mentioned the wish for Scotland to stay within the Single Market. We are very concerned about a hard Border between us and Northern Ireland and we will do everything we can to address that issue. Scotland staying in the Single Market will involve many great challenges. How is the First Minister looking at this?

One of the biggest issues facing not just Ireland or Scotland but the world is climate change. It is a very important subject here and is debated in the Chamber. Does the First Minister see how we can better co-operate with Scotland to make this not just an issue for debate but to make real change?

Senator Lynn Ruane: I thank the First Minister. I have a question on third level funding. There is a debate in the country on how we should fund our third level sector, which has been in crisis for a number of years. The debate on this has come heavily down on income contingent loans, to which I am completely opposed. I believe in a publicly funded education system. Will the First Minister make reference to how society has benefitted in Scotland from free third level education socially and economically and with regard to inclusion?

Senator Frank Feighan: The First Minister is very welcome to the Seanad on this special and historic day. I thank her for opening a Scottish Government office in Dublin. It is a great move. Her representative, John Webster, is a great advocate for all that is good in Scotland and Ireland. The SNP went from six to 59 seats in the last election. Was this a vote for Scottish independence or for the party's progressive policies?

Senator Lorraine Clifford-Lee: I thank the First Minister for her excellent and very informative address. It is fitting she is addressing the House in this special centenary year. The nationalism she espouses is very similar to the nationalism espoused by the men and women of 1916. It has nothing to do with the nationalism we have seen in recent years, which has been sullied by xenophobia and exclusion. My question is on the open border she outlined in her address which she fully supports. How does she see this practically operating?

Senator Gerard P. Craughwell: The First Minister is welcome. It has been said that Prime Minister Theresa May will give Scotland anything it wants but independence in the Brexit negotiations. My concern is for the other jurisdiction on this island, which is the North. Some would like to think this will hasten Irish unification. I do not believe this is necessarily so, but my concern is that Scotland's goodies from Theresa May will be at the expense of Northern Ireland. Does the First Minister accept Ireland cannot accept a border along the Irish Sea between the UK mainland and this country?

Senator Niall Ó Donnghaile: Céad míle fáilte, a Chéad-Aire. If the Prime Minister, Ms Theresa May, is going to give her anything, could she ask for a Border poll, please? It is a referendum on our independence.

The First Minister and I are unique in this Chamber, in that we both voted in the recent Brexit referendum. Like her and her party colleagues, my colleagues in Sinn Féin and I campaigned for and voted for the North of Ireland to remain. I am inspired, as are many others, by the First Minister's passion, dedication and commitment to her nation, its people and the cause of retaining Scotland's place as a nation within the EU. I share that passion and dedication for seeing Ireland in her entirety retained within the EU.

Will the First Minister lay out some of the plans Scotland has in its demands for the Brexit negotiations?

Senator Frances Black: I welcome the First Minister. She is an inspiration and I wish her all the best in fighting for independence for her country. I commend her on her fantastic work on minimum unit pricing. We are trying to introduce the same legislation. What have been the largest challenges for Scotland in that regard? How can Ireland support the First Minister, her country and the North and what action can we take in helping them to remain in the EU?

An Cathaoirleach: As everyone has been obedient and succinct, I will allow one further speaker from each group.

Senator Ray Butler: I welcome the First Minister. I was delighted to hear her quoting from the Book of Kells. I am a born and bred Kells man and we have looked for one of the gospels to come back to the people of Kells. Maybe she might support that.

When Scotland voted in its independence referendum, it voted to stay. Since the Brexit vote, has the First Minister seen a change in that position? If there were another vote in the UK, I believe that the result would be different. Immigration was the largest issue.

Senator Ned O'Sullivan: As the Cathaoirleach stated, this is an important and historic occasion for both of our nations and the House. The First Minister's predecessor, Edward the Bruce, came to Ireland almost exactly 700 years ago and was acclaimed as the last High King of Ireland by our Irish chieftains. There was a sorry outcome to that because, unfortunately, he lost his head - literally - approximately a year later. I do not anticipate that anything like that will happen to the First Minister. She will have a sense of the level of appreciation for her visit to Ireland and the warmth towards her, her beliefs and what she stands for is palpable.

Scotland and Ireland have native Gaelic languages, both of which are struggling to survive. I would welcome whatever thoughts the First Minister might have on how we might work best together to preserve these old languages.

Senator Trevor Ó Clochartaigh: Mòran taing, a Chéad Aire, as ucht teann go hÉireann airson bruidhinn anns a' Ghàidhlig agus a bhith an seo an-diugh le òraid ionsporáideach, mìorbhaileach, sgoinneil. The First Minister is welcome and I thank her for her inspirational speech. Following on from the previous theme, we have great links in terms of language and culture. The Gaelic of Scotland and the Gaelic of Ireland went two different paths, but they are the same language and culture that are celebrated by different traditions across the islands. How will the Gaelic language and culture be used as a mechanism to enforce and help reconciliation across the island of Ireland, accompanied by Scotland? What steps should we be taking to help support our diaspora in Scotland? Gabhaim mo mhíle buíochas leis an gCéad-Aire as teacht os comhair an tSeanaid. Is mór an onóir dúinne go bhfuil sí anseo agus gur labhair sí linn inniu.

Senator Colette Kelleher: I welcome the First Minister. Given the great amount of sharing and learning that we have done today, how can we build on that to co-operate and learn further from the significant leaps that Scotland has taken in terms of child care, dementia and social housing? How might we make use of the new office based in Dublin to copperfasten those links?

An Cathaoirleach: I call on Ms Sturgeon to respond, following which, time permitting, I will allow another question from each group.

Ms Nicola Sturgeon: I regret that I am unable to respond to Members in Gaelic as eloquently, or at all, as many of them have addressed me. On that point, in Scotland Gaelic medium education, in particular, is experiencing a resurgence. Earlier I mentioned the Sabhal Mór Ostaig Gaelic language college on Skye. It is playing a huge role in helping to move the Gaelic language in the right direction. It is one of many areas in which there is great scope for us to work together.

I thank Members for their warm welcome. I am incredibly touched by their warm and sincere expressions of friendship to Scotland. As I seek to navigate Scotland's way through the difficult months and years that no doubt lie ahead, I will draw great strength from the discussions I have had in Dublin and, in particular, the Seanad today. It is particularly nice to have been addressed by so many women. I had a very good session yesterday with the Women for Election group which I also met in Dublin last year. I am told that five of the six groups in the Seanad are led by women which, with no offence to any of the men present in the Chamber, I thoroughly endorse. Three of Scotland's political parties - my own, the Labour Party and the Conservative Party - are also led by women which is a trend in the right direction.

There was much commentary on the historic nature of this occasion. It is an historic occasion that will live with me for the rest of my life. It is also important to reflect on the fact that we are celebrating this historic occasion in an historic year for Ireland, being the centenary of the 1916 Rising. James Connolly has been mentioned. I note that Senator Aodhán Ó Ríordáin has just come back into the Chamber. He mentioned that one of James Connolly's great comments was that it was not enough and never would be enough simply to change the symbols of a state. As a Scottish nationalist, I could not agree more with that sentiment. The leader of the Independent group also commented that independence for Ireland was transformational for the country and Irish society. My belief in Scottish independence is in exactly the same vein: it is not an end in itself but a means to building a better country. I detected a great meeting of minds on the issue.

Among my many "Yes" badge relics of the 2014 independence campaign is a "Yes" badge

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which was gifted to me following the marriage referendum in Ireland, which came to mind when the Sinn Féin Senator asked me the question about 16 and 17 year olds voting. One of the truly wonderful things about the Scottish referendum was not the outcome but the engagement to which it had given expression, particularly among younger voters. I am a passionate advocate of 16 and 17 year olds being able to vote not only in national referenda but also in every election. If 16 year olds are permitted to marry and take on many of the responsibilities of adulthood, as they are in many countries, so, too, should they have the ability to shape the direction of their countries. Good luck with your efforts in that direction.

I agree with many of the comments I have heard today. Senator Alice Mary Higgins spoke about the contribution Scotland made and wanted to continue to make to the European Union. Much of the debate on the European Union is focused on the benefits we derive from EU membership. The benefits are many and practical, but they are also about our sense of ourselves and our place in the world. Part of what Scotland is seeking to protect is the contribution it is able to make.

On the many defining challenges with which not only the European Union but also the planet is grappling, I am proud to say that in a small way Scotland is showing leadership. For example, the climate change targets set by Scotland were the most ambitious of any country in the world at the time. We are now meeting more than half of the net electricity demand from renewable energy sources, which shows real leadership. Similarly, we are dealing with issues that have been raised around inequality, inclusion and the demands and huge benefits of an ageing population. In saying that, I do not suggest Scotland does not have a lot to learn because we face significant challenges and, in contributing, we also draw on lessons from others. I have, for example, been asked questions about education. I am proud of the fact that we have free tuition fee access to university in Scotland. It is something I am determined to protect, but it is not enough in and of itself. We have to find other ways to allow people, regardless of background, to take advantage of a university education. As well as having something to teach others, we have lots to learn from other countries.

Alcohol is another area in which we are seeking to innovate and experiment with a policy that could be transformational. Unfortunately, we are being held up slightly in the courts on minimum pricing. As in many other areas of public policy, we have something to offer but also lots to learn in that regard. I look forward, on all of these issues and many more, to continuing to strengthen the links between us.

Senators may think I will dodge a question. Perhaps I might do so slightly, but I will address it. I want to end by talking about the inspiration Ireland provides for many people in Scotland. It is an inspiration for those of us who believe in Scottish independence. I thoroughly endorse the comments made by a number of Senators on positive civic nationalism. Ireland is a living and breathing example of positive nationalism, with independence being the key to transforming a country. For those of us who believe in Scottish independence, that is inspirational.

Senators have asked a question to which all of the Scottish journalists present want to hear the answer. They are poised with pens in hand in case I answer it. The question was asked when I was going to make a decision on whether there would be another referendum on Scottish independence. I am sorry to disappoint Senators, but I am not going to tell them the answer to that question today. I will outline briefly the process in which we are engaged. I have said very clearly many times that in 2014 Scotland did not vote to be part of a United Kingdom that was leaving the European Union and to step off a hard Brexit cliff edge, with lots of damage to our

economy and society. If that is the prospect that faces us, I believe Scotland will have the right to decide whether it wants to do so or to instead choose a better future. I said the morning after the referendum, not as leader of the SNP but as First Minister of Scotland, that we must explore all options to try to protect Scotland's interests. That is the process we are going through.

Many practical issues arise from Brexit. We have heard questions about and comments on borders such as whether it will be possible for Scotland to remain in the Single Market if the rest of the United Kingdom leaves. There are real difficulties and challenges in that regard. In unprecedented times and uncharted territory - this has never been done before - it is important that we have an open mind, imagination and an ability and a willingness to innovate to find solutions on these issues. There are differences, but I do not want to conflate the issues in Ireland with those in Scotland. If we can find practical solutions in dealing with some of the challenges, we can inspire each other to find practical solutions to others. In that sense, Ireland is a great inspiration. Ireland is an inspiration for Scotland, regardless of views on independence for Scotland or a continuing union within the United Kingdom because it is an example of a small outward-looking country that has made its mark on the world. I am always struck by independent Ireland when I visit as the leader of a devolved administration. Ireland is smaller than Scotland and does not have the vast natural resources Scotland has at its disposal, yet it is proudly independent and makes its own way in the world. That is inspiring for all of us.

I will end by answering a question many Senators have asked me: how can Ireland help Scotland? I have made the following comment directly to the Taoiseach and the Minister for Foreign Affairs and Trade. I know that there are priorities for Ireland in the challenges that lie ahead. Ireland can support Scotland by doing what it has done today in understanding its position, holding out the hand of friendship and being there as its neighbour, friend, ally and family. I am deeply grateful for the invitation to attend. I am even more grateful for the enormous support Ireland has shown to me and Scotland, for which I thank it so much.

An Cathaoirleach: Before I call on the Leader to respond I wish to add a few words. I grew up in a very remote part of west Cork called the Sheep's Head Peninsula and my lullaby as a child was the corncrake, which unfortunately vanished. Three or four years ago I visited Mull and Iona I was pleasantly surprised to hear the corncrake again on the hills of Iona. It brought back happy memories. My son was with me and he did not know that creature, the corncrake. I urge the First Minister to protect the corncrake in rural Scotland. On that note, I invite the Leader to respond on behalf of the Seanad.

Senator Jerry Buttimer: Lá stairiúil ba ea an lá inniu. Lá iontach é atá lán d'ionadh. Ar mo shon féin agus ar son gach duine atá bailithe le chéile anseo i Seanad Éireann, gabhaim mo bhuíochas le Céad-Aire na hAlban as ucht an turas a dhéanamh go dtí an Seanad agus go mórmhór as ucht a hóráide cumhachtaí agus soiléire. Tá súil agam go ndéanfaimid machnamh ar an óráid sin.

Today is an historic day for all of us in Seanad Éireann and for the institutions of the Oireachtas, not just because it is the Head of Government that is visiting but because it is the first address to us by a Head of Government. The First Minister, Ms Sturgeon, did not disappoint. The words of Seamus Heaney come to mind, "If you have the words, there's always a chance that you'll find the way". That way is about joining together to ensure that Scotland and Ireland, collectively, play a powerful role within the European Union in a post-Brexit era, but also that we play a role together in working to attain and achieve human rights across the world.

In her address the First Minister underscored the importance of us working together, le chéile, to forge an alliance not just in a post-Brexit Europe, but in a world that is changing so that we can protect our shared interests. We have a shared history, a common streak of independence and a need and a desire to be heard and to be felt around the world. In a world that is changing, the words of Yeats are appropriate, “All changed, changed utterly, a terrible beauty is born”. Whether we are talking about the election of Trump in America, the rise of nationalism in parts of the world and in Europe or because of Brexit, what is required is an understanding and a willingness to engage and, as the First Minister said in her address, to listen. We very much support her views and are appreciative of her support for Ireland post-Brexit.

We are an island, North and South, of many different strands. That needs to be heard as well across the world. The First Minister referred to the open Border on our island, the Single Market in free trade, the pursuit of social justice, working together on climate change, and the humanitarian desire to see people, whether in Syria or many other parts of the world, accepted and looked after. That is why today in her address the First Minister did not just touch on Ireland, Scotland and Brexit but about our respective place in the world.

We are learning from Scotland about climate change and the marriage equality referendum. The First Minister has shown courage in her leadership and that is something to which we all, as political people, must aspire to achieve. Over the centuries, leadership has involved making tough decisions. It involves listening and engaging. Today, the First Minister has done that with us. The political and social landscape of the world is changing. The body politic must listen to the people. The institutions of Europe must reflect upon the votes cast in the United Kingdom but also in the individual independent countries in elections. That is why today we must work to achieve the best for our people. We are the people’s representatives. We are the voices of the people, those who vote for us and those who vote against us; those who voted for Brexit and those who voted against it.

As an island nation we can be proud of the leadership the First Minister has shown, and her willingness to change and to challenge, whether it is in the Parliament in Holyrood, in terms of her representation in Cabinet, her support for marriage equality or her support for greater communication between both parts of this island.

I o'clock The First Minister spoke about the importance of Colmcille and what he brought to Iona in 563 and referenced Scotland’s great Gaelic poet MacLean, who spoke about our bond of humanity. Both our countries share that great sense of humanity, of doing right by our people. We have both suffered the scourge of emigration and are beginning to emerge from that period in our economic history. Ireland and Scotland together must play a strong and strident role in Europe. That requires us as parliamentarians to forge links with our neighbours in England, Wales and also Scotland. That is the reason I was very proud as a Member of the previous Oireachtas to visit the Scottish Parliament and see the tremendous work of that Parliament. It is important that we build on that. The friendship we speak about is reflected in the relationship of the First Minister with the Taoiseach, whom Ms Sturgeon met last week. The challenge now is not to look inward but to look outward. We as small nations can be seen as two island nations with a huge heart across the world.

I thank the First Minister for being here today. Ms Sturgeon has brought a message of hope and inspiration. Our people will look to us for leadership in the very difficult time that 2016 is, but if we reflect on our history, the 1916 Rising taught us one thing, there is strength in standing together. Mile buíochas.

An Cathaoirleach: Is it agreed that we suspend the sitting until 2.30 p.m.? Agreed.

Sitting suspended at 1.05 p.m. and resumed at 2.30 p.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, motion re Horse and Greyhound Racing Fund Regulations 2016, referral to committee, to be taken on the conclusion of the Order of Business without debate; No. 2, Social Welfare Bill 2016 - Second Stage, to be taken at 4 p.m. and to conclude not later than 6.15 p.m. with the contribution of group spokespersons not to exceed eight minutes, those of all other Senators not to exceed five minutes, and the Minister to be called to reply to the debate not later than 6.05 p.m.; and No. 3, Planning and Development (Housing) and Residential Tenancies Bill 2016 - Report and Final Stages, to be taken on the conclusion of No. 2 and to conclude not later than 11 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Government.

Senator Catherine Ardagh: I would like to call on the Seanad to schedule a debate on the Government's funding, or lack thereof, of the cystic fibrosis drug Orkambi. It was with deep regret that I learned that the National Centre for Pharmacoeconomics said the drug does not represent value for money and should not be funded by the Government at its current cost. Professor Michael Barry of the National Centre for Pharmacoeconomics, who is also on the HSE's drug groups, said Orkambi can greatly alleviate the symptoms of cystic fibrosis but was not value for money because of its inherent efficacy. He said the drug, which costs about €160,000 per patient per year, would only work for 25% of patients.

On the other side of the debate, Cystic Fibrosis Ireland has called for Orkambi to be made available in Ireland and has said that it is a life-lengthening drug and would benefit up to 550 patients. Ireland, as we know, has the highest rate of cystic fibrosis per head of population in the world. Approximately 1,200 people live with cystic fibrosis in Ireland. We also have some the most severe forms of the disease in Ireland. Orkambi has been shown to reduce hospitalisation of up to 40% of patients and significantly retards the progression of cystic fibrosis for those who stand to benefit from the drug.

Cystic Fibrosis Ireland said the drug would result in other major savings to the HSE from reductions in hospitalisation, reliance on other expensive cystic fibrosis drugs and dependency on transplants. We know many cancer drugs currently in use cost a lot more to the Exchequer. I ask the House to open up the debate and have a proper discussion about Orkambi and its use for cystic fibrosis sufferers.

Senator Victor Boyhan: I ask the Leader for an update on the following matter. We listened to Ms Nicola Sturgeon speak about Ireland's response to the refugee crisis. This is not the time to have a wider debate, but our response has been very disappointing. A number of figures and promises were reneged on. Many refugees in Europe are unaccompanied children and the refugee crisis is a major issue. The words of Ms Sturgeon earlier were very poignant. She may have been slightly misled or misguided, or misunderstands the situation. Our response to the refugee crisis has not been what it was meant to be. It is extremely disappointing. When we reflect on the words of Ms Sturgeon and as we approach Christmas time and talk about people who are desolate, isolated, vulnerable and left behind, we should realise that we need to honour

the commitments and promises we make.

I drafted some words the other day in order to pursue this matter in another forum this week, and I still intend to do so next Friday. I will be highly critical of the Government. I have some qualitative research on the commitments that have been given.

The people in the various reception centres around the country have been in the system for years and we have reneged on promises in that regard. It is very disappointing and we can only hang our heads in shame. We have not done what we set out to do. We have not fulfilled our promises. It is a humanitarian crisis and we have a short period of time in which we can turn things around. I would like the Minister to make an absolute commitment and deliver the commitments she has put on record on the issue.

Senator Paul Gavan: As a representative of the largest party on the left in the Chamber, I pay tribute to Fidel Castro. I ask the Leader to put time aside so we can make statements of sympathy to this great international statesman and hero of the revolutionary left. Fidel Castro was a giant. He was described as a man of the century, and rightly so. He led a heroic struggle against American imperialism and established an independent, sovereign and socialist state free from the stranglehold of its aggressive neighbours just 90 miles away. Cuba had previously been a playground for the US mafia under the brutal dictator, Batista.

Fidel Castro built a country free from extreme poverty and established health and education services that rank alongside the best in the world, an incredible achievement for a country that was under an illegal trade embargo by the most powerful nation in the world. Cuba's positive role in world affairs is often overlooked. It sent thousands of doctors to assist the most impoverished countries at the time, such as Honduras, Venezuela, Ethiopia, Angola, Laos and Algeria. Most recently, in October 2014, it sent 256 doctors and nurses to Sierra Leone, Liberia and Guinea to join the efforts to contain the ebola outbreak. The US sent troops; Cuba sent doctors. This speaks to the values of the country.

Cuba has not only one of the best health services in the world, but also, perhaps, the fairest. This is illustrated by the life expectancy and low child mortality rates, statistics that compete with the global superpower of the US. Cuba has consistently managed to put roofs over its citizens' heads. There is no homeless crisis in Cuba. It has always managed to provide full employment. Its achievements are second to none. I pay tribute to President Higgins for his fulsome words of praise. Some of the nonsense that has been said in response to it is from the Ireland of a 1950's comic film. The only thing that has not been asked for is a prayer for the conversion of Russia.

Let us be clear. Fidel Castro was a great man. Cuba is a country to be proud of. I was proud to spend time there some years ago and saw the moving tributes in Havana to the hunger strikers. I recall the words Fidel Castro said at the time about our gallant men: "Let tyrants tremble before men who are capable of dying for their ideals, after 60 days on hunger strike." He was always a consistent supporter of unity for our country. Fidel Castro is one of the greatest world statesmen we have ever seen. As a socialist, I am proud of his record. I ask the Leader to set time aside so we can pay tribute and express our sympathies to the Cuban people.

Senator Colette Kelleher: I call for a debate with the Minister for Health on gynaecology services. The lack of gynaecology services, particularly in Cork, has moved beyond unacceptable to dangerous. This is not an ordinary crack in a broken system. Women in Cork are being

made wait drastically longer than women elsewhere in Ireland. It is a crisis on the boil which is having a devastating effect on women and their families.

There are 4,193 women waiting for an outpatient gynaecology appointment in Cork. This is the longest waiting list of all gynaecology units nationwide and is increasing by 1,000 patients year on year. The waiting list in Cork is twice as long as that of the Rotunda Hospital, which ranks second in the country. One in three women will wait over a year for an outpatient appointment, with many waiting two to three years. Many women arrive in accident and emergency departments in crisis as their conditions deteriorate due to long waiting lists.

There is a significant impact on these women's quality of life. Many of them suffer chronic pain, bleeding and menstrual disorders as they get sicker without treatment. There is a risk of delayed cancer diagnoses among women who have to wait years for outpatient assessment. There is a personal economic impact regarding income lost due to people having to take time off work, and a loss to society when people are not able to go to work.

Cork University Maternity Hospital, CUMH, also has the largest waiting list in the country for gynaecology surgeries. Some 557 women are currently on the waiting list for surgery. More than one in three of these women, 38%, have been waiting for at least one year to have their planned surgery performed. Gynaecology theatres in CUMH are functioning at just 40% of their originally intended capacity. The hospital has two fully commissioned state-of-the-art gynaecology theatres and only one is currently available for gynaecology surgery. It is working only four days per week. No new consultant gynaecologist posts have been created in Cork in the past decade. This is despite 26 such posts having been advertised nationwide. As reported in yesterday's *Irish Examiner*, these are issues of national importance, and they deserve to be debated in the House. I urge the Leader to invite the Minister for a debate to answer on how this life-and-death matter for women in Cork and surrounding areas is to be addressed.

Senator Kevin Humphreys: I, too, wish to raise the issue of maternity services. I acknowledge the work done in regard to Holles Street hospital and its colocation. I am thankful that the difficulties have finally been resolved. We now have a start date for applying for planning permission. It never should have taken nearly a year to get to that stage.

What is happening with Holles Street highlights the issue raised by Deputy Kelleher. Holles Street fought so hard to make sure it had control over its budget. Dr. Boylan says the budget has been eroded, unfortunately, and this is what happens when there is a maternity service attached to a general hospital. The first thing to go is anything to do with women's health care.

I have raised the issues of Holles Street and the Coombe, which is seeking €15 million to be invested in its operating theatres. The HIQA reports from both the Coombe and Holles Street hospitals, in addition to the rising concerns over CUMH, really highlight the need to ensure that when children are born in maternity hospitals, they are born in hospitals that are properly resourced and managed and, above all, have a functioning board of governors to ensure long-term investment.

Since I came into the House, I have highlighted Holles Street and other maternity hospitals. I join Senator Kelleher in calling for a specific debate on maternity services. We need a debate on who becomes a member of a board, how the budgets are controlled and who controls them. We must also ensure the money being set aside by the taxpayer for investment in maternity services goes into maternity services and is not hived off for general hospitals and does not become

used to fill the hole in the budget. This matter is far too important just to talk about a particular maternity hospital. We must look at them in their entirety, and we must ensure the investment is made. For heaven's sake, let us ensure that a newborn baby is born with the best possible outcomes and that the mother has the best health care service possible. We are not getting this at present. We really need to examine the structures, how boards of hospitals are being appointed and the control the boards have over their budgets.

Senator Maria Byrne: I compliment mathematics teachers and acknowledge the new finding that there has been a major improvement in the teaching of mathematics. Ireland has been ranked on a list of high achievers and has come in ahead of Finland, which is one of the highest achievers. Low achievers have actually done very well but the pupils who are high achievers are still in the risk category, which is frightening. This really needs to be highlighted here today.

The trend in the mathematics and science study shows there were major improvements in 2015. Fourth class primary school students ranked ninth out of 49. This is a big leap from 17th place in 2011. Secondary school students ranked ninth of 39 countries. Therefore, great credit is due to the mathematics teachers of our country. This is certainly a matter that needs to be considered further.

Senator Robbie Gallagher: There has been a spike in demand for Irish passports since the Brexit vote. Figures reported by RTE yesterday show that over 700,000 passports have been issued this year to date. Of that 700,000, some 117,000 are from the UK and of that figure, 59,000 are from Northern Ireland. It is time for us to consider locating a passport office in a rural area like County Monaghan, an area that is unique in that it adjoins three Northern counties, Armagh, Tyrone and Fermanagh. Geographically it is ideally placed. It would be a positive statement by the Government given the ongoing difficulty the Border region faces, even more so after the Brexit vote and the leakage in retail spending we are currently experiencing. I ask the leader to bring this to the attention of the Minister so that he might seriously consider locating a passport office in County Monaghan in the not too distant future.

Senator Gerard P. Craughwell: I wish to raise the HPV vaccine. In this State and also in the UK we have a history of burying our heads in the sand when there are issues with various drugs - Thalidomide comes to mind. We suddenly at some stage find we are in serious trouble, the drug is withdrawn and then there are legal battles lasting years. Anecdotal evidence is arriving in my office on a daily basis. I do not court constituency contact. I do not go looking for people to contact me. I have no interest in sitting in the Lower House and as such I do not seek contact with the members of the public. However, people are coming to me about this vaccine and they are telling me that their daughters or people they know, who were active sports-inclined people and who had this vaccine, are now chronically ill.

While I might be wrong in this - which is why I am calling for a debate - I understand Ireland may have indemnified the drugs company when it adopted this vaccine and effectively said it would cover the cost if problems arose. If that is true, we may have dug a hole for ourselves that is getting deeper by the day. I am no medic and we might need a medic in here to explain the pros and cons of this drug and whether it is worth continuing to take the chance of administering something that is resulting in fit girls, who are involved in sport and other activities, suddenly becoming listless, tired, unable to attend school and having a lack of attention span.

Many things are being reported. I am not sure what empirical evidence there is to support this, but it is time we had a look at this drug. If it is dangerous, we need to know. If there is a

particular cohort for whom it is not suitable, we need to know that as well. I am asking for a debate with the Minister for Health at the earliest possible convenience although I realise we are in a very busy period.

Senator Frank Feighan: I agree with Senator Gallagher's call for a debate on the issuing of Irish passports. Over the weekend I attended the British-Irish Parliamentary Assembly meeting in Cardiff. The First Minister of Wales was happy to say that his wife and two siblings had Irish passports. The ambassador, H.E. Mr. Dan Mulhall, said there was a huge upsurge in applications for Irish passports. It is timely to have a debate and see where we might be able to locate offices.

Talking about passports and North-South matters, I welcome that two air ambulances have been located in Northern Ireland, at Belfast International Airport and at St. Angelo Airport in Fermanagh. Three years ago Senator Reilly and Alan Shatter, who has left the Oireachtas, located an air ambulance in Athlone which has saved dozens of lives. Where once a person involved in a traumatic car or other accident was brought to hospital by ambulance, the air ambulance brings people to centres of excellence within 18 or 19 minutes. It is incredible. We have co-operation in the provision of cross-Border health services and now need to bring the Minister to the House for a debate on how best to utilise air ambulances. I appreciate that these are different jurisdictions, but if we are able to use ambulances on a cross-Border basis, we should be able to use air ambulances in the same way. They have been proven to save lives and we must consider where we can locate them around the country to save many more.

Senator Rose Conway-Walsh: I support my colleague Senator Craughwell 100% on the need for a proper full and frank debate on the HPV vaccine. The experience he outlined is the same as the one I have had in my community where young girls are extremely unwell for no reason whatsoever after receiving the HPV vaccine. They are unable to participate in their education or fully in society. I want to have that debate in the House. I am appalled by the attempts to discredit the parents and the young girls who have come forward to set out their experiences.

I want to raise the issue of Cerberus only paying €1,900 in taxes on profits of over €77 million. The era of vulture funds operating virtually tax-free must end. During the debate on the Finance Bill in the Dáil my colleagues made efforts to have inserted amendments which would have forced the Government to report every 12 months on exactly how much the vulture funds' creative use of existing Irish tax law had cost the Exchequer. I asked the Minister for Finance, Deputy Michael Noonan, the exact same question several months ago during the dialogue at the economic forum, but he refused to answer. One of the loopholes to avoid paying tax on Irish property assets sees tax-free rent and gains for those who hold Irish property in a fund that derives under 25% of its value from Irish property and tax-free gains when Irish property is held for over five years by widely held funds. There is something unsettling about learning about the Cerberus tax bill in a national newspaper this morning. While many will point out that it is perfectly legal, I wonder how many would still hold that view if they were presented with a figure annually that showed the huge profits made and the minute taxes paid on them. An overall figure showing the loss to the Exchequer would focus minds. I look forward to the Finance Bill being brought before the Seanad this week and would like to see this morning's story act as a wake-up call to use the new dynamics in the House to highlight what remains to be done in legislation to close the loopholes. I will be bringing forward amendments in an attempt to shut the remaining loopholes. There is no point in people decrying such loopholes and the immoral figures earned while failing to support amendments to shut the same loopholes.

Senator David Norris: It would be useful if we were to recognise the presence in the Visitors Gallery of heavily decorated UN volunteers from County Carlow. They have done the country proud.

I refer to the passing of President Fidel Castro. I am old enough to remember the regime of Fulgencio Batista which he ousted. It was a filthy, disgusting, criminal conspiracy against the Cuban people. Thank God, Fidel Castro stood up to it. Subsequently, I visited Cuba and was immensely impressed by the urban farms, the medical services which they exported to crisis points internationally as a humanitarian gesture and the education system, but, of course, there was an embargo imposed by the Americans. They embargoed everything and tried to crush Cuba which they invaded. They helped to bring down civilian aircraft with bombs and made 40 attempts at assassination. Naturally, there was a reaction there. I do not commend the behaviour of the Castro regime for the way it closed down journalists, but it was understandable in a state of war. It was also extremely ignorant and stupid in the way it harassed gay people in Cuba, about which I protested. However, if one looks at the American experience, democracy was attacked everywhere it turned up in South America.

3 o'clock They destroyed Nicaragua and established the School of the Americas. They should be ashamed, not the Cubans, a valiant people struggling for the rights of humanity.

I wish to raise a question I raised here previously, namely, the mistreatment of gay couples, particularly in the Civil Service, who have recently got married. Marriage has only been allowed since last year yet a technicality is used to deprive the spouses of their pensions if they did not get married before 1980. They could not do it. It was impossible. They were not allowed to marry so it is a complete nonsense. I utterly condemn the niggardly, miserable and wretched attitude of Trinity College, my old employer, in harassing a very distinguished French lecturer, David Parris, who attempted to establish his rights. The same applies in respect of the European Court of Human Rights. I accept that in the major aspect of this, the court did not have jurisdiction because leeway is allowed for different countries but I condemn Trinity College and its insurance company for their shamelessly stingy approach in this area. A tiny number of people are involved.

An Cathaoirleach: Senator Norris is testing my patience.

Senator David Norris: It would not bankrupt the College of the Holy and Undivided Trinity to act with a bit of charity.

Senator Colm Burke: I agree with Senator Kelleher in respect of the maternity service in Cork. I raised this issue two weeks ago at a meeting of the Committee on Health and looked for some work to be done to resolve the delay in the availability of gynaecological services. My understanding is that there are more than 4,000 women on the waiting list. I also understand that the people in the maternity service are concerned about the system of governance there. More than 9,000 babies are delivered per annum in Cork University Maternity Hospital. This is the same as any one of the three big Dublin maternity hospitals, which have their own system of governance. We need to look at how it is managed and how those in the medical team do not believe they are getting enough support from management. It is a serious issue. I raised it two weeks ago at a meeting of the Committee on Health. This issue is not going away. I agree with my colleague that the Minister should come to the House and we should have a debate on the matter because this is the biggest unit outside Dublin. It is important that any of the issues that are being raised are fully aired in this House and an immediate solution to the problems found.

There were two good media reports on the HPV vaccine recently. The “Prime Time” investigation was a very comprehensive review. The evidence is there from Australia where they have been using the vaccine since 2007 and where there has been a 70% drop in cervical cancer rates among those who have received the vaccine. It is wrong that incorrect information is going out and that people are misleading the public on this matter. There has been a drop in the take up of the vaccine, which is now less than 50%. I have no difficulty with an open debate but both the “Prime Time” programme and the report in *The Sunday Business Post* gave a very detailed explanation of the inaccurate information that is out there and why people are concerned.

Senator Gerry Horkan: I welcome the news that talks are ongoing between ASTI and the Government through the Teachers Conciliation Council, which will, hopefully, conclude this week and will be put to a ballot of some description involving ASTI members. I do not want to jinx anything so I just welcome the fact that talks are ongoing, seem to be going reasonably well and are progressing. The strikes were based on pay equality for new teachers while the days on which schools were closed were based on the withdrawal from supervision and substitution. There is another issue that ASTI has an issue with, namely, junior certificate reform. Junior cycle reform has much to commend it in terms of short courses, an element of well-being that was not there previously, eight key skills, 24 statements of learning and an emphasis on literacy and numeracy, to which Senator Byrne referred earlier when she said our numeracy seems to be improving, which is to be welcomed. The former Minister, Ruairí Quinn, wanted to get rid of external assessment, and now there will be an element of external assessment.

There is a significant issue with ASTI members dealing with classroom-based assessment and having to formally assess their own pupils. Many people regard it as being more difficult to be objective when dealing with their own pupils as they live in the same community and see them every day. The idea the leaving certificate is the first real external assessment a pupil gets will create extra pressure, which is unnecessary and unwelcome.

I ask the Leader to bring in the Minister for Education and Skills to explain where he is on junior cycle reform. At present, some pupils in schools are doing classroom-based assessment but ASTI members are not and therefore there is a disparity between one group and another. I call for the Minister to come to the House.

Senator Fintan Warfield: In the Seanad this afternoon the First Minister of Scotland spoke openly about her support for 16 and 17 year olds casting their vote and having their say. In advance of the Bill that will come before us in the coming months I ask that all of us continue this positive conversation. In 2013, the Constitutional Convention recommended that those who reached the age of 16 should be allowed to vote in presidential, general, local and European elections, and in referenda. I am grateful for the support of Senator Lynn Ruane in co-sponsoring the Bill, which reflects the urgency and seriousness with which we take this issue. Young people are consistently painted as apathetic and indifferent to current and political affairs. The referendum on civil marriage equality and the referendum for Scottish independence represented a reality that is far different.

In light of this conversation, will the Leader revisit the issue with the Minister, Deputy Simon Coveney, from whom I have received a response on a referendum on the issue? The Bill only goes as far as local and European elections. Ideally we should move towards a position of a referendum on the issue. I ask the Leader to pursue this and for us all to consider the conversation.

Senator Michelle Mulherin: I would like to remember the death of Fidel Castro. We must remember that for quite some time he was seen as the enemy No. 1 of Western democracy and capitalists-----

Senator David Norris: Rubbish.

Senator Michelle Mulherin: I am having my go.

An Cathaoirleach: Allow the Senator to continue.

Senator Michelle Mulherin: He was seen as evil by capitalists in promoting communism but he was a great soul, particularly in making the stand he did against the might and sometimes paranoid power of the United States. He made a sovereign stand in terms of humankind in not allowing one ideology, namely capitalism, to bully us into submission. We know people suffered as a result, but he did win the ideological war. A true assessment of him also requires us to praise his legacy in areas of health and education.

I ask the Leader to invite to the House the Minister for Social Protection, Deputy Leo Varadkar, to discuss defined benefit pensions and the further difficulties on the horizon. I understand approximately 600,000 people, many of them ordinary workers, have paid into private pensions. This issue is getting press now because of the Independent News and Media workers, but ordinary workers in my town paid in all their lives, never thought they had any choice and were never advised there were any risks in paying in so much of their salaries. They thought they were providing for their futures and their retirements. Now, they are so out of pocket and the companies and employers who encouraged them are still trading away. Surely something must be done about this. If something is not done, as usual when people fall on hardship it will all fall back on the State and the taxpayer.

The Minister should come to the House. His predecessor, Deputy Joan Burton, looked at the issue but it was not resolved for the ordinary retired person who did not make the cut on time and did not get to retire when there was still money in the funds. These people are severely out of pocket.

Senator Lynn Ruane: In the coming weeks there will be an official announcement on the leadership shown by Trinity College Dublin in divesting from the use of fossil fuels. This would be the perfect time to invite the Minister for Communications, Climate Change and Environment, Deputy Denis Naughten, to come to the House to discuss how this policy could have a more far-reaching impact in other sectors. The issue of fossil fuel divestment came to me at the beginning of my presidency via a freedom of information request. The leadership shown by the students and the college was commendable. The chief financial officer and the provost had an open engagement with us from the beginning. They allowed students to attend finance and investment committee and board meetings in order that we might make the case for divestment. This is a good example for other student movements that are also trying to address the issues of climate change and fossil fuel divestment. For example, students at NUI Galway are being met with closed doors. To coincide with the official worldwide announcement by various bodies that are divesting from the use of fossil fuels, we should invite the Minister to discuss the issue.

Senator Ned O'Sullivan: I welcome the announcement yesterday that the former President, Professor Mary Robinson, is to gift her archives to NUI Galway and waive any tax benefit to which she may have been entitled as a result. It is commendable, if somewhat late.

Senator Michelle Mulherin: She never said-----

Senator Aidan Davitt: Put her under pressure.

Senator Ned O'Sullivan: It is in line with the long-established tradition for public figures, starting with Éamon de Valera, to donate their archives to the State. That said-----

Senator David Norris: What about me?

Senator Ned O'Sullivan: The Senator must answer for himself. I read his book. It was excellent, but-----

An Cathaoirleach: Can we come back to the Order of Business, please?

Senator Ned O'Sullivan: The Chairman of the arts and heritage committee, Deputy Tóibín, has arranged for the matter of the foundation in Ballina to be placed before it. He has invited the county manager of Mayo to attend. I hope the meeting will proceed, despite the announcement because the project bears investigation. I commend RTE's "Prime Time" programme which was the catalyst for movement on the issue. When money is tight and every project has to be evaluated on a pound for pound basis, we cannot afford to have local authorities, county managers or anyone or anything else of that nature getting involved in large projects without every single aspect being teased out fully in order that the country and the taxpayer get value for money. Projects should not proceed for their own sake or just to promote a particular region. All regions need investment, including my own. I would love to see every possible investment being made in Ballina, but everything has to be assessed. We cannot have major projects rolling on until someone decides they should be examined. In this case, the issue was raised by Professor Diarmaid Ferriter in *The Irish Times*, on "Prime Time" and, perhaps to a lesser extent, by me in this Chamber. We must be vigilant.

Senator Aidan Davitt: I call on the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Humphreys, to attend the House to discuss the concerning development that is the increase in the number of claims against heritage and wildlife sites. The Wicklow Way was recently involved in a high profile case before the courts which brought the matter into focus. I call on the Minister to be staunch in her defence of the National Parks and Wildlife Service. It would be a backwards step for tourism and the public's welfare if we were not to take a strong line on the issue.

Senator Jerry Buttimer: I thank the 18 Senators who raised matters on the Order of Business. I also thank the groups and Members for their co-operation this morning during the visit of the Scottish First Minister, Ms Sturgeon. As everyone will agree, it was an extraordinary event, one of which we should be proud. I thank the secretariat and staff of the Seanad Office - Mr. Martin Groves and the team - for their co-operation. I thank all of the staff of the Houses of the Oireachtas, including the ushers, and staff from the Scottish office for their efforts in ensuring the event was a success.

Senator Ardagh raised the issue of the Orkambi drug and the importance of it. The Minister for Health is to hold a briefing on this issue with the spokespeople on health. I have asked that Members of the Seanad be included in that briefing. It is important to recognise that this is a stressful time for the families, and in particular the parents, of young people who are in need of Orkambi. All of us want to see our loved ones treated. The drug company in question, Vertex, needs to come to the table. It is also important to put on record that the drug works in only

a percentage of cases. The drug company has a duty of care to work with the Department of Health and the HSE on the issues of-----

Senator Gerard P. Craughwell: Shared risk.

Senator Jerry Buttimer: -----affordability and risk-sharing in relation to the cost of the drug. The Minister for Health is engaging on this very sensitive matter. The cost of high-tech drugs is an issue about which we need to have a conversation but it is not one on which we should be pitting people against each other. I am happy to engage further with Senator Ardagh on the issue. Professor Michael Barry of the National Centre for Pharmacoeconomics has made his views on this matter very clear. It is important that Vertex reconsiders its position-----

Senator David Norris: Hear, hear.

Senator Jerry Buttimer: -----and puts forward a proposal on the cost and pricing of this drug that represents value for money for the health service, patients and the taxpayer. As I said, the Minister for Health is currently engaged on this issue. I hope that a resolution can be reached soon.

Senator David Norris: Vertex is profiteering.

Senator Jerry Buttimer: Senator Boyhan called for a debate on the refugee crisis. I am happy to ask the relevant Minister to come to the House. The Senator is correct that it is an important matter in respect of which we should not seek to obfuscate or dilute our responsibility. To be fair to the Minister, she has never flinched from that responsibility, nor has the State. This is about ensuring that we do what is right. The State will not be found wanting in that regard.

Senators Gavan, Norris and Mulherin raised the issue of the passing of Fidel Castro. The death of Fidel Castro has illustrated that he is as large in death as he was in life. He was a complex person. We all have different views about Fidel Castro. What is clear is that he was a major force in the 20th century. He did undoubtedly pursue a model of delivery of education and health in his country that has found favour with some but there are other aspects of his actions that must be questioned. However, this is not the time to do that. We should allow him to be mourned by those who supported him. His denial of freedom of expression and free elections in Cuba and his suppression of opposition and persecution of men and women of the LGBT community leaves a landscape that I do not salute. In death, we should mourn-----

Senator Gerard P. Craughwell: There have been several masters degrees written about the man.

An Cathaoirleach: Please allow the Leader to respond without interruption.

Senator Jerry Buttimer: Long before I conclude here there will be further commentary elsewhere. I do not intend to fall into the trap of condemning the President or commenting on what he said. The President is a long time supporter of Cuba and Fidel Castro, as is his entitlement. I have no issue with that.

Senators Kelleher and Colm Burke raised the issue of gynaecological and maternity services at Cork University Maternity Hospital, CUMH. It is important that CUMH and the HSE work together on an action plan and roadmap to ensure the delivery of babies and women's health are not undermined or threatened. This will require continued dialogue. We would all welcome the delivery of a safe model of maternity and gynaecological services at CUH maternity. I hope

that as a result of the publication of the letters and the consultation and communication that will take place after that, there will be a resolution to this issue.

Like Senator Humphreys, I welcome the signing of the agreement between Holles Street hospital, the Department, the HSE and St. Vincent's hospital. The Minister has worked hard on the agreement. The development of the project is vital for the future of maternity services in this country and this city. The delivery of a world class, state-of-the-art new maternity hospital for women and their babies, young children and young infants is a priority for the Department and the Minister.

Senator Byrne raised the topical issue of Ireland being ranked ninth out of 49 countries for mathematics. I congratulate everyone involved in the project, particularly the people who teach maths in schools.

Senators Gallagher and Feighan raised the issue of passports. The year 2016 has been a record breaking year with 700,000 Irish passports issued. It has resulted in a huge increase in workload for the Passport Office. The increase illustrates the importance placed on having an Irish passport. What an Irish passport gives to people must be saluted and commended.

I join both Senators in their call for more passport offices. My city of Cork has a passport office and I have seen how beneficial the service has been to the region and its people. Even with a post-Brexit scenario I do not see why we could not have passport offices in counties Monaghan and Donegal or anywhere we find a suitable location. Without going too far, the scheme could be rolled out like the decentralisation model.

Senator David Norris: Oh, God.

Senator Jerry Buttimer: It is important to recognise that passport offices should be brought to the people. I do not see why we could not do so in the future.

Senator Gerard P. Craughwell: A few old people can vote there as well.

Senator Jerry Buttimer: Senators Craughwell, Conway-Walsh and Colm Burke raised the issue of the HPV vaccine. I have no issue with arranging a debate on the matter as former Chairman of the Oireachtas Joint Committee on Health and Children that carried out a substantial piece of work. I do not wish to denigrate or take lightly the concerns and views that were expressed this afternoon in the House by the Senators, or the views expressed by the families. Cervical cancer is a killer and its prevalence is growing in the female population, in particular among young women. There has been a lot of misinformation on the vaccination programme. The vaccine, and vaccination in general, prevents the risk of cancer; a fact we must underline in our approach.

Senator Gerard P. Craughwell: That is why we need empirical evidence.

Senator Jerry Buttimer: A huge amount of empirical evidence was given to the Oireachtas Joint Committee on Health and Children that I chaired.

Senator Colm Burke: That is what I said.

Senator Jerry Buttimer: A lot of evidence has been given to the committee since I left the position of Chair. Let us consider the whole issue.

As many as 250 million vaccines have been administered worldwide, 660,000 of which have been administered in Ireland. In Australia there has been a 70% reduction in the level of cervical cancer for females who availed of the vaccine. I understood and have heard the testimony of the children, young women, young girls and parents involved. I do not belittle their testimony and understand their frustration at how their world has completely changed but vaccination programmes work. The decline in the take-up of the HPV vaccination is a source of worry for us for the future. I am happy to arrange a debate on the matter in the House and will invite the Minister to attend because we have nothing to fear. If there are issues to address in regard to the comments made by the Senators opposite then I wish to adapt. It is important that we present the full works and that is what I hope we can do.

Senator Gerard P. Craughwell: Well done.

Senator Jerry Buttimer: Senator Feighan raised the issue of air ambulances. It is important to recognise that air ambulances have saved lives, which is welcome.

I neglected to mention Senator Norris when I mentioned Fidel Castro. In terms of pensions, I am happy to invite the Minister for Social Protection to discuss the matter. I suggest the Senator raise the matter with him when we discuss the Social Welfare Bill later today. Pensions are important and we should not have the anomaly of a two-tier pension system.

Senator David Norris: I thank the Leader.

Senator Jerry Buttimer: Senator Horkan mentioned the ongoing negotiations between the Government and the ASTI. The talks lasted into the night and continued early into the morning. All of us would welcome a conclusion of talks, including the students seated in the Visitors Gallery.

I apologise to Senator Warfield, as I missed his remarks last week in my reply to the appointments to the board of IMMA. Knowing the Minister and knowing personally some of the people appointed, both men and women, they are people of the highest quality. We are all about appointing people with competence to boards, and in particular if there are women who can be appointed it is important to do so, not because of their gender but because of their competency and ability. I thank the Senator for raising the issue.

He also raised the Bill on extending the franchise to young people aged 16 and 17. If I am correct it is due to be taken during Private Members' time this week.

Senator Fintan Warfield: No, it will be after Christmas.

Senator Jerry Buttimer: It is something we need to debate. I was on the Constitutional Convention that debated the issue, and we heard the First Minister of Scotland this afternoon speak about the importance of young people being engaged. It is important that we educate young people in their civic duty and in their responsibility before they vote, as they vote and after they vote.

Senator Mulherin raised the defined benefit pension schemes, an issue she raised previously. The Minister for Social Protection will be in the House this afternoon for the debate on the Social Welfare Bill, but I believe we should also have a debate on pensions in the new year.

Senator Ruane raised the issue of divesting from the use of fossil fuels. I would be happy for the Minister for Communications, Climate Action and Environment, Deputy Naughten, to

come to the House for a debate on the issue.

Senator Ned O’Sullivan has returned to an issue he raised previously, namely, that former President, Mary Robinson, will not be availing of tax break. She is to be commended on that. I welcome the fact that she is donating her archives to the State, as did Senator Norris. That gives rise to a question, however. Having visited a number of the presidential libraries in America, which are private institutions that raise funds for the operation of the libraries, I do not see anything wrong with having a national presidential library or a separate national library for taoisigh. I am all for the donation of State papers and keeping important papers in the country but an issue we must consider is how we can ensure access by ordinary people - students, post-graduate students, and those of us who are anoraks, if one likes, to read those papers. Undoubtedly, the presidency of Mary Robinson was an exciting time. She was the first female President and I am sure her papers will be of considerable value to the State and the people of Ireland.

Senator Davitt raised the ongoing claims against heritage and wildlife parks, facilities and services. It is a major issue for the OPW and those who are charged with responsibility for the area. We saw in the recent report on insurance from the Oireachtas committee on finance how people claim *ad nauseam*. We must have a major debate about insurance and insurance claims and how people claim for certain things that perhaps are not the fault of the OPW in this case or the National Parks and Wildlife Service.

Senator Aidan Davitt: Serial claimers are a serious problem.

Senator Jerry Buttimer: Yes. We will come back to the issue in the new year. I again thank all Members for their contributions this morning during the visit of the First Minister of Scotland, Nicola Sturgeon. I thank the staff in particular for their co-operation and great work. We are very fortunate in this House that we have people in the Seanad Office and ushers who work above and beyond the call of duty. Today did not happen because we flicked a switch and the lights came on. It happened because of great people working behind the scenes and I thank them. I also thank Senator Paddy Burke, who made the proposal to invite the First Minister to the House today. If he did not make the proposal and the Committee on Procedure and Privileges, through you, a Chathaoirligh, did not support it, then perhaps we would not have had a very positive visit of the first Head of Government to speak in the Seanad. I thank everybody.

Order of Business agreed to.

Horse and Greyhound Racing Fund Regulations 2016: Referral to Joint Committee

Senator Jerry Buttimer: I move:

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

Horse and Greyhound Racing Fund Regulations 2016,

copies of which were laid in draft form before Seanad Éireann on 21st November, 2016, be referred to the Joint Committee on Agriculture, Food and the Marine, in accordance with Standing Order 70A(3)(k), which, not later than 15th December, 2016, shall send a message to the Seanad in the manner prescribed in Standing Order 74, and Standing Order 76(2) shall accordingly apply.”

Question put and agreed to.

Sitting suspended at 3.30 p.m. and resumed at 4 p.m.

Social Welfare Bill 2016: Second Stage

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

Minister for Social Protection (Deputy Leo Varadkar): The Social Welfare Bill provides the legislative framework for the implementation of the measures announced in budget 2017. It also contains a number of largely technical changes which aim to resolve minor deficiencies identified within the welfare code. Overall, the Bill represents a prudent approach with modest increases to all weekly payments, alongside more targeted measures, an inclusive approach to ensure the recovery benefits everyone and that no one is left behind, a progressive approach to making work pay, including positive reforms to the social insurance system and the extension of access to benefits to the self-employed, and a targeted approach with measures to assist lone parents, low-income farm families and school children.

The Bill provides that the maximum rate of all weekly benefits will increase by €5 so that all people of working age, as well as retired people aged 66 or older, will see an improvement in their weekly incomes. Overall, almost 1.5 million people will benefit from these increases while local communities and businesses will benefit, in turn, from increased spending. Increases for recipients aged 66 years and over will come into effect during the week ending 10 March 2017. This includes, for instance, all those in receipt of the contributory State pension and the non-contributory State pension. The effect of this increase is to bring aggregate payments to pensioners back up to the level they had reached before the financial crisis in 2009 even taking into account the reductions in the telephone allowance and fuel allowance. I want to build on this progress in future budgets by continuing to increase the State pension at a rate greater than the rate of inflation.

The increases for other recipients will come into effect during the week following 10 March. Approximately 840,000 working age people will gain from this increase, regardless of whether they are jobseekers, widows and widowers, ill or disabled, lone parents, farmers, carers or participants in schemes such as community employment, Tús and the rural social scheme. Until budget 2017 was announced, none of these people had seen an increase in their weekly income since the cutbacks of 2010 and 2011. Even after the €5 increase next March, they will still be some €11.50 per week worse off than 2011 so I also plan to continue to increase these rates above the rate of inflation in future budgets. It was very important to me, and to all of my colleagues in Government, that no one was left out as we sought to extend the benefits of the economic recovery to all sectors of society. A social impact assessment of the social welfare budget package using the ESRI SWITCH model on a non-indexed basis found that people who are in lowest income quintile, the bottom 20%, gain the most from budget 2017.

This Bill is notable for its reformist approach in extending access to social insurance benefits to self-employed people. I am a strong supporter of the contributory principle, which is the idea that people who pay into the system should benefit from it. The social insurance system is an excellent example of how this principle can be realised. I am particularly pleased that this Bill includes a number of measures which will have a very positive impact for the self-employed, a sector which is critical to sustaining the Irish economy. As Senators are aware, the

self-employed sector encompasses a huge range of people, including farmers, professionals, taxi drivers, hairdressers, small business owners, freelancers, tradesmen and tradeswomen and many more besides. They are people who face the same risks and contingencies in the course of their working lives as employees. To date, their PRSI contributions have allowed them to qualify for a State pension contributory on reaching pension age, maternity and paternity benefits but provide no safety net in other scenarios such as illness or unemployment.

Section 9 of the Bill provides that from March 2017, the self-employed will be entitled to access the optical, dental and hearing benefits currently available to employees under the treatment benefit scheme. This section of the Bill also provides that when the range of optical and dental treatments is expanded from October of next year, both employees and the self-employed will benefit equally. Section 4 of the Bill provides that the self-employed will be entitled to apply for invalidity pension with effect from December 2017. Where a self-employed person is no longer able to continue to work because of long-term ill-health or injury, they will have access to the safety net of State income support without a means test. They will no longer be asked about their assets or savings or their partner's income as that will no longer be relevant.

Senator David Norris: Well done, Minister.

Deputy Leo Varadkar: Section 10 also relates to self-employment, in this case by providing that city and county councillors will in future be brought into social insurance cover as self-employed people. They will be treated in the same manner as other self-employed people insofar as entitlement to the wider range of benefits is concerned. Councillors currently pay class K contributions, which were introduced at a time when we were experiencing an unprecedented financial crisis. Payment of the class K contributions was one of the measures which ensured that public office holders made their contribution to the resolution of that crisis. No benefits accrue from these contributions. Along with many Members of the Oireachtas on all sides, I have been concerned about the social insurance position of councillors. Unlike Members of the Oireachtas and the Judiciary, they do not have any occupational pension rights. It is now appropriate that they be brought into social insurance cover, particularly for pensions.

It is important to say that councillors will continue to pay 4% of their income in 2017 until they reach the age of 66. There will be no improvement in net pay for the vast majority of councillors. The benefit will be long-term when they reach pension age or if they are unfortunate enough to experience a long-term disability or illness rendering them incapable of work. They will have to satisfy the same contribution conditions as anyone else to get these benefits but they will get them.

The various measures to expand social insurance coverage to the self-employed fit well with the Government's policy of making work pay and encouraging self-employment and entrepreneurship and encouraging people to take calculated risks. I intend to continue to extend the benefits available to self-employed persons through the social protection system and will look at further options in the coming year, particularly with regard to jobseeker's benefit.

In the course of the passage of the Bill through the Dáil it was evident that everyone who had contributed to the debate was keen to ensure the impact of the reforms to the one-parent family payment since 2012 would be thoroughly evaluated. Section 12 is a new section of the Bill, as amended by the Dáil, and provides for an independent evaluation to be completed within nine months of its enactment. We anticipate having it done prior to the summer in order that it can feed into the budgetary process.

Section 24 increases the income disregards for the one-parent family payment which, from the start of next year, will rise by €20, from €90 to €110 per week. This measure reverses in part previous reductions and is designed to encourage one-parent families to stay in or return to work or work more hours. It will also apply to persons in receipt of the jobseeker's transitional payment. It is intended that it will kick in on 5 January, subject to the Bill being passed by the Seanad.

As part of the Government's commitment to rural Ireland, the Bill, in section 23, reverses completely the cuts made to the farm assist scheme in 2012 and 2013. This will provide enhanced support for approximately 8,000 farm families throughout the country.

Young jobseekers under the age of 26 years generally receive age-related reduced rates of jobseeker's payments of either €100 or €144 per week. These will increase proportionally with the general rate increases. A similar approach will be taken to others such as qualified dependent adults. The focus of the Government is on helping and encouraging young jobseekers into employment and education. We do this by actively engaging with them one to one and helping them to attain additional training and educational qualifications that will assist them to find a job. I strongly believe welfare should be a second chance, not a way of life; therefore, from next September, when a young jobseeker participates in the Department's back to education scheme, he or she will be entitled to receive the full maximum rate of jobseeker's payment which will then be €193 per week, as opposed to the €160 he or she currently receives. This 21% increase represents an extra €33 a week and demonstrates the State's support for young jobseekers who try to help themselves by enhancing their education and skills. It is the biggest single increase in the social welfare package and specifically targeted at young jobseekers.

I do not want to take up the time available in the House for the Second Stage debate by going through the Bill section by section. I am keen to use the time we have available to hear the views of Senators. I will instead give a very brief summary of the key aspects of the Bill and we can, of course, return to the individual sections on Committee Stage.

Section 2 relates to the definition of a qualified adult for the purposes of the half-rate carer's allowance, while section 3 relates to paternity benefit. Section 5 relates to illness benefit, while section 11 relates to the one-parent family payment and blind pension. Section 13 relates to the supplementary welfare allowance, while section 19 relates to gardaí seconded to the Department. The amendments are all largely of a technical nature and involve no change in policy, rather they are included to resolve some minor deficiencies which have been identified in the social welfare code.

The provisions in section 18 are designed to update the social welfare legislation in the area of habitual residence to reflect legislative changes introduced by the Department of Justice and Equality. Section 22 similarly updates the legislation to reflect the introduction of the GLAS scheme by the Department of Agriculture, Food and the Marine.

Sections 4, 9 and 10 all relate to the changes I outlined to treatment benefit and invalidity pension schemes for the self-employed, including city and county councillors. Section 9(b) provides for the extension of the benefits currently available under the treatment benefit scheme. When the necessary discussions with the bodies representing dentists and opticians have concluded, I will introduce regulations to make an expanded treatment benefit scheme available to the employed and self-employed with effect from October 2017.

Sections 6 to 8, inclusive, 21 and 25, with Schedules 1 and 2, provide for new rates of social insurance benefits and social assistance payments to be paid from March next year. Proportionate increases for those in receipt of reduced rate payments and qualified adult dependants are also provided for.

I spoke about section 12 which provides for the preparation of an independent evaluation of the reforms to the one-parent family payment since 2012. Section 14 is an amendment to require employers, where they are requested to do so, to provide information for the Department on child benefit claims. This mirrors the requirements that already exist for a number of other schemes, such as FIS and the back to work family dividend. These powers are particularly relevant to child benefit payments made on the basis of employment in the State under EU regulations.

Section 15 deals with situations where someone has an entitlement to maternity, paternity, health and safety or adoptive benefit as well as the back to work family dividend. Senators will be aware that the back to work family dividend, introduced in January 2015, offers financial support to families moving from social welfare into employment where the claimant, having taken up employment or self-employment, stops claiming a jobseeker's payment or a one-parent family payment. Under current legislation, someone in receipt of the family dividend cannot concurrently receive payment for maternity, paternity, health and safety or adoptive benefit. In such cases, my Department has to suspend payment of the dividend until entitlement to, for example, maternity benefit is exhausted. At that point, payment of the dividend is resumed. This practice is disruptive for the customer and administratively cumbersome. Section 15 deals with this issue by providing that maternity, paternity, health and safety or adoptive benefit can be paid concurrently with the back to work family dividend.

Section 16 provides powers to allow regulations to be introduced to prescribe a specified time for making a paternity benefit claim. This is a standard provision that applies to the full range of other welfare schemes. Section 17 provides powers to enable regulations to be introduced to set out the conditions to apply where a person nominates another person to act as a "temporary" agent to receive or collect a social welfare payment on the person's behalf.

Section 20 deals with the position of Romanian and Bulgarian nationals and their families who were working in Ireland during the transitional period from 2007 to 2011. It provides that contracts of service in which they engaged here during that period fall within the categories of employment where a person is regarded as an employed contributor. As a result of this change, any PRSI contribution paid by a Romanian or Bulgarian employed contributor during the transitional period will be recognised as valid.

Section 23 provides for the reintroduction of the income disregards and tapering arrangements that applied to the farm assist scheme before 2012, thus reversing all of the cuts made to that programme. Section 24 provides for an increase in the earnings disregard for one-parent families.

The actions contained in the Bill will be supplemented by other budget measures that do not require amendments to the primary legislation. One of these is the Christmas bonus. Last week, my colleague, the Minister for Public Expenditure and Reform, Deputy Donohoe, and I signed the order allowing for the payment of the bonus. It will benefit more than 1.2 million people at a cost of some €221 million and is being paid across this week.

The Bill reflects the responsible and prudent approach of the Government to ensuring that our economic recovery is not put at risk. There are increases in all core social welfare payments, which will benefit individuals, families and their communities. There are also specific targeted measures that will provide additional supports to vulnerable sectors of our society, including one-parent families and low-income farm families. The Bill is reforming and progressive in recognising the needs of the self-employed.

This is the first Social Welfare Bill to be introduced under the partnership Government. We intend that future budgets will continue to improve the living standards of all of our people, assist people to move from welfare into work, support self-employment and self-reliance and develop a strong social insurance system based on the contributory principle. I commend the Bill to the House.

Senator Catherine Ardagh: I thank the Minister for addressing the House and am happy to be able to contribute on the provisions and changes contained in the Social Welfare Bill.

This year's budget goes some way towards introducing elements of fairness to the social welfare system that have not been seen in this country after five years of harsh, punitive and regressive budgets under the previous Fine Gael-Labour Party Government. Without the backdrop of the confidence and supply agreement, any element of fairness would be missing completely. The ESRI has commented on the budget, stating that its greatest gains are in the lowest income quintile. Though minimal, this would not have happened but for the influence of Fianna Fáil. The €5 increase in the State pension and other social welfare payments, the 85% restoration of the Christmas bonus and the extension of optical and dental supports were central to Fianna Fáil's election manifesto. While these are not huge gains, they go some way towards addressing the inequality in our society. Fianna Fáil also welcomes the cross-party amendment to provide for a review of the one-parent family payment. The Fianna Fáil Party has fought long and hard to reverse the punitive changes introduced in 2012 and we welcome that the Government has agreed to review those changes on foot of amendments tabled by Deputy O'Dea on Committee Stage in the Dáil.

Our social welfare system is evolving. It is by no means perfect. One of the major discrepancies in the system is the gender disparity when it comes to the contributory State pension. As we know, entitlement to the State pension varies depending on an individual's circumstances. A person may have an insufficient yearly average number of contributions or an insufficient number of overall contributions to qualify for a pension or full pension. In 1994 a home maker's scheme was introduced to address some concerns, specifically in regard to the impact of time out of the workforce spent caring. This allows for up to 20 years spent caring to be disregarded when an individual's yearly average is being calculated. It does not, however, apply to women who gave up work before 1994 and therein lies the problem. It has been suggested by many sources that the home maker's scheme should be retrospective and that the current disregard system should be replaced with a system of credits. Issues around making the home maker's scheme retrospective were examined against the qualifying conditions for the old age contributory pension and retirement pension schemes 2000, which found no fundamental reason in principle the scheme should only apply from 1994. I am calling on the Minister to prioritise the regularisation of the gender disparity in this country and I ask that he make this issue a priority.

Senator Victor Boyhan: I welcome the Minister to the House to debate the Social Welfare Bill 2016. For me, the main issue that jumps off the page is that of restoration of cuts. In fairness, it was honest of the Minister to admit that it was the previous Administration, of which

he was a member, that brought about the cuts, including in respect of the telephone allowance. The majority of the e-mails I have received since I became a Member of this House are related to the cuts. The impact of the cut of the telephone allowance is an issue in respect of which I am sure all politicians have received representations. We often talk about rural isolation and the importance of ensuring people can remain connected with families and friends. Many people have had their home telephones disconnected and are now using mobile phones. The cut of the telephone allowance was a cruel and mean one. I know there was a cost factor involved. Perhaps the Minister will share with us the savings accruing from the cuts in respect of the telephone and fuel allowances, the impact in that regard and when these cuts might be restored. Senator Reilly, chairman of Fine Gael, said in this House prior to the announcement of the budget on budget day that restoration of this cut was an issue that he was pursuing within the party. In that regard he said he would be extremely disappointed if the Minister for Finance did not deliver in relation to the telephone allowance. I met him later that day and he put his hands up and admitted it was one of those issues that had not made it over the line. I would like the Minister to share his views on the issue and on his plans in this area.

The next issue I would like to touch on is the class K and S contributions in respect of county councillors. It needs to be stated time and again that county councillors are paid €16,500 gross per annum, which is not a huge amount. These are people who work seven days a week. This is a huge issue outside this House but it is not one that surfaces in this House very often. One might well ask why I am raising it today. I do so because I represent these people. They are my constituents and I do not apologise for representing them. As I said, this is an issue that is continually being raised. We know that these people do not have any occupational pension rights. I acknowledge that the Minister has taken a positive step forward. However, I would like to know when the new provision will come into effect because that is not stated in the Bill. What is the timeframe within which it will come into effect? I know that the Minister is committed to this issue. I am not disputing that. As I understand it, county councillors will continue to pay 4% on €16,500 per annum. The Minister might share with us when this provision will come into effect.

In regard to the county councillors who have paid this contribution since 2000, in respect of which they received no benefit, will they receive a refund? Will those who paid €600 per annum from 2000 be given a refund? Will they receive any benefits for those payments? How are we going to make amends for this? It was grossly unfair for people to pay the class K rate but receive no benefits. County councillors want to hear how the matter will be addressed. I accept that people over 66 years will no longer pay the class K rate as it will no longer exist. Can the Minister confirm that all councillors can opt to move from class K to class S? Is it an opt-in or opt-out clause? Can he confirm that a person aged less than 66 will automatically go into the class S? Can he deal with the issue of retrospection? Can he make a case for or consider positively a reimbursement or benefit for the people who have paid up to now but did not receive a benefit?

I welcome the restoration of the farm assist scheme that was cut by the previous Government of which the Minister was part. I acknowledge that he has proposed the restoration of this important measure. The scheme is prudent and reasonable.

I am reasonably supportive of the Bill as I think it is fair. The bonus scheme is now at 85% but we should make that 100%. The Minister has clearly set out the cost involved, which must be a consideration for everyone. I know that he wants to give a little something to everyone. The Government originally had the objective of restoring the bonus 100% for people in receipt

of welfare benefit. This year the bonus has been 85% restored. Surely we can make a strong case and clearly indicate that the Government will work towards restoring the bonus to 100% for 2017. I thank the Minister for his time.

Senator Ray Butler: Budget 2017 is fair and prudent and it contains modest increases for everybody. Recovery benefits all, there is a new deal for the self-employed and it makes work pay. The pensioners have received a modest increase of €5 in their pensions but the Minister did not forget them. There has been a €5 increase in benefits for all people under 66 years. Some 840,000 people will gain from the increase in invalidity pensions, disability allowance, blind pensions and many more allowances.

The self-employed will now receive dental benefits, hearing benefits, optical benefits and at least 205,000 workers will now be eligible for an invalidity pension. The self-employed will receive a tax credit increase but no PRSI increase. This is the first time in the history of the State that self-employed people have been recognised through social protection. It is a huge issue. Like education, health and so many areas we have not gone far enough but we did what we could with the little we had.

I was delighted to hear the Minister's following comment here today and shall read it into the record. He said: "I intend to continue to extend the benefits available to self-employed persons through the social protection system and will look at further options in the coming year." I thank our partners in government who have put this aim in the programme for Government. In fairness to the Labour Party and Deputy Joan Burton, they campaigned for this issue during the five years we were in government together. I am delighted that 400,000 people will get some cover. We are moving forward and we want young entrepreneurs to take a chance. God forbid that anything happens to them, either they suffer invalidity or get sick and are out of work, we will back them to get back up on their feet and to move forward.

I was delighted to hear of the changes in the class K stamp which is welcome. It is a huge issue for local councillors and the change cannot happen quick enough.

In terms of treatment benefit, a range of dental and optical benefits have been restored that will benefit 2.5 million people. Lone parents will receive a €5 weekly increase. In addition, the disregard has been increased from €90 to €110 and will benefit 17,500 people. A new €500 cost of education allowance and a single child care scheme have been introduced.

Budget 2017 has focused on children with a child care package, medical cards and education. In terms of school meals, as many as 52,800 additional places have been created and 35,000 breakfast places for non-DEIS schools have been created. We have all seen how they worked in all areas where they have been a considerable success. It is great to see extra money in that regard. There was a €15 weekly increase in guardian's payment.

In rural areas the cuts to farm assist were reversed. There are 17,800 beneficiaries of the scheme. I also welcome the 500 additional places on the rural social scheme. In addition, I welcome the PRSI reforms farmers have long sought.

Young jobseekers have had the full rate of the back to education allowance restored. I also welcome the reduced rent contribution for those on jobseeker's benefit, community employment, CE, schemes, and those on Tús schemes. Other measures include the provision of an extra €1 million for the community service programme bringing it to a total of €46 million. That is to be welcomed. We have all seen how successful community services have been in terms of

improving the lives of those in the community in all rural towns and villages.

I welcome the extension of the carer's allowance and the access to the back to work enterprise allowance in nine months rather than 12 months, as well as the €15 per week increase for guardian's payment. We will all welcome the full restoration of the Christmas bonus when that happens but the restoration of 85% of it is welcome. The bonus will be paid to 1.2 million people from 28 November.

Since the budget there has been no backlash on the social protection budget, which is to be commended and welcomed. It is a far cry from 2011 when I came into this House and the cuts we had to make following the collapse of the country on foot of what the previous Government did. We must not forget that. We had to make decisions, some of which were good and others which were bad, in order to get this country back on its feet. Now we are reversing any of the cuts that we felt were wrong. I agree with the point that was made by a previous speaker that we should reconsider the cut to the telephone allowance. The saving in that regard was a paltry €3 million to €4 million. It was ridiculous. It was the one big issue that was raised in my constituency office. We should examine the issue and reverse the cut. We all know there are areas on which we can improve and as the economy grows and according as people go back to work we can help the most vulnerable in society.

I welcome the Social Welfare Bill.

Senator Máire Devine: I thank the Minister for presenting the Social Welfare Bill. First, I echo the sentiments of Senator Boyhan on pensions for councillors, and the paucity of the reform of their terms and conditions. I also echo his call for the Minister to respond to him and say how he will speed up the changes and make them a bit more meaningful.

I remind the Seanad and the Minister of the call in the budget for the centre to hold - that Irish people were centrist and demanded centrist politics. First and foremost, I do not think the centrist politics he espouses and to which he alluded are the politics of anything like the centre which we have witnessed in this country in recent years. In the post-budget discussion and especially in the main post-budget debate, we had an amazing situation. The Minister for Finance refused to appear on "Prime Time" to debate with the Opposition. I refer to Sinn Féin's finance spokesperson, Deputy Pearse Doherty. One could ask what was the reason for that. Amazingly, despite the Minister for Finance, Deputy Noonan, outlining that both Fianna Fáil and Fine Gael share common policy objectives, come from the same background and are supported by many of the same people across the country, he would not debate with Deputy Pearse Doherty because he said Fianna Fáil was and is the main Opposition party. That is comical.

The Social Welfare Bill contains many provisions. The group that was most affected in the recession and the post-recession period are young people. They are our future. They were forced to emigrate in their thousands post 2008. Those left behind faced unprecedented unemployment levels. With no jobs to obtain, the Government made the unbelievable decision to cut their social welfare rates to €100. That was a distinct policy decision of discrimination. The Minister has done little to address this discrimination in this budget, given that those aged 18 years to 24 years were given an extra €2.70 a week and those aged 25 years were given €3.80 a week. I measure this against the €5,000 that Deputies greedily decided to accept earlier. This is a yes for inequality, and a no for leadership. This is quite simply a disgraceful decision.

The Fianna Fáil Party played its part in putting together this budget. They are every bit as

culpable for this discrimination as the members of the Fine Gael Party.

It is not all bad news as I believe there are good measures in the Social Welfare Bill. These include the increase in allowance back to €193; the ending of the demeaning and insulting JobsBridge, the reintroduction of the €500 cost of education allowance; the increase in school meals provision and the provision of paternity leave and benefit.

The problem is that there are far too many bad measures that were not addressed and not seen as a priority. These are distinct policy choices that do not serve the people that need support most. Reducing the tax rate for capital acquisition tax, increasing the band for inheritance tax and reducing USC rates for those who can afford the payment the most are not centrist measures, but measures that broaden the inequality that remains rife in this country.

I will outline the bad measures that Fine Gael and their Fianna Fáil partners introduced that will make life near to impossible for lone parents next year. The reduction in the cut off age for one-parent families have left more of these vulnerable units at risk of extreme poverty. The one-parent family measures have been noted as encouraging welfare dependency, reducing household income and creating one big welfare trap that these families cannot get out of. It punishes children and in the main in one-parent families it punishes women. The centrist parties pledge to increase living alone allowance in their respective manifestos should have been a no-brainer. Why did this not happen?

Fianna Fáil in government introduced prescription charges. Fine Gael keeps them going. While both parties acknowledge fuel poverty is evident, neither fought for nor provided for any increase. Some 28% of households across the State experience fuel poverty. I want everybody to listen to the next point because I was gobsmacked when I learned that Ireland has the highest level of winter mortality in Europe with 2,800 dying of the cold each year. We need to balance this against the unequal decisions that have been made.

The €5 increase in the State pension and disability payment will be of benefit to citizens who are in poverty, however, this needs to be seen for what it is, a delayed appetiser to appease our older citizens and those with disabilities in the event of an early election, given the parlous state of the friendly Fianna Fáil and Fine Gael coalition. This increase along with the other significant inconsistencies in our pension system and disability funding fail to be addressed in this Bill.

Last Saturday at a public stall after the closure of yet another post office in my local area, an elderly lady came up and asked why the Government is giving pensioners a fiver: “What good is a fiver to us, why do they not put all the fivers into giving the people on the street a bed for the winter?” She would much prefer that. This proves to me the disconnect between the centrist parties and the ordinary people of Ireland. The ordinary people are fair, compassionate and caring and they possess a very strong social conscience.

We will not oppose the Bill and will not delay it. We would prefer if things were done differently and while we do not believe the changes introduced in the budget went far enough, we must accept that crumbs are better than no crumbs.

The Minister accepted an amendment tabled by my party colleague in the Dáil on preparing a report on the financial and social effects of the changes to the one-parent family payment since 2015. Our wish is that the report will be presented within six months. The Minister has given a commitment that it would take nine months to do but we request him to push for doing it within

six months. We also asked for an annual child poverty report to be published and issued to the joint committee of which I belong. I really would want to see such a report annually. This was rejected. Why?

We asked that employees whose dismissal was found to be a case of unfair dismissal would the State support received by them refunded to the State by the employer and that upon a successful finding of unfair dismissal a statement would issue that the employer did unfairly dismiss the employee. This was rejected and I would like to know why. I would ask the Minister again to consider both of these amendments.

Senator Alice-Mary Higgins: I welcome the Minister to the House. I will not be going through this section by section. I know we will have that opportunity on Committee Stage. There are some very positive steps in this Bill and it is important to acknowledge them. The movement with regard to jobseeker's allowance for the under 25s, while it does not go far enough in fully restoring their payments, is important. Steps have also been taken with the carer's allowance and I recognise also the increase in income disregard for lone-parents as a very, very small step towards what needs to be an urgent review of our work in this area.

The Joint Committee on Social Protection has heard testimony of the impacts of these cuts and I know these have already been discussed extensively on Committee Stage, and no doubt they will emerge here again. The figures basically still speak for themselves in that only 3,000 lone-parents - by the Department's own figures - are estimated to have moved on to the family income supplement and thereby potentially escaping poverty, though even that is debated.

We know that almost 40,000 people, predominantly women, were moved from the one-parent family payment. There has been a massive shift in policy and a massive wholesale movement of people from one payment to another payment and we have been hearing the impacts of that. I am glad to see, and I very much welcome, that the amendment which requires a report in this area has been accepted in the Dáil.

I echo the call by my colleague across the floor in asking the Minister to endeavour to bring in the report in six months rather than nine months because it is absolutely essential that we have the findings of this review. From those who have been monitoring the situation on the ground, we already have seen the impact. We must, however, have the report in time to ensure that it informs our next budget so it can bring about a rethink of our actions and policies with regard to lone-parents and place them at the centre of the next social welfare Bill, if we debate it next year.

We know there are poverty rates of 59% among this cohort. We know there are huge consequences for these people. This is the cohort who not only have a lower income but also have a lower wealth reserve and who are least equipped to bear the period of experimentation that has been thrust upon them. I encourage the Minister to ensure that the report reflects the voices of lone-parents and their advocate groups and that the report from Millar and Crosse - with the UNESCO project at National University of Ireland, Galway, and believed by many people to be an excellent report - is not lost. The Millar and Crosse report did not receive the debate it should have.

I note that the Minister was going to have a review of the jobseeker's transition scheme that is to commence in 2017. That would be interesting. Within that jobseeker's transition I urge the Minister to also consider what might be learned with regard to qualified adults. For example,

if we were to look to voluntary, supported access to employment and activation opportunities not based on sanction or the criteria of full-time availability but that looks to opening up new opportunities in a supportive way to the many thousands of people, especially women, who are qualified adults.

One group which did not receive an increase are those people in direct provision. The Government's own report has recommended increases in this area. The €5 increase would have been a very small step. The Minister has said this increase is dependent upon the Department of Justice and Equality but I would appreciate it if the Minister would inform the House of how he might have engaged with that Department so we can add to the pressure on that Department to support the Minister in being able to redress, even as this Bill passes through the House, the fact that those people in direct provision in Ireland are still living on the same amount of money as was issued in 2004. That is a shame on our nation. It is something on which we could move forward. I ask the Minister to tell us how we can support him in working with other Departments to make that happen.

I will now turn to my key concern in this budget and in the Bill. We have been told there will be a €5 increase in payments and that this will help to take aggregate payments to pensioners back to 2009 levels. However, we must be honest because most women in Ireland in receipt of the contributory pension will not receive a €5 increase. I would like the Minister to clarify whether those on the reduced rate of contributory pension - the majority of women in receipt of that pension are on the reduced rate - will receive a €5 increase or, as I understand it, a *pro rata* increase.

What is being done in terms of pensions and older people? Nothing is being done to address the pensions gender gap. We need to not only match the reduced-rate increases by the amounts that are being put forward but to address the fact that the band changes and losses suffered by those on the lower rate of contributory pension are far in excess of those in receipt of the full rate of contributory pension. An opportunity has been missed. We are discussing pensions but are doing nothing about the pensions gender gap. We are not even redressing the widening of the gap that has arisen due to changes in the contributory threshold during the years of recession.

Others have proposed amendments to the homemakers provision and credit. As the Minister knows, I have clear proposals on a care credit with which we need to push forward. The Minister has spoken about the importance of recognising the contributions that are being made. There is a fundamental point, namely, we need to recognise that care is a contribution. We need the system to recognise that and to move past the language of disregard towards something which will give clear recognition to the contribution of carers.

There have been changes to how the self-employed are treated and Members heard passionate debate across the House about the contribution they make in driving the economy. That economy and society would not be possible without carers. I would like the Minister to consider that issue.

I will propose practical amendments around voluntary contributions and how people might be facilitated in making more voluntary contributions, something which has also been a great obstacle to women.

I have one last point on pensions. The Minister has spoken about PRSI contributions. More

ambitious changes to our pension system than are proposed in the Bill can be paid for by the significant subsidies that have been given to private pension tax relief. In the House this week I will raise with the Minister for Finance the large subsidies and waivers available in terms of capital gains tax that have been given to the private pension industry.

We are paying significant amounts into the private pension industry in this country. If that approach is moving ahead at the same time we are being told we cannot afford to take action and need a long-term review, we are flaunting and defying the basic principles of equal treatment under EU law and the commitments of the Government to equality and gender-proofing of our budget.

The Minister has moved on farm assist, but I ask him to comment on the European directive encouraging PRSI contributions for the spouses and partners of those on family farms. Does the Minister think that will make a difference in terms of increasing our PRSI contribution take?

Senator Maria Byrne: I thank the Acting Chairman for the opportunity to speak on this Bill today. I welcome the Bill. It proposes a host of measures, including paternity leave, the restoration of farm assist, protection for the self-employed, which is most important and has never happened before, increases in the back-to-education allowance and the provision of over 50,000 school meals. These are all very important measures.

One could ask why the Bill is significant. It sends out the message that the Minister and Government were listening to people when they were on the doorsteps last February. The Bill deals with issues we all came across.

Statistics show that month by month, the economy has grown and the unemployment rate has fallen. Yet, the recovery has not been felt by everybody in the same way and the consequences of Brexit undermine the viability of some small businesses, while others are yet to face the true cost. Some businesses are struggling with rising insurance costs, minimum wage increases and a host of other factors that have put many self-employed people in a precarious position. This is the reality for more than 325,000 people.

The position before the introduction of this Bill was that small business owners were means tested to calculate their eligibility for social welfare assistance. Their assets often worked against small business owners when it came to the question of whether they could avail of many of the protections their employees could enjoy. The answer was most frequently “no”. They could not be protected when hard times came. Proposed changes such as extending the invalidity pension, granting access to dental and optical benefits and the medical appliance scheme are examples of the ways the Bill seeks to thank those drivers of economic growth, the self-employed. These people are the human face behind the statistics and the reason Ireland is recovering. However, not all self-employed people succeed and, for reasons entirely beyond their control, what was once a strong and profitable enterprise may be in trouble. Unlike larger businesses and companies, which could absorb the cost, many small businesses quickly closed their shutters for the final time.

An ESRI report published this month revealed some worrying findings. Those particularly at risk of poverty are lone parents who are self-employed. According to the Mangan report of 2009, the median income of self-employed people was only €20,000. The self-employed were at a 16.4% risk of poverty compared with 14.1% for the whole population. Too often, these facts are not discussed in the general political discourse. More must be done to encourage

people to pursue their ambitions, take risks and start their own businesses. Ireland has long outperformed the global community in developing business leaders. It is time that we extended the protections available to those who have fallen on hard times and who, despite the difficulties they face, hold immense potential that can be realised in the towns of Ireland.

I particularly welcome the increase in the back-to-education allowance and the announcement that 35,000 more children will have school breakfasts. These simple measures have enormous effects for those who avail of them, given that they allow children to participate in school with the best possible start to their day. The ESRI has shown that the 2017 budget has had the most positive effect on those less fortunate and such measures serve as examples of what can be done to tackle inequality and poverty.

I refer to the transfer of councillors to class S for their PRSI payments, which is most welcome. Many Members, having been councillors in the past, served and paid class K but received no benefit from it. I pay tribute to the Association of Irish Local Government, AILG, and the Local Authority Members Association, LAMA, for the work they did with the Minister on the proposals in this regard. I welcome the fact that the Minister has listened and will go ahead with it. I commend the Bill to the House. It will be of great benefit to our country.

Senator Kevin Humphreys: I welcome the Minister. It is a better time to be the Minister for Social Protection than has been the case for the past five years. We must remember and listen to the contributions earlier from those who crashed and burned the country through light-touch regulation but who are so critical now. They have forgotten the damage they did to the country when they call for reinstatement in this regard. It has been a long, difficult struggle by the citizens of the country to achieve the recovery we have. We must ensure it is spent in the proper manner with vision.

Many people who were in their late 30s and early 40s between 2008 and 2011 lost their jobs and still have not had an opportunity to return to employment. We must show vision regarding them. While the Minister has not dealt with them directly in the social welfare budget, Tús, Gateway and the CE schemes all played an important role during the economic emergency. It is time to re-examine them, however, and determine how we can provide training and supports so people can re-engage with the workforce. People who are now in their late 40s and 50s are anxious to participate in society and the economy. To continue running the likes of Tús and Gateway, with little or no training, is questionable.

We also need to examine community employment schemes. During the crisis, the materials and training budgets had to be reduced. We now need to look at these again and determine how we can support so many training areas so people can re-engage in employment.

The Minister increased the number of places on the rural social scheme by 500, which was widely welcomed in rural areas. He stipulated a maximum of three years of participation. I would like to see a much more visionary scheme developed to try to ensure people on the rural social scheme are not trapped in poverty. Many people who participate on the scheme do so very early in their lives, in their 20s and 30s. I refer to the original 2,600. They would have participated on rural social schemes all the way through their working lives. This is an actual poverty trap. The participants on rural social schemes are playing a very important role in their communities, including in the GAA, Tidy Towns and several other areas. They are kept on a minimal wage, however, and it is very difficult for them to move on. I ask the Minister to develop a vision in respect of people trapped on welfare and availing of various welfare supports.

It is important to recognise communities are supported but it is also important to recognise some of the jobs are actually real jobs. We should actually be paying a real wage for those jobs that support communities so as not to leave the employees trapped on various social welfare schemes. On many occasions when travelling around the country, I have seen people trapped in various schemes and finding it very difficult to move on.

We need a little bit of vision. Now that the economy is in a better place, we should invest in people who have been trapped on social welfare and allow them to grow and participate in the economic growth happening right across the country. I ask the Minister to examine this.

I commend the Minister on the increase of €5.7 million for the school meals programme. Could he target this as much as possible at those who need it most? The Minister might already have thought a little about where the money will be spent. There was a lot of criticism of the last budget in regard to the €366 in respect of older people and those on pensions. In fact, Fianna Fáil attacked this strongly, saying it was an insult, miserable and miserly. In the 2010 budget, the figure was €240.60. The leader of the Fianna Fáil group was complimentary about that and referred to the programme for Government in this regard. Certainly, the difference between the €336 in the most recent budget and the €240.60 is such that I question it.

We need to have some vision in regard to child poverty in order to tackle it. I was disappointed that the six payments paid directly to families and young children have seen no increase. In future budgets, we must target children in poverty and ensure we can make a substantial impact. With regard to budgets, I do not believe the funding should be spread like margarine, thinly across a large area. We now have money coming on stream and we must target it at the most disadvantaged.

5 o'clock I would like to see the six payments that have seen no increase be strategically targeted in the next social welfare budget so that we can quickly move as many children out of poverty as possible.

There has been an increase of 500 in the number of places on the rural social scheme. Many artists have struggled during the recession. This year, we have spoken eloquently about our artists, paraded them on trade missions, etc. However, many are disadvantaged in terms of social welfare. Will the Minister examine whether there is a mechanism whereby artists can be assisted to grow, especially those at the beginning of their careers?

The Minister might revert to me on my next point. The increase in the Christmas bonus is welcome, but from where do the funds for that increase come? Are we using the national training scheme budget? We must be targeted and consider where the money is being found within the current social welfare budget.

Senator David Norris: I welcome the Minister to the House. The €5 increase would get lost in a hole in a tooth. It is damn all use to anyone. Many people would be happy to see it applied to services, for example, the telephone grant, which was so eloquently mentioned by my friend, Senator Boyhan. This is a political move, but it would be much better for the welfare of the country were the telephone grant restored.

I am glad to see for the first time some movement on the question of the self-employed. I have raised this matter for years. It was a gross injustice. However, I am unsure as to whether this entirely meets the situation. The Bill extends optical, dental and hearing benefits and gives access to State income support in the event of continuing ill health, but I do not believe

that it gives full pension rights. The Minister might indicate whether it does. It should. Self-employed people should be placed on the same footing as everyone else. It is ridiculous that people, through their gifts, capacity and energy, provide employment for others only to find that, if their businesses go bust and they go bankrupt, their employees are covered and they are not. That is revolting to reason.

I raised a matter during the passage of the marriage equality Act and I had hoped that the Government would resolve it. I have a particular reason for raising it now. I am referring to gay people in same sex relationships who got married or entered into civil partnerships once it was possible for them to do so. Under the Civil Service pension scheme, one has to have been married by the age of 60 years. A small number of people are caught in this trap. Since marriage or civil partnership was not available to them before they reached that age, they were prevented by the law of the land from availing of these arrangements.

I raise this matter because a former colleague of mine and a distinguished lecturer in French, Dr. David Parris, brought a case to the European Court of Justice. The court instanced the case - that the survivor's pension was payable only if the member married or entered into a civil partnership before reaching the age of 60 years - before rehearsing the fact that engaging in such a relationship had not been possible for Dr. Parris. It decided that, by the first question, the referring court had essentially asked whether Article 2 of Directive 2000/78/EC must be interpreted as meaning that a national rule in connection with an occupational benefit scheme made the right of surviving civil partners of members to receive a survivor's benefit subject to the condition that the civil partnership had been entered into before the member reached the age of 60 years where national law had not allowed the member to enter into one before reaching that age limit constituted discrimination on grounds of sexual orientation. Of course it does. It could not be clearer. There is no question whatever. However, the court found that, because a margin of appreciation for countries was allowed, the EU did not dictate where marital status was concerned. It has no competence to decide.

This morning, I said that it was miserable of Trinity to take this case. On reflection, though, I am not sure that it really was Trinity, given that its pension scheme was taken over by the Government during the financial crisis. It looks as if the case is as much against the Government and Government agencies as it is against Trinity College.

There is an anomaly. It is one of the small number of issues remaining to be resolved after the passage of the marriage equality Act. In this case, the European Court of Justice found against the claim because of a lack of jurisdiction over marital legislation, but the situation is grossly wrong. When I raised the matter this morning, my colleagues in the House all said "Hear, hear" and applauded, so there is a strong feeling that we have a case to answer and that the injustice of such anomalies should be ironed out.

Senator Paul Gavan: Well said.

Senator Michelle Mulherin: I welcome the Minister to the House. On the Order of Business, I asked that he attend to discuss a matter and, hey presto, he is here. He was scheduled to attend anyway, but I wish to raise the pressing issue of defined benefit pension schemes. People are trapped because they paid into private pension funds, now underfunded, that were organised through their workplaces. People are getting paltry sums if they are getting anything at all from pensions into which they paid for all of their lives. This issue is topical, given that Independent News and Media trustees have taken issue with ending its defined benefit scheme.

This is a serious problem. I know of it from my town and from businesses. Workers joined schemes at a young age believing that they had no choice. They were not advised that it was an investment that might fail. Employers have a duty of care. Their employees relied on and have confidence and trust in them. After saving for all of their lives, however, some of those employees now have nothing. It is appalling. If people get into hardship, it comes back on the State, yet employers who have been instrumental in setting up these funds are still solvent and trading and can go their merry way. That is not fair. I raised this issue in the Dáil with the Minister's predecessor, Deputy Burton. Legislation was introduced, but as many as 600,000 people may be in this dilemma. That is immense.

Although the Minister might not be in a position to do so today, I call on him to take action. Instead of everything falling on the taxpayer, we must consider the employer's duty of care towards employees when making such financial investments.

I compliment the Minister on his endeavours, which are set out in the Bill. Many areas have been covered. I join Senator Butler and others who have highlighted the issue of the self-employed. The Minister hit the ground running and we have a further increase from €400 to €950 in the earned income tax credit. The Government commitment is to bring that to €1,650 by 2018, a most welcome measure for the self-employed. It is recognition for those taking the risks. Most of them are small shopkeepers who do not have the protection of the corporate veil if things go wrong. Many times, they lose much. If their businesses went, they had to pay redundancy. That law was changed several years ago where the State would assist. There is an awful weight of responsibility on them and they take many risks. In small towns and communities, like in my own, they are the ones sponsoring the kids' football and local GAA team. I am delighted the Minister has this ongoing dialogue.

I welcome the additional support he has provided for lone parents. Senator Humphreys pointed out there were previous difficult budgets. It is all very well to argue we want to get lone parents working. Where I am based, however, there is one of the highest unemployment rates and work is simply not there. All we are doing is putting people into poverty. I welcome the increase in the income disregard which will apply to one-parent family and jobseeker's transition payments from January. I welcome the new €500 cost of education allowance. The Minister tried to find some fairness with the €5 increase across the board. One would need the wisdom of Solomon to deal with this.

The Minister should look at the case of those paying PRSI on rental income, especially when they have other income. They do not get anything for this and, in effect, it is just a tax. If it is a tax, then it should be called one. If not, then can those paying it get something for it, in the same vein as we are talking about the self-employed? I welcome the measures the Minister took which will help rural areas. The measure to allow income disregards in the farm assist scheme will allow farmers to stay on marginal holdings. The increase in the rural social scheme will help those schemes which are carrying out work that is the lifeblood of communities. I appreciate all the good work the Minister has done and look forward to continuing to work with him on the issues which matter to the people who need assistance from our social welfare system.

Senator Jennifer Murnane O'Connor: I welcome the Minister for Social Protection to the House. My main concern is the telephone allowance, an issue raised by other Members. It is urgent because it affects every elderly person. I know many elderly people who had to have their telephone taken out because they could not afford it. These are the most vulnerable in our

society and the Minister needs to examine this.

Up to 59% of lone parents experience deprivation and 134,000 children are in constant poverty. Soup kitchens have been set up across the country, including in Carlow town. I constantly go begging to every Minister looking for funding but am told there is none. Again, this affects the most vulnerable people in our society. There was no increase in the back to school allowance or the children's allowance benefit. The fuel allowance needs to be addressed urgently because most people who need it do not qualify for it, affecting the most vulnerable again. The families in question cannot get the warmer home schemes, which leads to a knock-on effect with people losing out on the benefit of both measures. It needs to be addressed.

I welcome the payment of 85% of the Christmas bonus and the self-employed payment is good. I have, however, issues with the €5 increase for social welfare payments and the State pension. I have significant issues with the carer's, disability and the medical card allowances. I have spent up to 16 weeks looking for a carer's allowance. If the application is unsuccessful, it then goes back into appeal which will take another three months. It ends up with an eight-month wait for a carer's allowance for someone who urgently needs it. This is across the board. I am not blaming the departmental staff for this. It is not their fault. The Minister, however, must look at putting extra staff to deal with this. Someone needs to step in and sort it out. It is the same for medical cards and disability benefits. These are people who have nothing and are waiting for payments to come through. This is the reality with which I deal every day. If I am not ringing up about a carer's allowance, it is about disability allowance or a medical card, all because of backlogs and understaffing. If the Minister is giving all these increases, he will need to look at providing more staff. It is unfair to the departmental staff and to those who have been waiting three to six months. The best one is that every time one puts in the application or other documentation, it gets lost. Something needs to be done about this. I know the Minister will do his best and it is not the fault of the staff.

Most Members have been local authority councillors and know how hard they work. While the Minister is looking at the PRSI stamps issue for them, he needs to look at an increase for them. How much will a councillor get with this extra measure? It is a full-time job. Those involved love it. It is a calling and they work long hours. That is not the problem. How much of an increase will they get with this Bill's measure?

As Senator Mulherin said, those paying PRSI on rental income are paying tax on everything. The Minister needs to look at some form of rent relief or other measure.

These are the issues which need to be addressed and affect the most vulnerable in our society. While there have been welcome changes, the Minister needs to look at the elderly, children and people just barely making ends meet.

Senator Gerard P. Craughwell: I welcome the Minister for Social Protection to the House. Two years ago when I brought up the issue of class K PRSI, I was told at the time I was being rather brave. I am delighted everyone has now come on side and seen the inequality that such a drastic measure involved. It was in fact a tax on public service. The Minister has gone some of the way in resolving this issue for our city and county councillors. However, he has not gone all the way. To think we are charging PRSI to members of the Judiciary and Oireachtas Members at 4% with nothing for it. Last Sunday week, I heard the Minister say on radio that he did not believe in anyone making a payment for social insurance when they could never draw down on it. Will the Minister move Oireachtas Members and members of the Judiciary to a public

service tax at 4%? I would be happy to pay it as a tax. I am not at all happy to pay it as a PRSI payment. The Minister then penalised Oireachtas Members and members of the Judiciary who want to maintain their class A record by making them pay a voluntary contribution. For me this year, it will be €660. It is a penal payment because I have paid my full 4% like everyone else. That is another day's work, however.

On the issue of moving city and county councillors to class K to class A, my colleague, Senator Boyhan, brought up the issue of retrospective payments. There are a number of councillors who are over 66 years of age who have been paying the class K all along. Some of them are in their early 70s and others up to their 80s. For the small number involved, surely we can make the entitlements retrospective and give them a contributory old age pension *pro rata* to whatever contributions they had paid. I am also conscious of county councillors in particular who lose their seats after a period and are below retirement age. We need to ensure they have full entitlement to jobseeker's benefit, illness benefit, etc.

I compliment the Minister for taking steps with regard to the back to education allowance. It does not go far enough, however. This is not the Minister's problem but the Government's. I used to teach a course at the Dún Laoghaire senior college, which had excellent employment prospects at the end of it. The cost of entering the course was €1,000. How is someone on €193 a week going to come up with that? The VTOS programme was excellent when it was running but we now have a back-to-education initiative and allowance and VTOS. There is a mix of all. However, there is a need where somebody is taking on a new course of action. Perhaps the person worked in manual labour and decides to move into technology. If that person wants to take a course in the area of technology, he or she is looking at approximately €1,000. I was a second-chance learner myself way back in 1994 and it was much easier at that stage to get in because the costs were not so high. Today, I have seen students who sign up for a course, are there for a month or two before finding it is unaffordable and are then gone. That is a waste of time for the student and the college and it is a drain on resources. We could do without that. I say "Well done" to the Minister on taking some steps but he might look at extending the programme fully to invalidity and disability allowances and benefits. Someone who was working in manual work and had a serious injury might be able to go on to do something of a more administrative nature. It would be useful if such persons could avail of whatever training is available.

The Minister is to be congratulated on the school breakfast scheme, but let us be aware of something here. I have a relation who works in a very well-heeled school on the west side of Dublin. The teachers in the school voluntarily buy breakfast for the kids because it is not a DEIS designated area. It needs a little bit more than sort of a social-class approach. My colleague spoke about training supports and I agree with him completely. It is no use simply putting people into CE schemes; one has to give them something that gives them employment prospects at the other end and allows them to move from the career trajectory they were on to a new trajectory which gives them enhanced possibilities.

I cannot let today go without saying "A fiver". I know the Minister did not have a great deal to give out, but a fiver represents a half a packet of fags a week. Really and truly, we would have been better off to give lots of fivers to one group and a lot fewer to some other groups. From that point of view-----

Deputy Leo Varadkar: Would the Senator care to nominate which ones?

Senator Gerard P. Craughwell: I would be delighted to do that.

29 November 2016

Acting Chairman (Senator Gerry Horkan): He has passed his time limit so he can tell the Minister afterwards.

Deputy Leo Varadkar: He can send it to me in writing.

Acting Chairman (Senator Gerry Horkan): I thank Senator Craughwell. Senator Kieran O'Donnell has five minutes.

Senator Kieran O'Donnell: I welcome the Minister to the House. Following on from Senator Craughwell, I note that one is always trying to strike a fair balance within the available resources. It is not an easy thing to do. Given the circumstances in terms of increases from limited resources, it was as fair as the Minister could possibly provide.

I very much welcome the fact that the self-employed now have access to the invalidity pension. It was always a deficiency of the system that the invalidity pension did not apply the self-employed. It is probably something we should look at further, including even the name of it. Many of those who qualify for invalidity pension are young and, as such, it is a different type of payment, the name of which does not always reflect its true nature. I welcome also the fact that the self-employed now qualify for the optical, dental and hearing benefits that are currently available to employees under the treatment benefit scheme. However, I have raised many times the issue of jobseeker's benefit for the self-employed. I was self-employed myself for 12 years. I know what it is about and the risks and challenges involved. We need to find a safety net for people who are self-employed and run into difficult times.

If a self-employed person's business fails, he or she is entitled to claim jobseeker's allowance and in some case, people get it. However, if one has any sort of assets at all, one may not qualify. It is not necessarily that it is all or nothing. One could come up with a jobseeker's benefit scheme that was perhaps introduced incrementally over time. Perhaps someone could qualify for that for three months. Currently, it is six months or nine months for a person who is on PAYE. Where someone with a young family is self-employed and his or her business goes to the wall, it would be useful if he or she could attend the local labour exchange and claim jobseeker's benefit for one, two or three months rather than having to go in and be means assessed, which could take a considerable period of time, and then having to go to the local community welfare officer to get supplementary welfare allowance. It is the sheer heartache involved and it is something that needs to be looked at.

I welcome the measures for lone parents. The independent evaluation under section 12 which is to be completed within nine months is a critical review. As a group, lone parents have experienced very difficult and challenging times. We all deal with them in our constituency offices. They are trying to do the best they can for their children and a lot of them get caught in the poverty trap. We must look at ways and means to ensure they can get back into employment as quickly as possible with whatever supports we can provide. They are a group I have huge time for. We need careful consideration and a major debate around that whole area.

Another group I want to touch on raises an issue that comes up quite often and which I have flagged before. I refer to married women in their mid-60s who are looking to qualify for the old-age pension in their own right. Many of them are not qualifying. The contributions requirement went from 260 to 520 in the last number of years. Many of these women had to give up work because they were working in the public service or elsewhere. It is a group we need to look at. The homemaker's scheme was introduced a number of years ago, but there may be

further refinement needed so that this group qualifies for a pension in their own right.

I welcome the change from class K to class S for councillors. It makes eminent sense and should probably have been done years ago. For the 4% they were paying, they were getting no benefit whatsoever. They are now being moved to class S and will get a benefit in terms of an old-age pension. There are now many full-time councillors, which is something that must be acknowledged. I commend the Bill to the House and ask the Minister to consider some of those matters for the future.

Senator Paul Gavan: The Minister is very welcome to the House. I intend to make a couple of supplementary points to those of my colleague, Senator Devine, who covered most of our issues to date. It is appropriate to begin by acknowledging the kind words of Senator Butler towards his colleagues in Fianna Fáil, referring to them as partners in government. To be fair, Fianna Fáil have been very loyal and dependable partners in government to date. We see it here week in and week out as Fianna Fáil and Fine Gael will always vote together. We had it on the housing issue this evening. I assure the Minister that Fianna Fáil will be dependable as ever in rejecting issues like rent certainty and aligning themselves with their Fine Gael colleagues. We could describe it as a civil partnership at the moment, but I have no doubt that in due course there will be a big day out for the two parties. I wish them well. They are ideological bedfellows and it kind of makes sense.

There is a reference, I think, to equality proofing in the programme for Government. Where is that at? In our own budget proposal, we costed an equality and budgetary advisory body for just €1.1 million, according to the Department of Finance. As the Minister may know, more than 60 countries have either implemented or are working towards equality proofing budgets and legislation. It is very disappointing that the Government appears to have chosen not to budget for such a body. The purpose of such bodies is to ensure that equality impact assessments are carried out on proposed Government policy. The fact that so many countries are engaged in such a process outlines the need for such a body here. I guess it is not in line with the Minister's own ideological thinking, in which case he might tell us that.

Equality proofing would involve working with NGOs as well as carrying out internal research to evaluate to some degree what impact legislation will have on areas like poverty, deprivation and gender inequality. It is often the case that legislation can be rushed and things can be overlooked. Too often, budgetary decisions can have a narrow deficit-management focus rather than looking at the wider implications for marginalised and minority groups. Our colleague from Labour mentioned already the issue of child poverty. We know from TASC that child poverty doubled between 2008 and 2014. That is based on the Government's own figures and, as such, is beyond doubt. Let me translate that. Some 11.2% is 138,000 children living in consistent child poverty. We have all acknowledged that there is not enough in the Minister's proposals this year to really deal with that in any way whatsoever. It is very disappointing.

I also want to raise an issue that my union, SIPTU, has raised on several occasions, and I cannot understand why the Minister has not addressed it. Perhaps the Minister can give me an answer this evening and address it, even at this late stage. It is the failure to act on the issue of older workers who are approaching the mandatory retirement age and who have been left high and dry by the abolition of the transitional pension. SIPTU has repeatedly called for an increase in jobseeker's benefit at the age of 65, as a temporary measure, to deal with this issue. It would cost just €5 million per year, which is absolutely nothing. For just €25 million, all 65 year olds who are dependent on social welfare could be covered. For the life of me, I cannot understand

why this has not been done by the Minister. If it is an oversight, I ask that he please acknowledge it and tell us that at this stage he will include it in the Bill. If it is not an oversight, then can he please tell us why he will not do it? Surely it is not the cost if it is €5 million. Does the Minister have an ideological problem with people getting decent payments as they approach the later retirement age? If there is no good reason not to do it, then I ask the Minister to please take the time to do it now.

Senator Lynn Ruane: I thank the Minister. I will refer to child benefit amendment shortly. I have listened to the debate today. It is always the case when we talk about the budget, the economy and those who are most vulnerable that we, in these Houses, talk about the situation in a very abstract sense, which is what upsets me most. We talk about meals for children going to school but we never actually talk about why that situation exists or why the meals are needed. We keep going around sticking plasters on things while never acknowledging the gross inequality that exists or asking why it exists. No matter who has been in government, whether it was the Labour Party, Fianna Fáil or Fine Gael, the poor have remained poor. On the outside, it might look like it has improved slightly every now and again but I can tell the Minister that people from low socioeconomic backgrounds were poor during the boom and they are poor now. It really upsets me when I hear politicians talk about the crumbs being thrown in a budget as if that was to be congratulated, without acknowledging that people are dying because of their social class. For years and years, deprivation and policies have been the weapons which have kept that happening.

I had wanted to talk about other things today but it is upsetting when I hear this. I gave a lecture recently when on a panel at Alexandra College. A young girl from Dublin 6 gave an amazing speech about where she had gone to school and on where her ten best friends are. Her ten best friends are travelling the world and doing all these amazing things in amazing employment. I did a quick audit in my head of my ten best friends. Eight of them are dead and the ninth had died by the Thursday after that speech. That is down to policies in budgets, on where we spend our money and on how we keep the poor poor. We need to move away from talking about the issue as if people are not living this and as if poverty is some sort of identity that is assumed and that we should accept it. I call on everybody - this is not aimed at the Minister but at everyone in the House - to realise there are lives behind that talk. Fire-fighting at the top and saying people are going into education or employment is forgetting that social capital, cultural capital and information capital are in deficit. For people to progress, it is not all about relying on finance.

Now that rant is out of the way, I want to talk briefly about the amendment regarding child benefit.

Senator David Norris: It was an important rant.

Senator Lynn Ruane: It was.

Senator David Norris: It is very important to hear it said in this House.

Senator Lynn Ruane: The child benefit amendment stood out for me most. I went back over the Dáil debate and the reason given by the Minister for the amendment, specifically in regard to the Department of Social Protection being able to extract information from employers regarding a person working in the State or not. This affects employees who are not ordinarily from Ireland but who are working here and are entitled to child benefit. It concerns me that

the amendment is too broad and is not specific to that cohort. It could be used as a data grab in regard to a person who takes up employment in the future, to actually access information that ordinarily should not be available. Irish citizens are entitled to that universal payment and it is not attached in any shape or form to a person's employment. The current situation provides that an Irish citizen availing of children's allowance must get proof from the school, when the child turns 16, that the child is still attending the school. As a parent, that gives me agency to get the information required by the Department of Social Protection. We should give non-Irish people who are working here that same agency to allow them to go to their employer, instead of the Department having direct access to their employment information.

Acting Chairman (Senator Gerry Horkan): I was indicating that the Senator actually had one minute remaining, but she is okay.

Senator Lynn Ruane: I never go over time. I am just collecting for all my other times.

Senator Robbie Gallagher: I welcome the Minister to the House. I compliment Senator Ruane's contribution. There is enough material in her opening remarks for a debate for another day. I commend her on her heartfelt sentiments on the issues she raised. I want to bring two points to the Minister's attention. On the class S stamp for county councillors, when it comes to the issue of councillors' terms and conditions I am reminded of the old Chinese proverb that a journey of a thousand miles begins with one single step. I commend the Minister for acknowledging the role of the councillor and for taking this single step. I compliment the Association of Irish Local Government, AILG, and the Local Authorities Members Association, LAMA, regarding the contributions they have made on this. There is much extra work to be done on that and I look forward to the contribution of the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, and what he is going to bring forward, hopefully in the not too distant future. Perhaps the Minister, Deputy Varadkar, will indicate if there is an opt out facility on the class S stamp for councillors who wish to opt out? If the answer is "no", was any consideration given to that? Other Senators have made reference to rebates and credits given to councillors who have already made payments and perhaps the Minister will comment on this also. Could the Minister confirm exactly when the new regime will be put in place?

I also want to talk about statutory redundancy. Currently the full payment of statutory redundancy falls totally on the shoulders of the employer. This is a very backward step and I would ask the Minister to look at it. It is an impediment to employers in taking on staff because the full payment falls on the employer's shoulders. One would even go as far to say that it acts as a disincentive to employers. In some cases, it could encourage some employers to go in to receivership as an easy way of opting out of redundancy payments. The old regime in place up to recent years, where the State paid a contribution to the statutory payment, was very worthwhile. I ask the Minister to look at reintroducing that scheme in some shape or form, even over a phased basis as resources allow. It is important that some form of scheme is put in place as soon as possible.

Senator Rose Conway-Walsh: I thank the Minister for being here. I want to raise one issue around the farm assist scheme. I welcome the income disregards that have been reintroduced regarding farm assist but the fact that farm assist applicants cannot, or could not, pay PRSI contributions has left many farmers with gaps in their contributory pension. In Mayo, some 50 farmers are affected by this. They had not realised until they went for their pensions that there was a gap and there were no contributions or credits made. I ask the Minister to consider looking at the situation of pensioners who are in this situation and who are now getting

much reduced pensions when they thought they would be able to avail of a contributory pension. The alternative would be in making the assessment to disregard the years they have been on farm assist. I ask that the Minister consider this in the future.

Senator Paddy Burke: I welcome the Minister to the House. I thank him for extending the new provisions to the self-employed. Many of those who are self-employed have suffered severe hardship over the past number of years, in particular those who downsized or went out of business.

I have to agree with Senator Gavan on the redundancy clawback of two weeks per year. Many of those who are self-employed, in particular sole traders, have endured very severe hardship, especially those who may have paid for their houses but have lost their businesses. They had no option but to pay two weeks per annum for all of the employees they had engaged when they closed their businesses over whatever number of years were involved. However, if one owned a company, it could be liquidated. The Government got rid of the 70% clawback that was in place for the two weeks per year rule. A large company that went out of business in Waterford, TalkTalk, resulted in 500 people losing their jobs and the redundancy payments had to be paid by the State. They would have to be paid by the State anyway, because the company went out of business. However, sole traders who downsized or lost their businesses had no option but to pay the two weeks per year required. In some cases, where employees were with an employer for many years, this resulted in considerable hardship. I know of a number of cases where people had to remortgage their houses in order to pay redundancy payments for their employees even though they were going out of business themselves and were not entitled to any payment from the Exchequer in terms of social welfare.

I would also like to thank the Minister for the class K PRSI contributions for councillors. One of the first Topical Issue matters the Minister took in the House was put forward by me shortly after the Government was formed. At the time, the Minister said he would examine class K PRSI contributions in regard to councillors and would consider allowing it to be changed to allow them to avail of a contributory pension. I thank the Minister for taking the initiative in this regard and for his swift action. It was only six or eight months ago that the issue was first brought to his attention.

Acting Chairman (Senator Gerry Horkan): As no more Senators have indicated that they wish to speak, I ask the Minister to conclude.

Minister for Social Protection (Deputy Leo Varadkar): How long do I have?

Acting Chairman (Senator Gerry Horkan): You have until 6.15 p.m., if you wish to use all of that time.

Deputy Leo Varadkar: I did not think I would have as much time, but I will probably not have to use it all.

I welcome the broad support for the Bill from the House. Senators have welcomed most, if not all, of the measures. They have asked why other things were not included. The nature of budgets, as everyone understands, is that they are always limited. Every line Minister always seeks more things than he or she gets and has to make choices in terms of his or her priorities.

A number of Senators raised issues relating to tax, public sector pension rules, broader fiscal policy issues, budgetary matters, private pension schemes, medical cards and councillors' pay.

These are all very important issues but in the time I have available, I propose to reply to the matters that are directly relevant to the Bill.

Senator Ardagh and a number of other Senators mentioned the ongoing issues in regard to how we calculate the contributory State pension which, of course, is very complicated and far from perfect. Some Senators, including Senator Kieran O'Donnell, referred to the fact that we now require people to have made 250 contributions during the course of their working life in order to qualify for a State contributory pension. That means that to qualify for a State contributory pension, a person has to work for roughly ten years out of a typical working life of 40 to 50 years. I do not think that is terribly unreasonable, quite frankly. That could, of course, be changed.

If one is a public servant, one can qualify for a public service pension after two years but one receives two fortieths; if one is in a job for ten years one will receive ten fortieths. We could do something like that and allow people who have contributed for nine years to receive nine fortieths of a State contributory pension. That is how private sector pensions work. The amount involved would not be an awful lot - it would be in the region of €20 or €30 a week. All of these things are possible, but one has to bear the consequences in mind.

Some mentioned the issues around averaging and banding. It does happen that people pay PRSI contributions for a number of years, are absent from the workforce for a long period of time for many reasons, mainly, but not always, home caring, return to work for a period of time and have their contributions averaged out over the entire period. They end up being worse off than somebody who did not work at all until the past ten years of his or her life. We hope to change that through a move towards what is called a total contributions approach. We will assess pensions based not on when one made one's contributions, but rather the total number of contributions one has made throughout the course of one's working life.

I would counsel that, as is always the case with any significant change in the way rules work when one calculates pensions, there will be winners and losers. As politicians, we find it is always the losers rather than the winners who come in to our offices, and Members should bear that in mind. Anything that results in a net increase in overall costs every year in terms of State pensions has a cost. My Department has calculated, for example, that if we backdated the homemakers scheme to pre-1994, something many people would like to do, it would cost €290 million a year. The way the State pension and PRSI fund works is that PRSI is paid into the fund and out of that comes the State contributory pension, maternity benefit, sick pay and all of the rest. If one plans to spend another €290 million a year, who will pay for it? It will be the ordinary workers and employers that pay PRSI. The net effect of the change would mean that today's working mothers and fathers would pay higher PRSI in order to pay for people who will retire in the next couple of years.

One also has to bear in mind that anything that may apply retrospectively to people who have already retired can have consequences. At the moment, people are coming to our clinics who are not in receipt of the State contributory pension to which they thought they might be entitled. If one changes the rules retrospectively and starts recalculating the pensions of people who have already retired, one will also have winners and losers. People in their 70s and 80s will come to us wanting to know why their pensions have been reduced. Let us tread carefully when it comes to any changes in this space and understand what the impact will be, who the winners and losers will be, what their profile would be, what the potential costs would be and how that might increase the contributions of existing workers who are already struggling to pay

bills and do not need any new charges.

I hope that before the end of the first quarter next year, my Department will put before the joint committee a very detailed report on the options for reform of the way we calculate the State contributory pension, the options for change, the winners and losers, the numbers of winners and losers in each case, the costs and all of the consequences. We can then have a reasoned and well-informed debate on the changes. Senators should not think for a second that any significant change will not result in increased PRSI contributions for existing workers and employers or involve winners and losers. Things just do not work that way and the figures do not add up. Any reform in this area needs to be carefully considered.

In terms of how we calculate social insurance benefits, there are lots of gender gaps. An actuarial analysis carried out independently in 2012 indicated that, on balance, women benefit more than men from the social insurance system, based on the fact that women tend to live longer and, therefore, gain more from the pension system. It is great that women live longer. For many different reasons, they also tend to pay less into the Social Insurance Fund while they are working. Historically, maternity arrangements have also been much better than paternity arrangements. It is important to place these facts on record in the spirit of equality. They are not opinions but the findings of an actuarial analysis published in 2012, which Senators are welcome to read. I have no doubt some will dispute the findings because many facts are also opinions and that works both ways too.

To respond to the points raised by Senator Boyhan, the Bill proposes to reverse some of the cuts made by a Government of which I was a member. While the Senator was correct and made a fair point in this regard, it is also true that I was a member of a Government, with the Labour Party, which saved the country from national bankruptcy, put the public finances in order again and halved unemployment. The Senator's comments would have been fairer if he had also acknowledged those facts.

A couple of speakers referred to the restoration of the telephone allowance. The cost of fully restoring the telephone allowance would be €110 million per annum, while the cost of restoring it to its 2012 level would be €40 million. People who ask me to restore the telephone allowance often believe it is a minor payment but that it is not the case. The reason people found it so important was that it was valuable and, as a result, expensive for taxpayers. We considered this option in the budget but we would not have been able to introduce a €5 increase in the pension and restore the telephone allowance at the same time. We will need to have a significant amount of fiscal space next year if we are to be able to do both next year. We will have to make a decision to either increase weekly rates or deal with other matters. This year, I concentrated on the weekly rates rather than other matters. However, there is no reason we could not address these other matters in a future budget, provided we leave weekly rates. It is difficult to do both with the resources at our disposal. Every additional week for which fuel allowance is paid costs €9 million. I note that the maximum rate of the weekly State pension has increased by €8 in recent years. When the financial crisis started the telephone allowance was worth approximately €20 per month.

The change to class K PRSI contributions for councillors will be introduced by ministerial order. I intend to sign the order in the first week of January, unless something goes wrong. I was asked whether councillors would be refunded class K contributions paid in the past. They will not be refunded. No one else will have pay cuts or universal social charge payments refunded and, as such, we could not make a special exception for councillors by having cuts they

experienced refunded.

Senator David Norris: Hear, hear.

Deputy Leo Varadkar: As to whether the measure will be retrospective to 2011, I will take advice on the matter. Many other people would like to have things done retrospectively and I do not want to set a precedent that may expose the taxpayer to further charges. I have not provided for councillors to opt in or out of paying PRSI contributions because nobody else has such an option.

Senator David Norris: Councillors are a special case in this House.

Deputy Leo Varadkar: I took the correct approach to local authority members by providing that they will receive fair and equal treatment as compared with other people who are self-employed or in employment. They will not receive special treatment or privileges. For this reason, they will not receive a refund as no one else is being given refunds, nor will they be allowed to opt in or out of paying PRSI because no one can else can do so.

Senator David Norris: Good man.

Deputy Leo Varadkar: Senator Devine raised the issues of youth employment and lone parents. I welcome her recognition that the Bill constitutes progress in some areas and that Sinn Féin will not oppose it.

It is worth noting that youth employment has more than halved from approximately 30% to roughly 15% since my party came to office. It is falling faster than unemployment for other adults. Ireland is not unique in having reduced rates of jobseeker's payments for young unemployed persons. Britain and Northern Ireland also have lower rates. As the Senator will be aware, social welfare is not the sole competence of Westminster as it is shared with the DUP-Sinn Féin coalition in Northern Ireland. In addition, the cut-off age for lone parents is not seven or 12 years in Northern Ireland but five years.

Senator Máire Devine: Are we to plan on the basis of the position in the North? Was emigration not a factor in the decrease in the youth unemployment rate?

Deputy Leo Varadkar: If I was a lone parent or young unemployed person in Northern Ireland, I would choose the centrist parties in this State any day before I would choose the Sinn Féin-DUP coalition.

Senator Máire Devine: Leaving is the other option.

Deputy Leo Varadkar: The Christmas bonus has increased from 70% to 85% of a person's social welfare payment. A couple of Senators expressed a desire to increase the rate to 100%. While I share that desire, it is important again to point out that these increases must be paid for from other people's taxes and PRSI contributions. I do not know many people who are not pensioners or on other social welfare payments who will receive an 85% bonus or even a 10% or 20% bonus this Christmas. It is important to bear in mind that while it is great that we can provide an 85% bonus to welfare recipients, it is not-----

Senator Lynn Ruane: Is the increase in the Christmas bonus being provided to the Department from direct taxes?

Deputy Leo Varadkar: I will come to that issue in a moment. I am happy to answer as many questions as I manage to note. To finish the point I was making, we need to bear in mind that all these things cost money and all are paid for by other people who do not receive a bonus or may receive a much smaller bonus. The cost of the Christmas bonus is €220 million per annum and will be funded through a supplementary allocation to my Department. This relevant Supplementary Estimate will come before the select committee this week. Half of the additional funding will come from the Social Insurance Fund, in other words, PRSI contributions. This is not unusual as the cost of payments has always been paid for in this way. The other half will be paid for by additional voted expenditure for my Department, which will come from direct taxation.

We already have two annual reports on child poverty. The Central Statistics Office produces an annual survey of income and living conditions, as does my Department's social inclusion monitor. For this reason, we do not propose to accept a legislative obligation to have another report done.

If it is worth doing an independent report on one-parent family reforms, I would like to receive it well before the summer recess in order that it can feed into decisions that may be made in the next budget. The report will be independent and must be tendered because it will not be done by my Department. We must ensure it is not solely based on interviews with individuals and advocacy groups, as has been the case with other reports, but includes objective econometric analysis. It is for this reason that the report must be tendered and I intend to have it by June. The timeframe of nine months has been set not as a target but because of the way the tendering process works. We intend to have the report in six months if possible.

On qualified adults, once the necessary resources become available, we very much want to extend activation to qualified adults. With the fall in unemployment, we are approaching the point at which resources will be available. I am not sure if it would be sensible not to have any sanctions available given that every other working age payment has some form of conditionality attached to it. I do not see why there should not be conditionality applied to payments made to qualified adults. Legislation would be required to do this, however, as it is not provided for in the Bill.

Senator Humphreys asked that we re-examine community employment, Tús and the Gateway scheme to reflect the changing economic times and the significant change in the profile of people who have been unemployed in the past three or four years. This is already being done. I have not provided in the Estimates for changes to the materials and training grant but I will definitely try to do so in the next budget. Senator Humphreys also made the case for mainstreaming some community employment jobs into regular jobs, particularly in the area of the provision of social care services, for example, meals on wheels and home help services. Although I agree with him, responsibility for this matter extends beyond my Department. Nevertheless, his suggestion would make sense in the medium term.

Child poverty is tackled in three ways. It is not only a matter of transfers and payments but also employment and services. The focus in the budget in respect of children has been very much on services, rather than payments. For example, a new child care subsidy will be introduced in 2017. We have also provided for medical cards to be issued to children with disabilities, the recruitment of additional special needs assistants and the provision of school meals.

6 o'clock While some Senators are saying that we should not have had the €5 at all and that

it should have gone into services, others are saying we should have an increase for children. I suppose what we decided to do is give the cash increase to adults and the services to children on this occasion but all these things are judgment calls. Where I hope to go next year in budget 2018 is the working family payment - bringing together the family income supplement and the qualified child payments into something new. We are working on that at the moment.

Senator Norris asked about pension rights for the self-employed. It is already the case that self-employed people who pay PRSI are entitled to the State contributory pension on the same basis as employees. This has been the case for some time but it does speak to a very valid point. I come across it all the time, namely, that self-employed people do not know what they are and are not entitled to. In the new year, I intend to launch a campaign aimed at the self-employed to let them know what their existing and new entitlements are because there is huge confusion about that. I meet people who are self-employed who say they pay PRSI and get nothing for it where the most valuable thing they get is the State contributory pension. If someone was to build up a pension pot to the value of the State contributory pension, they would need build up savings of about €300,000 to €400,000 so that 4% is good value if one looks at it that way.

The Trinity College pension is a public sector pension matter and a matter for the Minister for Public Expenditure and Reform. I heard the interview on the radio and am very sympathetic to the case that has been made but I have not heard the other side of the story so it is probably best that I do not comment on something that is the responsibility of another Minister.

Senator David Norris: There is no other side.

Deputy Leo Varadkar: Similarly, policy decisions around direct provision are a matter for the Tánaiste and Minister for Justice and Equality under her legislation. I admire Senator Craughwell for his very brave advocacy on behalf of Oireachtas Members and judges who, of course, are among the most vulnerable groups in our society.

Senator Gerard P. Craughwell: I am glad the Minister recognises that.

Deputy Leo Varadkar: There are no proposals in this Bill to change the PRSI treatment of Oireachtas Members and judges but Senator Craughwell's point is well made. If the contributory principle applies, it should apply to everyone - even judges and Oireachtas Members. I would point out, and I know people in the House would be aware of this, that Oireachtas Members and judges already have very generous pension arrangements.

Senator Gerard P. Craughwell: Not Oireachtas Members.

Deputy Leo Varadkar: There are different arrangements for different people depending on when they enter these Houses and there are severance arrangements as well. The point is taken. One gap is around long-term illness and invalidity. If somebody has to leave either of these Houses due to illness or loses his or her seat and subsequently becomes ill, which is a bit more common, he or she is quite badly exposed so I am not ruling out any changes in the future. I just thought putting them into this Bill alongside councillors would confuse things. The case for councillors is barn door fairness. Concessions to Oireachtas Members and judges would be more complicated and require a bit more convincing so I thought it best not to put the two in the one Bill.

There is an additional €5.7 million for school breakfasts, of which €1.5 million is being earmarked for non-DEIS schools for the first time in a long time precisely for the reasons Senator

Humphreys mentioned, namely, that there are lots of disadvantaged children who do not attend DEIS schools. In fact, most disadvantaged children do not attend DEIS schools. They are in the school one town or one parish over. My intention over a period of possibly five or six years is to extend school breakfasts to all schools so that it is possible. I do not think all schools will necessarily want to do it but I want all schools to be able to do it and make it something that is universal. This would cost us about an extra €1.5 million every year for five years. I think it is one of the doable ones. We could give every school the option to participate in school breakfasts should they wish to do so.

Senator Ruane spoke very well about the impact of social class on people's outcomes and how outcomes for people are very much set by things that are not under their control. They are set by the social class into which they are born, their parents and their expectations, genetics and environment - all of those things. At the same time, we should recognise as people and politicians that there are other things that count as well. There is room for free will, people making their decisions and personal responsibility. All of us know many cases when two brothers who grew up in the same house or two people who grew up on the same street turned out very differently so I do not think we should take the view that people are entirely victims of their circumstances. People also have choices, free will and personal responsibility and we should not allow people to ever evade them.

Senator Gavan suggested that restoring the State transition pension would only cost about €5 million. That is not the case. I do not have the exact figure but it would cost much more than that to restore it. Senators will be aware that as recently as the 1970s, the State pension age was 70 and in the 1970s, people lived to 72 or 73 so a person got their pension at 70 and might live an extra two or three years. The State pension age is now 66 and people tend to live into their eighties. You would not need to be doing senior mathematics to understand why we have a problem with the sustainability of our pensions into the future. This is why the pension age is being increased. It has been increased to 66 and will go up to 67 in 2021 and 68 in 2028. On the question of whether it is ideological or not, it would seem to me to be just common sense because we need to make sure pensions remain sustainable and affordable.

There is a particular problem that I am very aware of and come across all the time. It involves people who because of their contracts of employment - it is not the law - are required to retire at 65 but cannot avail of the State pension until they are 66. They are then stuck in this limbo for a year when they are potentially on a very reduced pension or jobseeker's benefit. This is just not working. It is not working for them and it is definitely not working for my Department either so I am in discussions with the Minister for Public Expenditure and Reform in particular as to what we can do around that. I met with Unite yesterday which, to give Members a positive story from Northern Ireland, told me that in Northern Ireland, the onus is on the employer to prove why a person should have to retire before the State retirement age. I am going to examine that and see if that is a move we should take in this jurisdiction as well so that if an employer is going to require someone to retire earlier than the State pension age, the onus should be on the employer to prove why that is necessary, not just the employee.

I think I have probably covered most things. One issue I did not cover was mentioned by Senator Higgins and concerned an EU directive on the PRSI status of those employed on family farms. My officials are not fully aware of that either but we would be happy to get the Senator an answer and come back to her. I thank Senators for their contributions and the broad welcome for the Bill and I look forward to engaging in more detail on Committee Stage.

Senator Robbie Gallagher: What about the redundancy payments?

Deputy Leo Varadkar: The redundancy payment was 60% at one stage. It used to be 20%. Employers pay a lot of PRSI. I totally see the case for restoring that but, again, I had to prioritise within the allocation I had. If I had an extra €10 million, there would have been a 25% increase in the back to school clothing and footwear allowance. There would not have been redundancy payments but I would not rule out restoring it in the future if we can afford to do so.

Question put and agreed to.

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

Senator Ray Butler: Next Tuesday.

An Cathaoirleach: Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 6 December 2016.

Planning and Development (Housing) and Residential Tenancies Bill 2016: Report and Final Stages

An Leas-Chathaoirleach: I welcome the Minister of State to the House. A Senator may speak only once on Report Stage, except the proposer of an amendment, who may reply to the discussion on it. On Report Stage, each amendment must be seconded. Amendment No. 1, in the names of Senators Grace O’Sullivan and Alice-Mary Higgins, arises from Committee proceedings. Amendments Nos. 1 to 5, inclusive, are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Alice-Mary Higgins: If I speak on this, will I be able to speak later on other amendments?

An Leas-Chathaoirleach: They are to be discussed individually but Nos. 1 to 5, inclusive, are to be discussed together. Therefore, once the Senator speaks on the group, she may not speak later on amendment No. 3, for example. There is to be just one contribution on amendments Nos. 1 to 5, inclusive.

Senator Alice-Mary Higgins: I move amendment No. 1:

In page 7, between lines 21 and 22, to insert the following:

“(2) An application for a strategic housing development under this section, other than for the alteration of an existing planning permission granted under section 34, may not be made by a prospective applicant who holds a planning permission for over 100 housing units in the same local authority area or in an adjoining local authority area for which a commencement notice has not been submitted to the relevant planning authority, unless the Board is satisfied that there were considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against the commencement of development pursuant to the planning permission.”.

Amendments Nos. 1 to 5, inclusive, are in my name and that of Senator Grace O’Sullivan. We will not be seeking to press all five amendments to a vote. The reason we have tabled five

amendments in this area is to respond to the debate we had on Committee Stage. On Committee Stage, there was wide acknowledgement across the House of the reality that there are circumstances in which those who hope to apply for fast-track planning permission under the new measures set out in the Bill already have potentially large numbers of planning permissions. Particularly during the period of the capital gains tax waiver applying to investment property, for example, quite a large number of sites with planning permission changed hands. There are sites that have been held by speculators who have not been building on them and holding back the provision of much-needed housing by refusing to commence on the outstanding planning permission they hold.

We have proposed that those who already have outstanding planning permission for 100 units or more should have to file a commencement order. There is no penalty; it is simply a matter of commencing before applying for new fast-track planning permission in respect of another site. Some legitimate concerns were raised in this regard across the House. There was recognition of the value of the recommendation but there was also recognition that there may be exceptional circumstances, for example, where people have a site in a different part of the country or where there may be issues of viability beyond the control of the developer or applicant. In this regard, we have set out five variations of our proposal. We have set out one very clear amendment that suggests that where a prospective applicant has planning permission for more than 100 units in the same local authority area in respect of which a commencement notice has not been submitted, he or she should not be able to proceed. We have another version that refers to “the same local authority area or an adjoining local authority area”. A clause in amendment No. 1 states, “unless the Board is satisfied that there were considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against the commencement of development”.

We have addressed the concern over people who may have sites in different parts of the country. We are talking here about people who have sites in the same area. We know that people have had sites in the very centres of Galway, Cork and Dublin cities but have chosen not to develop them until the prices reached a level where the profit would be more attractive. They have drip fed development at times. We are talking about circumstances in which the outstanding and new planning permissions are for the same local authority area. We allow that the condition might not be imposed if the board can be satisfied that there are considerations of a commercial, economic or technical nature beyond the control of the applicant. People will be very familiar with these criteria if they are seeking an extension of planning permission. An individual seeking an extension of planning permission needs to show why he or she has not developed to date. We are setting the same standards here.

This is our attempt to address the concerns raised and come up with a credible, realistic and approachable version of what we desire. It is essential, however, that we send a signal that fast-track planning permission is not a reward for those who have sat on their existing planning permission and refused to move. It cannot be a reward to them. Those with credible reasons for not having developed have sufficient grounds. I am asking the Minister of State to indicate to us which of these amendments in the group he believes to be amenable to him. I will press only that amendment. If the Minister of State has further suggestions on how to tackle this issue, I would be interested in hearing them. The issue was acknowledged by the Minister of State’s fellow Minister as an issue.

Senator Grace O’Sullivan: I second the amendment.

Senator Victor Boyhan: I want to be 100% sure about a matter. I must talk through the Chair to clarify something. I take it from what the proposer said that she would settle for one of the proposed options. Rather than prolonging the debate, it would be interesting to hear the Minister of State's response now. Is he amenable to any of the proposals? He does not have an amendment tabled under this section. Is he happy with the *status quo* or is he prepared to accept one of the proposed amendments? I do not really know. What is important tonight is that we get to the core of the matter. We debated this at great length. I am interested in hearing the Minister of State's response on whether he sees the light in any of these amendments. Can he support any one of them?

Senator Paddy Burke: May Senators contribute after the Minister of State, or is it only the proposer of the amendment?

An Leas-Chathaoirleach: Senator Higgins has spoken, so she can come back in once more.

Senator Paddy Burke: Is she the only one?

An Leas-Chathaoirleach: Yes.

Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English): I probably do not have any answers that will satisfy the requirements of the debate but I will outline our reasons. I do not propose to accept the amendments. We understand the motivation but cannot accept them for a number of reasons. Some of these amendments, if accepted, would effectively prevent a developer who had not commenced building on foot of planning permission for more than 100 houses on one site from proceeding to seek planning permission for a strategic housing development on another site in the area where there is greater demand for housing. We certainly do not want to reward anybody for inactivity but we want to try to generate activity. That is the motivation for this Bill.

In the past couple of weeks, I visited approximately ten councils where I discussed this Bill along with other matters. I explained the motivation behind the changes; it is to activate sites. There is a danger that these amendments would have the opposite effect. I understand the reasons behind them, but we could end up with sites not being activated, be they existing sites or potential sites.

Both the Minister, Deputy Simon Coveney, and I indicated last week that there might be a number of valid reasons and circumstances a developer might not have commenced work on a housing scheme for which planning permission has been previously granted. Such reasons could include poor market conditions, declining demand for housing in the area concerned, a change in demand for particular house types, delays in the provision of infrastructure, etc. There is a list of reasons and there are some positives and negatives. In essence, we would not be in favour of the type of restrictive approach advocated by some of the amendments tabled, particularly in the context of the current housing supply shortage, in which we should be endeavouring to facilitate the construction of housing developments in the areas of greatest demand. Some of the amendments are slightly less restrictive in approach in proposing that before being able to grant permission for a second development of 100 houses or more, An Bord Pleanála would be required to satisfy itself that, where a developer had not commenced work on a previously permitted similar development, there were considerations of a commercial, economic or technical nature beyond the control of the developer which had prevented the commencement

of the first scheme. While the amendments are slightly less restrictive, they would potentially make the overall application procedures for strategic housing developments more cumbersome and unwieldy. First, the board would have to identify any such uncommenced planning permission previously granted to the developer in question and then undertake an assessment of the reasons for the non-commencement of the permitted development. It is likely that this would delay the decision-making process. There might also be some difficulty in identifying such other previous planning permissions granted to a particular developer, given that planning applications might have been lodged under different company names, which is common practice.

It is also often the case that large-scale developers will have a number of projects in the pipeline at various stages of development. Some developments may be at design concept stage, while others may be at planning permission stage, under construction or nearing completion. In addition, a developer may have a number of projects which have secured planning permission but which may be scheduled for development sequentially. The planning system should be sufficiently flexible to take account of different scenarios, while still ensuring necessary large-scale housing developments can be brought forward in the right locations where they are most urgently needed, having regard to market conditions, and at the right time.

It is also important to note the position on a different amendment on a related matter proposed by Senator Grace O'Sullivan on Committee Stage last week which I accepted. It proposed that a developer who received planning permission under the new streamlined procedures for large-scale housing developments be able to obtain an extension of the duration of the planning permission only in circumstances where substantial works on the development had been carried out during the original planning permission period. The amendment will have a positive effect and incentivise developers to act on planning permissions and not to sit on and hoard the sites in question. This approach provides for a better overall balance, contrary to the approach taken in the amendments which, as I have indicated, are aimed at preventing planning applications from being made.

For all of these reasons, I must oppose amendment Nos. 1 to 5, inclusive. While I understand the motivation behind them, they could delay, rather than increase, activity. Our sole aim in the legislation is to activate sites. While it causes concern in certain areas, the objective is to bring forward plans, but the amendments could delay this. While I accept the intentions behind them, I cannot accept them.

Senator Alice-Mary Higgins: I regret that the Government is not accepting any version of the amendments. I know that there are 28,000 planning permissions outstanding in the Dublin area. That is why we spoke about the local authority area alone. While I appreciate that the Minister of State and the Department took on board the constructive proposals we offered on Committee Stage in order to try to future-proof the Bill, unfortunately, there is no measure to address the 28,000 planning permissions outstanding which are not being moved forward. I hope the Government will come forward with proposals to tackle the issue. When we talk about generating activity, we should not generate speculation or planning permissions only. The activity we all want to generate is building. This is a key point of leverage. The Department is delivering something to developers and the construction industry. I urge the Government to use this point of leverage to bundle and ensure that if developers want to build on new, highly desirable sites, they will also have to move forward. We have set a very reasonable bar in that regard. Given that we do not have extensive time available, I will press only one of the amendments, amendment No. 1, on which I will seek a division, given that an opportunity has been missed.

The Minister of State asked how we would know where developers' other sites were. That is a flaw in itself. In this new planning permission regime it would be very reasonable for the Minister to require those applying for fast-tracked planning permission to provide information on where they had outstanding large-scale developments. I imagine it would even be necessary to ensure they had a track record in delivering and completing developments, an issue raised on Committee Stage. I urge the Minister of State to come up with proposals not to miss the opportunity to deal with the 28,000 empty spaces in Dublin city alone which should have houses and families in them. If he chooses not to use the tools we have provided, I urge him to develop his own.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 2

In page 7, between lines 21 and 22, to insert the following:

“(2) An application for a strategic housing development under this section, other than for the alteration of an existing planning permission granted under section 34, may not be made by a prospective applicant who holds a planning permission for over 100 housing units in the same local authority area for which a commencement notice has not been submitted to the relevant planning authority, unless the Board is satisfied that there were considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against the commencement of development pursuant to the planning permission.”.

Senator Grace O’Sullivan: I second the amendment.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 3:

In page 7, between lines 21 and 22, to insert the following:

“(2) An application for a strategic housing development under this section, other than for the alteration of an existing planning permission granted under section 34, may not be made by a prospective applicant who holds a planning permission for over 100 housing units for which a commencement notice has not been submitted to the relevant planning authority, unless the Board is satisfied that there were considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against the commencement of development pursuant to the planning permission.”.

Senator Grace O’Sullivan: I second the amendment.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 4:

In page 7, between lines 21 and 22, to insert the following:

“(2) An application for a strategic housing development under this section, other than for the alteration of an existing planning permission granted under section 34, may not be made by a prospective applicant who holds a planning permission for over 100 hous-

ing units in the same local authority area or in an adjoining local authority area for which a commencement notice has not been submitted to the relevant planning authority.”.

Senator Grace O’Sullivan: I second the amendment.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 5:

In page 7, between lines 21 and 22, to insert the following:

“(2) An application for a strategic housing development under this section, other than for the alteration of an existing planning permission granted under section 34, may not be made by a prospective applicant who holds a planning permission for over 100 housing units in the same local authority area for which a commencement notice has not been submitted to the relevant planning authority.”.

Senator Grace O’Sullivan: I second the amendment.

Amendment put and declared lost.

An Cathaoirleach: Amendments Nos. 6 and 7 are related and may be discussed together.

Senator Victor Boyhan: Are we going to discuss the amendments?

An Cathaoirleach: Yes. As they are Government amendments, the Senator had better wait to hear what the Minister of State has to say.

Senator Victor Boyhan: I appreciate that.

Deputy Damien English: Regarding the previous amendment, we will be using many incentives to try to encourage owners to develop their sites. Much of the approach in our action plan to the unused 28,000 planning permissions is to incentivise development and make it worthwhile for everybody. While we do not want to give anybody increased profit margins, we will work with him or her on his or her sites. History proves that use of the carrot can often work better than use of the stick. Certainly, we need the right combination. We are trying to use the carrot as well as the stick.

Government amendment No. 6:

In page 7, to delete lines 22 to 24 and substitute the following:

“(2) (a) Not later than 30 October 2019, the Minister shall—

(i) review the operation and effectiveness of this Chapter, and

(ii) lay before each House of the Oireachtas a report of his or her conclusions from the review.

(b) The Minister may, by order made before the expiry of the specified period, extend such period during which this section shall continue to apply but—

(i) no such order shall be made before *paragraph (a)* has been complied with,

and

(ii) any such extension shall not be made in respect of a period after 31 December 2021.”.

Deputy Damien English: The Bill proposes that the new streamlined planning procedures for large-scale housing developments apply as a temporary measure, initially for a period of up to three years to the end of 2019. It further proposes that the Minister may, by order, extend the period for a further limited period of two years, up to the end of 2021 to coincide with the timeframe for Rebuilding Ireland.

There was much discussion on these extension provisions on Committee Stage last week, specifically on the need for a review mechanism prior to any such extension being provided for. There was general agreement that a review procedure should be provided for, although there were differing views on the exact form any such review might take. As both the Minister, Deputy Simon Coveney, and I indicated on Committee Stage, we are also in favour of an extension review mechanism. It was inherent in the provisions in the Bill that coming to the end of the initial three-year period, the operation of the fast-track procedures would be reviewed, including taking account of the level of activity under the new procedures, before any decision would be made to extend the period of the new streamlined provisions for large-scale housing developments. If the indications are positive that there has been a good take-up of the procedures by developers, that they are delivering on their objectives in facilitating an increased housing supply, and that the continued operation of the procedures would bring further benefits in terms of housing supply, it is likely that they would be extended for a further two years. That will be the extent of the fast-track procedures under the provisions in the Bill. Likewise, if a review indicates that there has been poor take-up of the procedures by developers and that it has not delivered on its objective in terms of facilitating the delivery of increased housing supply, it may be the case that the procedures would not be extended beyond the end of 2019. That was and is the intention, although I acknowledge it was not explicitly provided for in the Bill. However, I agree with the principle of a review and having considered the various contributions on this point on Committee Stage, the Minister, Deputy Coveney, indicated that he would bring forward an amendment to deal with the matter. In this regard, we are proposing amendment No. 6 which I feel is an appropriate approach in the circumstances.

In this connection, the amendment proposes that prior to the end of the first three-year period and not later than 30 October 2019, the Minister will review the operation and effectiveness of the strategic housing development provisions. A report on the conclusions of the review would then be laid before both Houses of the Oireachtas with no extension of the operation of the provisions being possible before the review report is laid before the two Houses. In addition, and as previously indicated, no extension can be for made for a period beyond 31 December 2021, the timeline for the duration of Rebuilding Ireland.

Amendment No. 7 has, in effect, the same meaning as Government amendment No. 6, the latter has been drafted by the Parliamentary Counsel and its wording is more legally correct. It is purely on that basis that I oppose amendment No. 7 and move amendment No. 6, which does achieve what the Senator is trying to achieve in amendment No. 7.

Senator Jennifer Murnane O'Connor: I welcome the ministerial amendment but there is a slight difference between amendments Nos. 6 and 7. We want a report to be prepared for the Oireachtas but that has to do with all the different housing agencies. I and other Senators are

members of the joint committee that deals with housing. Our view is that it is crucial to have the input of all the various housing agencies and then for the report to go back to the Oireachtas for scrutiny and also in terms of accountability and information. The Minister of State must clarify the issue today. As he outlined, there is very little difference between amendments Nos. 6 and 7 but from Fianna Fáil's point of view it is important that it does go to all the various housing bodies and Departments as well. I ask the Minister of State to clarify the issue.

Senator Victor Boyhan: I have listened to what the Minister of State said and I will support him. I am disappointed however in that it is not correct to say the amendments are the same thing.

Deputy Damien English: They achieve the same thing.

Senator Victor Boyhan: They achieve the same thing but one cannot be judge and jury in one's own cause. That is a very simple principle. This is an initiative on which I am generally happy to support the Minister. The Minister came to the House all smiles and he was very reasonable. All I can say from my first few months in the Seanad is that it is a very disappointing set-up. There are very few people in the Seanad, but the public are listening and I appeal to the media to report on it. People have put in a lot of solid work both in the background in terms of the officials behind the Minister of State and in providing the responses. We will have another day for that. It is very disingenuous for the people who put in enormous effort and hard work into the legislation and then one looks at the empty benches in here. The same people are bellying on the street and out on the plinth instead of being in here doing their work. That is very disappointing, but that is the way business is done. We have a lot to learn and I am only new here. Day by day I can see this place needs radical reform.

We sought an independent review because the Minister of State needs to be reviewed. The Minister also needs to be reviewed, as do his officials. The people in the Custom House dealing with the section on fast-tracking the system need to be reviewed. The Minister of State referred to the term "fast-track" three times. The Minister does not like the word, as he announced recently to us in here. He does not believe it is a fast-tracking process, yet all over Rebuilding Ireland we read "fast-track". The language appears to be somewhat different depending on the person to whom one speaks.

We have no choice but to accept one of the two options. Fianna Fáil said it would look at an amendment with us but no one contacted us. There is no suggestion of an independent review in Fianna Fáil's amendment and I will not support it for a number of reasons. First, there was no meaningful engagement since we last spoke in here. I take things seriously. If people say to me they will engage with us then let us engage. The Minister of State's amendment is the better of the two. I respect what he said, based on what his officials have said, that amendment No. 6 is the more legalistic parliamentary wording. I fully accept that.

It is disappointing that the review is not independent. The Department will be acting as judge and jury in its own cause. The only consolation in all of this, which I welcome, is that this scheme will not be extended after 31 December 2021. I am disappointed there is no independent element in the review but, as someone said to me coming up the stairs to the Chamber, I should not be surprised, that this is how the public service works, and that is how the civil servants structure everything. We are stuck with a system that has been initiated by the Minister and his officials, and sometime at their leisure, before the sunset clause comes into effect, they will carry out a review of themselves. That is very disappointing.

This is only the start of the process. I will speak to a number of my Independent colleagues. People who support the Government should listen and bring this message back. I will endeavour to make some changes. What I have learned out of this process is that if they think it is dog rough in here they have still to get into Dáil Éireann. I think a lot of what the Government has thrown out in this Chamber will come back to eat them in that Chamber. I mean in a political sense. A lot of good, meaningful work, in particular in regard to this matter was not dealt with but that is where we are. Of the two amendments I will support the one sponsored by the Minister of State.

Senator Gerard P. Craughwell: Like my colleague, Senator Boyhan, I look in particular at my colleagues in the civic engagement group. A huge amount of work has gone into five amendments but there is nobody here to listen. Five, six or seven of us will say “Tá”, one will say “Níl” and the vote is lost.

Senator Paddy Burke: That is unfair. Members are listening on the monitors. They are in their offices.

Senator Gerard P. Craughwell: In fairness, this is a hugely important Bill.

Senator Paddy Burke: Of course.

Senator Gerard P. Craughwell: It deserves an a lot more from this House than it is getting.

An Cathaoirleach: I have said previously in the Chamber, Senators should not comment on where others are. There are spokespersons on various topics and it might not suit everyone to be here. On another day Senator Craughwell might not be here and he might not like someone saying asking where he is. I would disavow mentioning what other Senators are doing at this point in time.

Senator Gerard P. Craughwell: I have not mentioned any name.

An Cathaoirleach: I accept that.

Senator Gerard P. Craughwell: A number of Senators are in the UK on business.

An Cathaoirleach: By saying it generally the Senator is tarring everyone with the one brush. All I will say is bí cúramach.

Senator Gerard P. Craughwell: I accept your point, a Chathaoirligh. I acknowledge that a number of my colleagues are in the UK with the British-Irish Parliamentary Assembly and Brexit is a hugely important issue.

I, too, will support amendment No. 6. Is there any chance the Minister of State could give us some reassurance? I refer to the line, “not later than 30 October 2019, the Minister will review the operation and effectiveness of ... the provisions.” Am I correct in saying it would be open at that stage for the Minister to call for an independent review to report to him? I support the amendment. I do not wish to delay the Bill but I wish to ask the Minister of State the question.

Deputy Damien English: There would be nothing to stop the Minister of the day seeking to have an independent review. However, I think Departments generally do well in carrying out reviews. It does not mean they review themselves. Generally, reviews involve stakeholders

getting involved in the process and giving written submissions. I have been involved in many reviews. The process of having an action plan for housing is similar to the process involved in the Action Plan for Jobs. Stakeholders have been involved every which way from a very early stage. There have been stakeholder events and both oral and written submissions. The report that will be brought before the Houses will not just be the view of one or two people in the Department.

In general, the reviews carried out are done fairly, as one would expect. There will be ample time to discuss the report in the Houses of the Oireachtas and for all the views to feed into the process. Departments specialise in reviews and involving everybody in consultation. I do not think it is a case of trying to close down debate but it gets very complicated when one brings in outsiders to do reviews due to the tendering process, procedures and costs involved, which tend to delay the process further when we want to get down to business.

There will be ample time given all the actions involved throughout the Rebuilding Ireland process for reviews, conversations and debates because it will involve a massive spend of taxpayers' money. There will be no shortage of discussion from either the Minister, Deputy Cooney, me or officials throughout the process. I guarantee that. Neither the Minister nor I are short of words and we can say a lot on this issue. We are happy to discuss it as much as we can.

Senator Paddy Burke: I welcome the Minister of State's amendment. It has arisen from the debate in this House. The amendment strengthens the Bill and makes it much better. After three years the Minister will review the process and there is a possibility of extending the procedures for a further two years if it is considered that it is necessary to do that. If the process is not working the procedures will not be extended. The amendment which has arisen from debate in this House makes the Bill better and stronger.

The objective of amendment No. 7 can be met at a joint committee. It could carry out a review if the Houses of the Oireachtas are not happy with what has happened in respect of the Bill. The joint committee could take it upon itself to carry out a review on whether the Bill is doing what it is supposed to do.

An Cathaoirleach: Although she is not supposed to come in again, I will allow Senator Murnane-O'Connor to speak briefly.

Senator Jennifer Murnane O'Connor: Local authorities play a massive role because they deal with this on a constant basis. Will the Minister of State clarify whether the report, which will involve Members of the Oireachtas, will also involve local authorities and the expert housing agencies, which are the leading bodies?

Deputy Damien English: All the stakeholders will be involved in any review, which will feed into the Department. Their thoughts and concerns will be included in a report by the Department. The Department does reviews well. The review is meant to be inclusive. All of the actions were part of a process. They were not one person's great idea. They came from discussions, reviews and consultations with stakeholders. Everyone has a role in making this happen. I have said it at every council meeting I have attended, and I cannot stress it enough, that councillors have a major role in ensuring we reach our targets in Rebuilding Ireland. It is not intended in any way to close down debate but to keep things moving at a fast pace.

Senator Jennifer Murnane O'Connor: That clarifies the situation.

An Cathaoirleach: There seems to be broad acceptance of amendment No. 6.

Amendment agreed to.

Amendment No. 7 not moved.

An Cathaoirleach: Amendments Nos. 8 to 10, inclusive, are related and may be discussed together. Is that agreed? Agreed.

Government amendment No. 8:

In page 15, after line 40, to insert the following:

“(4) (a) In this subsection and *subsection (5)* “relevant elected members” means—

(i) in the case of a local authority referred to in *paragraph (b)*, the elected members of the Area Committee or Area Committees (established under section 50(1) of the Local Government Act 2001) in respect of the local electoral area or areas, as the case may be, in which the proposed strategic housing development would be situated;

(ii) in the case of any other local authority, the elected members for the municipal district or districts, as the case may be, in which the proposed strategic housing development would be situated.

(b) The local authorities referred to in *paragraph (a)(i)* are as follows:

- (i) Cork City Council;
- (ii) Dublin City Council;
- (iii) Dun Laoghaire-Rathdown County Council;
- (iv) Fingal County Council;
- (v) Galway City Council;
- (vi) South Dublin County Council.

(c) On receipt, under *subsection (1)(b)(i)*, of a copy of the application and any environmental impact statement or Natura impact statement, or both of those statements, the planning authority or authorities in whose area or areas the proposed strategic housing development would be situated shall—

(i) notify the relevant elected members of the making of that application, the information specified for the purposes of *subsection (1)(a)(iii)* and the information provided for the purposes of *subsection (1)(a)(vii)*, and

(ii) at the next meeting of each Area Committee concerned, or each municipal district concerned, as appropriate, inform the relevant elected members of—

- (I) the details of the application,
- (II) the consultations that have taken place in relation to the proposed devel-

opment under *sections 5(2) and 6(5)*,

(III) the notice issued by the Board under *section 6(7)*, and

(IV) where the meeting concerned takes place after the expiry of the period specified in *subsection (1)(a)(iii)(II)*—

(A) information relating to the matters referred to in *subsection (5)(a)(i)*, and

(B) where the Chief Executive has formed the views referred to in *subsection (5)(a)(ii)*, such views.”.

Deputy Damien English: I thank the many Senators, including Senator Boyhan, for their contributions on the subject of these amendments, specifically the role of the elected members in the new procedures for large-scale housing developments. There was extensive debate on the issue in this House last week, which the Minister and I as well as our officials have listened to carefully.

The Minister indicated last week that he is favourably disposed to the general principle raised in the discussions last week, which is to provide a mechanism for the elected members to be informed of proposed large-scale housing developments at an early stage in the process and to have an opportunity to express their views on such developments. In light of the detailed discussions, the Minister accepted Senator Boyhan’s Committee Stage amendment, which provided that the planning authority would notify and inform the elected members at a council meeting of any proposed housing developments in their area. In case the Senator missed it, the Minister did accept his amendment last week.

However, while accepting Senator Boyhan’s amendment last week, the Minister also reserved the right to revise the wording of the Senator’s amendment and to potentially go further and to enable the views of the elected members on any such developments to be reflected in the chief executive’s report on a proposed development to the board. This would enhance the involvement of elected members in the new procedures, giving them an opportunity to input into the process and to represent the views of their constituents in accordance with their democratic mandate. This is the essence of what I am proposing in amendments Nos. 8 to 10.

In summary, amendment No. 8 provides that, as soon as a strategic housing development application is received by the board, the planning authority shall notify the elected members of the relevant local area committee or municipal district. At the next meeting of the relevant area committee or municipal district, the planning authority will then inform the elected members of the detail of the proposed application, including details on the pre-application consultations with the planning authority held under section 247 and, if available, information on the submissions and observations received from the public during the public consultation part of the procedures. The local area committee or municipal district meeting will also be informed if the chief executive has formed a view on the proposed development. If the meeting of the local area committee or municipal district is held before the deadline for the submission of observations on the proposed development to An Bord Pleanála, it will also be open to elected members to separately and independently submit their views on the proposed development to the Board.

Amendment No. 9 provides that the chief executive will include a summary of the views of the relevant elected members on the proposed development as outlined at a meeting of an

area committee or municipal district. Amendment No. 10 removes the previously accepted amendment by Senator Boyhan as it is now overtaken by the enhanced provisions contained in amendments Nos. 8 and 9.

Therefore, I am proposing amendments No. 8 to 10 are passed but my officials and I are willing to listen further to the views of Senators on this particular aspect of the proposed provisions. The amendment that was proposed earlier was accepted, but it has been made stronger.

Senator Paddy Burke: I thank the Minister for accepting the amendment, which mainly came from this House. This will make the Bill better and will give local authorities and local representatives an opportunity to voice their opinions on particular planning applications that are greater than 100 houses in size. This is a worthwhile amendment and I thank the Minister of State for it.

I hope the consultation with the councillors will be meaningful. In the past, we have seen Bills that proposed that Members of the Oireachtas would consult and have meetings with local authorities, but many of them have fallen away and many others have not been great. In lots of cases, one would wonder if some of the meetings between the local authorities and Members were at all worthwhile. I hope that the consultation with local authorities will be meaningful and not just a window-dressing exercise and that local authority members will have the opportunity to say what they feel on planning applications.

Senator Paudie Coffey: Like my colleague, Senator Paddy Burke, I welcome the amendment. There was much debate on Committee Stage by Senators on all sides of the House who were asking that an opportunity be given to elected representatives to express and record their views and, if they have any, concerns on applications in their local areas and to submit them as part of any report that goes to An Bord Pleanála for decision. It was also noted on Committee Stage that this was a concern of the Association of Irish Local Government, which is one of the representative bodies for elected members. I am satisfied that the matter is being addressed and thank the Minister for taking into account what he heard in the Seanad on Committee Stage.

It is also important to put on the record that under this legislation no development can or will get permission if the lands are not already zoned. The reserved function of the elected members has primacy. They zone lands appropriately so that our towns, villages and cities can grow in a sustainable way. It is important to note and to reiterate this evening that the legislation will not allow An Bord Pleanála to grant permission if the land is not already zoned. The Minister of State may wish to clarify the situation, if he wishes, but to me this legislation enhances the powers of local authority members for large-scale developments of over 100 houses. My understanding is that An Bord Pleanála could, if it justified it, grant permission for developments on lands that were not zoned or where zoning needed to be changed. Under this legislation, the lands must be zoned residential. This is a positive aspect of the Bill which needs to be communicated to our local authority elected members as well as the executives of councils.

If the legislation is passed, how does the Minister of State intend to notify local authority elected members and executives of its provisions? Will it be by circular or directive? This is emergency legislation and we want to see applications moving forward. It is, therefore, important that councillors and the executive are fully aware of the legislation once it is passed by the Houses of the Oireachtas.

On the power of councillors in respect of material contraventions and the recommendation

of a chief executive officer, does the process under this legislation allow a chief executive officer to recommend a change in zoning to a council? Normally, this might apply to the accommodation of extra housing, etc., on the borders of a zoned area. Alternatively, does it have to be dealt with fully in the county development plan? In other words, does a material contravention come into play under this legislation. It may or it may not. Will the Minister of State clarify the situation? I thank the Minister of State for taking for taking this into account. The primacy of the local elected member, the councillor, is being enhanced in this legislation. I welcome that.

Senator Victor Boyhan: I thank the Minister of State. This section of the Bill has necessitated the longest debate. I acknowledge that the Minister of State and his officials have worked something in to this Bill, but I believe it is unworkable. I will give a number of reasons. There are no municipal districts in Dublin, there are only area committees many of which take place in very small rooms. We spoke about the need, and the box, and the Minister of State himself has acknowledged it. One of the weaknesses in this legislation in the initial scheme that was drafted was the weakness of transparency, the weakness in its public engagement and the weakness in its acknowledgement. The Minister of State and his officials accept this. To be fair to him he has worked practically and well with the Oireachtas Joint Committee on Housing, Planning, Community and Local Government, at our meetings in this House and at other briefings held off-site to discuss this legislation. Some council meetings are not webcast, and the Minister of State has said that he liked the idea of them being webcast because there was a feeling that the public could view the proceedings of the meetings.

This is a new trend in local government. Consider a local council with 40 members. Those 40 members are not going to be allowed to speak because this is now being sub-divided into an area committee or a municipal district or whatever. In Dundrum, which is part of the Dún Laoghaire-Rathdown council which is one of the more advanced councils regarding IT and webcasting, there is no webcasting of the area meetings. Now the Minister of State is closing off that option. He is closing down the aspect which last week the Minister had said was the opening up of the process for the public to absorb and engage. How does the Minister of State propose monitoring it? He has now put a huge burden onto the executive of the councils.

The chief executives have made their views very well known on this. I have spoken to a number of them and they have made the views of their respective associations known to the Minister and his officials. Anyone who has been in local government will know that council meeting minutes can be quite contentious, so now the chief executive staff will have to have a minute of the meeting, as a right. We may need more fundamental legislation. The minutes will have to be approved and there will have to be a further meeting convened of the council to approve the minutes. Anyone who has dealt with councils will know that minutes can be amended, varied and further drafts can be brought back. The Minister is now elongating this process. His staff has put him in a situation where, if this was to be agreed, the whole process is elongated because the minutes cannot be approved and cannot go up on the website until they are a true, accurate reflection. This will be quite controversial.

How does the Minister of State propose placing such a burden on the executive of the councils to, in some way, articulate this? These meetings can go on for some two or three hours. One can imagine the heap of papers that are going to be gone through because the Minister of State is saying that the chief executive will have to bring a report on the reviews.

I do not believe that any of this is necessary. Perhaps the Minister of State could go back to the amendment we initially had last week which proposed that the chief executive of the council

would be obliged to brief the elected local authority members on the application and lay before them the drawings and various reports, etc., to deal with environmental impact statements and assessments and various development requirements. This could all be simply done if the Minister - he indicated that he was favourably disposed to this - allowed a reduction in the fee. He has not yet set the fees so we do not know what the elected members will have to pay. Given that elected councillors have a mandate from the people to represent their communities, it would be simpler. Let us go for the simpler options and practical solutions where we can. It would be very easy to just empower the elected members to make their own submission. It could be a positive submission, it does not have to be an objection. The observation or submission could be made to An Bord Pleanála within the subscribed period of time, as for anybody else. The elected members could be given that opportunity. Many might not want to be involved. That is a very simple way to approach this.

The Minister is the Minister for Housing, Planning, Community and Local Government - the big LG - and he has the remit to enhance the capacity of elected members. I know the Minister is committed to that and I am not criticising him. I am very supportive of this Minister on a range of issues. It would be so much simpler, with regard to this specific Bill and the elements on fast-tracking, for the Minister to decide that elected councillors would be empowered to make a submission without a fee to An Bord Pleanála. It must be remembered that councillors do not have the power to make planning decision, and rightly so. They are the guardians and custodians of their respective county development plans. That is the power. They have the power to re-zone in the county development plans every five years. That was simple. I thought we had an understanding, and on the fringes of meetings, that this was what was going to happen. The Minister of State has now come in to add a whole rigmarole, but he has no basis for it. He has not even set out in what format the chief executive would have to make a report to the board. The Minister of State needs to add more to this. The method or mechanism for recording councillors' views has not even been set out, and those councillors would also have to be given an opportunity to look at the report and seek to amend it. One cannot make representations on behalf of elected members without them having the right to review the minutes and approve them, and chief executives would not attempt to do this in any event. The proposed process is long, cumbersome and, as such, it is not the answer.

I take on board what the Minister of State and some Senators are trying to do. We want three things. We want councillors to be able to express their views as democratically elected representatives of communities. We want some mechanism of recording these views and we want the members to be able to submit them. There is no third party appeal in this new process and there are serious questions about the process, but let us take it as it is for the moment. For the final time I appeal to the Minister of State to strengthen the capacity of local elected members and give them their right to make an observation to An Bord Pleanála directly. This would cut out any misunderstandings and it also ticks the boxes in empowering elected members who have the right to represent their communities.

Senator Jerry Buttimer: In the context of the previous speaker's comments I believe the amendment goes a step towards what we are all trying to achieve. Senator Burke is correct. If we look at the current *modus operandi* under which we now operate as Oireachtas representatives in engaging with city or county councils, in many cases it is merely going through the motions. The level of dialogue or information to Senators is quite poor by comparison to that going to members of the council. Senator Paddy Burke alluded to giving meaning to councillors' contributions, and I think the Minister's amendment is trying to achieve it. Senator Coffey

has said that councillors' views can be recorded through their expression, their recording and their submission to An Bord Pleanála. I know we are talking about in excess of 100 housing developments in this case, but to make the Bill better it is fundamental to look at - as was said by Senator Boyhan - the council executive, how it reports and what is the process and structure.

I am concerned about the level of engagement. We cannot live in the past all the time. We cannot allow the sins of a few to tarnish all who are involved in local government. We do, however, have local area committees, and ward meetings in the case of Cork city, and we have municipal districts. The Minister of State is trying to make the Bill a better one. I know we cannot be too proscriptive in how the management and councillors engage, record and report their meetings, but with regard to the views of chief executives on amendment No. 9 for example, perhaps the Minister of State could clarify the role of the chief executive now as contained in amendment No. 9. Senator Boyhan spoke about who meets, who records and so on, but we already have a process for minutes in local government which works well. I have a concern around whether the minute is merely a recording of a decision taken or is the amendment now sufficiently strong to show that the minutes should record the contributions and, as Senator Coffey has said, what was expressed and then the councillors being able to submit further? To be fair to the Minister of State and to Senator Boyhan we have come a long way since last week.

7 o'clock Like Members on this side, the Senator has engaged. It is important that we do what is right. In some cases, planning has moved the hearts of towns and cities to the periphery. We need to avoid that, and the Minister's amendments go a long way in that respect.

Senator Aidan Davitt: I was present last week when we discussed this matter *ad nauseam*. As Senator Boyhan mentioned, this is probably the matter that we discussed the most. He made many good points then and I added a few. Going through my notes, our main discussion was on bringing this back to a local level, for example, counties, larger dwelling areas in cities, municipalities, areas, etc. The Minister has done his best to address this flaw. The meeting will be open like all such meetings and the chief executive will synthesise the concerns of councillors at the meeting for An Bord Pleanála when it is making its decision. Quite a great deal of work has been done on this amendment. I mean no disrespect to the Minister of State or those from whom it came, but what was presented to us on the first day was shoddy. Certain proposals have been clarified or strengthened.

Another point that was raised is not evident under this section. Perhaps it is further on. I am referring to fees in the planning process. Previously, the Minister referred to the possibility of proportionate fees, the planning fee, etc. Will the Minister of State clarify this matter? The Minister gave an undertaking as regards various fees for planning permission being allocated to the relevant counties, but I may be overlooking it in this section.

I thank the Minister of State. We are supportive of this amendment.

Senator Gerard P. Craughwell: I support most of what Senator Boyhan said about recording and fees. We were given to believe on Committee Stage that something would be done as regards fees. We are not looking for Deputies, Senators or anyone else to be exempted from paying fees, merely those who represent locally, namely, councillors. Perhaps it can be done by regulation. That is a suggestion for the Minister of State.

Senator Alice-Mary Higgins: I regretted the loss of the word "independent" in previous amendments in terms of the review, given the importance of an independent review. I recognise

the solid work that has been done on the Government's amendment. For example, paragraph (c) sets out the kinds of material that should be available to councillors when discussing applications. As someone who is not a former councillor but who lives in an area and likes to know what is happening in my local council, I regret the loss of that word in this context.

The Minister of State has said that this will be a superseding provision. I would love it if there could be a supplementary amendment to the amendment that was agreed by the Government on Committee Stage to allow for a formal council meeting that is publicly webcast. As a normal citizen in a community, I will not necessarily have access to minutes. If I do, it will be after a considerable delay. It will not be an option for me to watch what my local representatives are debating and to use that to inform any engagement that I might wish to have around a development. There is a time lag for the ordinary citizen, in that people will not be able to see what their local councillors are proposing. Given the fast-track nature of the planning process, will the Minister of State address this concern and accommodate in the amendment that was agreed the practical proposals that have been made? Public visibility and accountability are not just about what is on the record. Timely access for local constituents to information on what is being debated is an issue. I say this as someone who would like to know what is happening in local councils.

Senator Paul Gavan: There is a fundamental difference in how we view this section. We do not believe that local authorities have been the drag on the planning processes. The Government has done further work on this matter, but as Senators Boyhan and Higgins have stated, this amendment is not workable. If the Minister of State spoke to any councillor about this, that is what he would honestly be told. We will oppose this section.

Deputy Damien English: I will try to answer most of those questions, working backwards. I disagree with Senator Gavan that this is not workable. I have been involved in the process and it has worked. It happens regularly. It certainly did when I was a councillor. I am referring to strategic development zones and councils making submissions to An Bord Pleanála hearings. In my years in politics, everything has been workable when officials want to do something.

Contrary to the opinions expressed, councillors want this amendment. I have been engaging with them at council meetings for the past seven or eight weeks. The intention was always that this would happen, although it was never explicitly said. That is what caused many of the concerns last week. Many of the councillors of all parties whom I have met would welcome this involvement. It is kind of the standard procedure for any sane chief executive who has the time to do it because bringing everyone with him or her works out best for the process.

The amendment, which sets out the procedure clearly, follows on from Senator Boyhan's Committee Stage amendment. We decided to go a bit further and strengthen the process as well as the democracy of same. I am surprised by the reaction. To us, this is a positive amendment and is not meant to be negative. The meetings in question are public and can be webcast.

Senator Victor Boyhan: They are not.

Deputy Damien English: They should be. Area meetings are. If they are not, that is up to local authority members. It is a local decision. We would encourage it.

Senator Paudie Coffey: Standing orders would deal with that issue.

Deputy Damien English: Yes.

Senator Victor Boyhan: That is not the same thing.

Deputy Damien English: If there is a major concern, we can examine the matter in the Dáil, but meetings should be public. They are meant to be. When I was a councillor a long time ago, they were public. It is up to local authorities. We can go further and try to recommend public meetings, but my understanding is that they are a given.

Senator Victor Boyhan: Not at all.

Deputy Damien English: Generally, most meetings have been tweeted before they are even finished. We can work on this issue, though. If it is the Senator's main grievance, we can discuss it.

Senator Coffey referred to material contraventions. They are not allowed. A material contravention would have to be dealt with before any application. It could not be addressed in the middle of this process.

We respect the powers of local authority members. The process can only occur in respect of zoned lands. As such, there is no danger in that regard. If Senators analyse this provision more, they will see that we are strengthening the hand of local authority members in planning applications of more than 100 units. Even with these amendments, councillors will have more involvement in planning applications than ever because there will now be a formal process. Before, the process was informal. A councillor might have been able to get a meeting with a planner, make a phone call, catch him or her at a meeting, etc. Under the formal process, a councillor can sit down and go through every large planning application. We attempted this when I was on a council 15 years ago. It worked for a couple of weeks until everyone got overworked. I accept that it will be a great deal of work, but the process is right and we have to find a way to make it work because it led to better planning decisions. Councillors could discuss with officials what an application needed in terms of infrastructure, the community, links with the next site down the road, etc. All of that could be missed otherwise. Under this process, none of that should be missed. It is an enhancement, including for councillors, and is followed by many local authorities in respect of planning and other decisions. They can manage it.

I have answered Senator Coffey's second question. The amendment strengthens councillors' position.

The point on fees was a fair one. It was proposed that we address the issue in another planning Bill. We will try to see if we can get it done in the Dáil. It is certainly not restrictive. I cannot provide an answer on the issue of fees now, but it can be dealt with before the end of the planning process. If anything, it will enhance a council's position. It does not involve blocking anything.

Senator Victor Boyhan: Will the Minister of State just tell us what the position is?

Deputy Damien English: It has not been worked out, but it will be done. We will try to get it done, if we can.

The issue of levies was raised. It is a given that they belong to local authorities because they are based on contribution schemes put in place by them. They assess the need for infrastructure throughout a county, including amenities, bridges, roads and everything else. That is on what levies are based and the money belongs to councils to be spent on the infrastructure that will be

needed. That is what the contribution schemes are about.

Fees will be apportioned appropriately between An Bord Pleanála and the local authorities. The matter will be clarified, but that is a given. I hope we have dealt with it.

Having been a councillor and engaged with councillors in the past few weeks, I think the amendment puts them in a much stronger position. Some have doubts or concerns about the Bill, but it enhances and strengthens their role and should do away with some of the doubts because councillors are at the very heart of this proposal. It is not the case that they have missed an opportunity to put their views forward because there will be a formal setting. It is a positive change. I hope I have dealt with everything as best I can.

Amendment put:

The Seanad divided: Tá, 24; Níl, 13.	
Tá	Níl
Ardagh, Catherine.	Boyhan, Victor.
Burke, Colm.	Conway-Walsh, Rose.
Burke, Paddy.	Craughwell, Gerard P.
Butler, Ray.	Devine, Máire.
Buttimer, Jerry.	Gavan, Paul.
Byrne, Maria.	Higgins, Alice-Mary.
Clifford-Lee, Lorraine.	Mac Lochlainn, Pádraig.
Coffey, Paudie.	Nash, Gerald.
Conway, Martin.	Ó Clochartaigh, Trevor.
Daly, Mark.	Ó Donnghaile, Niall.
Davitt, Aidan.	Ó Ríordáin, Aodhán.
Gallagher, Robbie.	O'Sullivan, Grace.
Hopkins, Maura.	Warfield, Fintan.
McDowell, Michael.	
McFadden, Gabrielle.	
Mulherin, Michelle.	
Murnane O'Connor, Jennifer.	
Ó Céidigh, Pádraig.	
O'Donnell, Kieran.	
O'Donnell, Marie-Louise.	
O'Mahony, John.	
O'Reilly, Joe.	
O'Sullivan, Ned.	
Reilly, James.	

Tellers: Tá, Senators Gabrielle McFadden and Michelle Mulherin; Níl, Senators Paul Gavan and Trevor Ó Clochartaigh.

Amendment declared carried.

Government amendment No. 9:

In page 16, to delete lines 5 to 12 and substitute the following:

“(i) a summary of the points raised in the submissions or observations received as a consequence of *subsection (1)(a)(vii)*,

(ii) the Chief Executive’s views on the effects of that proposed development on the proper planning and sustainable development of the area of the authority and on the environment, having regard in particular to—

(I) the matters specified in section 34(2) of the Act of 2000, and

(II) submissions and observations duly received by the Board as a consequence of *subsection (1)(a)(vii)*,

and

(iii) where the meeting or meetings referred to in *subsection (4)(c)(ii)* has or have taken place, a summary of the views of the relevant elected members on that proposed development as expressed at such meeting or meetings.”.

Amendment put:

The Seanad divided: Tá, 23; Níl, 14.	
Tá	Níl
Ardagh, Catherine.	Boyhan, Victor.
Burke, Colm.	Conway-Walsh, Rose.
Burke, Paddy.	Craughwell, Gerard P.
Butler, Ray.	Devine, Máire.
Buttimer, Jerry.	Gavan, Paul.
Byrne, Maria.	Mac Lochlainn, Pádraig.
Clifford-Lee, Lorraine.	McDowell, Michael.
Coffey, Paudie.	Nash, Gerald.
Conway, Martin.	Ó Clochartaigh, Trevor.
Daly, Mark.	Ó Donnghaile, Niall.
Davitt, Aidan.	Ó Ríordáin, Aodhán.
Gallagher, Robbie.	O’Sullivan, Grace.
Hopkins, Maura.	Ruane, Lynn.
McFadden, Gabrielle.	Warfield, Fintan.
Mulherin, Michelle.	
Murnane O’Connor, Jennifer.	
Ó Céidigh, Pádraig.	
O’Donnell, Kieran.	
O’Donnell, Marie-Louise.	

Seanad Éireann

O'Mahony, John.	
O'Reilly, Joe.	
O'Sullivan, Ned.	
Reilly, James.	

Tellers: Tá, Senators Gabrielle McFadden and Michelle Mulherin; Níl, Senators Paul Gavan and Trevor Ó Clochartaigh.

Amendment declared carried.

Government amendment No. 10:

In page 16, to delete lines 39 to 41.

Amendment put:

The Seanad divided: Tá, 22; Níl, 11.	
Tá	Níl
Ardagh, Catherine.	Boyhan, Victor.
Burke, Colm.	Conway-Walsh, Rose.
Burke, Paddy.	Craughwell, Gerard P.
Butler, Ray.	Devine, Máire.
Buttimer, Jerry.	Gavan, Paul.
Byrne, Maria.	Mac Lochlainn, Pádraig.
Clifford-Lee, Lorraine.	McDowell, Michael.
Coffey, Paudie.	Ó Clochartaigh, Trevor.
Conway, Martin.	Ó Donnghaile, Niall.
Daly, Mark.	Ruane, Lynn.
Davitt, Aidan.	Warfield, Fintan.
Gallagher, Robbie.	
Hopkins, Maura.	
McFadden, Gabrielle.	
Mulherin, Michelle.	
Murnane O'Connor, Jennifer.	
Ó Céidigh, Pádraig.	
O'Donnell, Kieran.	
O'Donnell, Marie-Louise.	
O'Mahony, John.	
O'Reilly, Joe.	
Reilly, James.	

Tellers: Tá, Senators Gabrielle McFadden and Michelle Mulherin; Níl, Senators Paul Gavan and Trevor Ó Clochartaigh.

Amendment declared carried.

Senator Victor Boyhan: I move amendment No. 11:

In page 33, to delete lines 17 to 23 and substitute the following:

“ “ (c) Where the development in question is a housing development, for a resolution to have effect under paragraph (b) —

(i) it has to be adopted by a majority of the members of the local authority,

(ii) it has to be passed not later than 6 weeks after the receipt of the manager’s report, and

(iii) in the case of a resolution not to proceed with a proposed development, it shall state the reasons for such resolution.

(d) Where the development in question is not a housing development, for a resolution to have effect under paragraph (b) —

(i) it has to be passed not later than the first Council meeting after 6 weeks after the receipt of the manager’s report, and

(ii) in the case of a resolution not to proceed with a proposed development, it shall state the reasons for such resolution.” ”.

Senator Grace O’Sullivan: I second the amendment.

Deputy Damien English: I must oppose the amendment which relates to the changes proposed in the Bill to the Part VIII procedures for the approval of local authority own-development proposals, including social housing. In this regard, the Bill proposes a number of key changes to the existing procedures in section 179 of the Planning and Development Act 2000. The public consultation period for a proposed local authority own-development proposal is being shortened from eight weeks to six. Subsequent to the public consultation process, the local authority chief executive will have eight weeks to issue a report to the elected council members on the proposed development and the public consultation process held. No timeline is incorporated into the Part VIII approval procedures for the submission of the chief executive’s report to the members which could significantly delay decisions on the approval or otherwise of such development proposals. After receiving the chief executive’s report on the public consultation on a proposed development, the elected members will have six weeks in which to consider the proposal and, by resolution, to vary, modify or decide not to proceed with the proposed development. A council resolution on a Part VIII proposal will require the support of a majority of the elected members, rather than a majority of the members present at the meeting, as applies at present. This is in line with normal democratic procedures and a better proposal. A resolution

not to proceed with a development must state the reasons for this decision.

The primary purpose of the changes is to streamline the timelines for decision making on local authority development proposals, thereby providing certainty around the timeframes for the Part VIII process. Under the revised procedures, the maximum timeframe for the determination of local authority own-development proposals will be 20 weeks from the date of issue of the proposals for public consultation. As I have indicated, under the current procedures, there is no maximum timeframe for completion of the Part VIII process which could result in significant delays in the delivery of local authority own-development proposals, including social housing.

The amendment proposed by Senators Grace O’Sullivan and Victor Boyhan would result in the adoption of different procedures and approval timelines for social housing development proposals, on the one hand, and other local authority own-development proposals, on the other, which I do not think would be a good idea. The proposed new streamlined Part VIII procedures should apply to all local authority own-development proposals, whether they relate to social housing, road enhancements, other infrastructure, libraries, swimming pools or any other form of local authority own-development. In essence, the amendment proposed by the Senators would run contrary to the intention of the Bill, which is to streamline the Part VIII process for all local authority developments, be it housing, works supporting housing or otherwise. On this basis, I must oppose the amendment.

Senator Victor Boyhan: We take on board what the Minister of State has said and will withdraw the amendment. I am happy to say we will have other opportunities, as the Bill will be brought to the Dáil where, no doubt, the Minister of State will deal with all of these issues again. I hope the matter will be raised in another forum with him and thank him for his time. Unlike others, I do listen and have taken on board what he has said which I accept.

Amendment, by leave, withdrawn.

Acting Chairman (Senator John O’Mahony): Amendments Nos. 12 and 33 are related and may be discussed together.

Senator Lynn Ruane: I move amendment No. 12:

In page 33, after line 34, to insert the following:

“Amendment of section 5 (“relevant date”, “landlord”, “tenant”, “lease”, etc.) of Act of 2004

27. Section 5(1) of the Act of 2004 is amended by deleting the definition of “landlord” and substituting the following:

“ ‘landlord’ means the person for the time being entitled to receive (otherwise than as agent for another person, excepting where that person is acting as receiver) the rent paid in respect of a dwelling by the tenant thereof and, where the context so admits, includes a person who has ceased to be so entitled by reason of the termination of the tenancy;”.”.

Senator Grace O’Sullivan: I second the amendment.

Senator Alice-Mary Higgins: In this amendment we propose a practical measure to address the fact that for many tenants part of the growing insecurity they experience is the fact

that the property in which they are living may not be owned by a landlord but, in many cases, has been taken over by a receiver. Those who act as a receiver are freed from the most basic of obligations of a landlord to a tenant, not only the duties set out in the Bill but also basic obligations such as providing for periods of notice. Tenants have nobody to deliver their tenancy rights and may be summarily evicted without being given the most basic and appropriate period of notice. The purpose of this reasonable and appropriate amendment is to require that a “landlord” would mean “the person for the time being entitled to receive (otherwise than as agent for another person, excepting where that person is acting as receiver) the rent paid in respect of a dwelling by the tenant thereof and, where the context so admits, includes a person who has ceased to be so entitled by reason of the termination of the tenancy”. The amendment makes clear that receivers are acting as landlords. It also makes a clear exception for cases where a professional management company with its own administration is involved.

To give a sense of the scale of this issue, in the second quarter of 2016, more than 900 buy-to-let properties were taken over by receivers and more than 300 properties were taken over by banks. In one quarter of this year alone, the rights of tenants living in 1,200 properties have magically disappeared. These tenants face the likely outcome of eviction because the task of a receiver is to maximise profit and return. In developing this proposal, we spoke to those who act as professional receivers and they made clear that their normal course of action is not to continue to act as a landlord and take small rent returns but to quickly seek to maximise profit. This involves the eviction of tenants to allow them to turn around the property quickly.

The amendment proposes to require receivers to meet the minimal standards landlords must meet when they decide to sell a property. This means providing the same basic periods of notice and meeting other conditions. We are trying to introduce a countervailing pressure to the pressure on receivers to achieve maximum profit by imposing on them a set of obligations in respect of the rights of the tenant. I am disappointed the Government did not accept this reasonable amendment on Committee Stage. We have re-introduced it on Report Stage to give it another opportunity to accept it.

The Minister of State will tell the House that the Government will soon produce a rental and tenancy strategy. The Bill deals with the current emergency. As I stated, more than 1,000 families per quarter face the prospect of eviction. As such, in the one, two or three quarters the Department will need to produce its rental strategy and translate it into legislation, thousands of families will be placed in jeopardy. The amendment does not propose a radical change in strategy.

The Minister acknowledged that this is a loophole and we are simply calling on the Government to close it. It is not necessary to wait for the strategy to do this. We would like the Minister of State to accept the wording of the amendment.

I recognise that the Fianna Fáil Party has also tabled an amendment on this issue. We would be happy for the Minister of State to accept either amendment. We cannot allow a scenario to continue where up to 1,000 people could be evicted without notice in any given quarter. I ask the Minister of State to accept the amendment.

Senator Jennifer Murnane O'Connor: While I welcome the amendment and agree with it in principle, I believe the Fianna Fáil amendment is slightly stronger. The Bill does not address the issues raised by the Tyrellstown case, namely, that receivers and lenders are not considered landlords under the Residential Tenancies Act 2004. Lenders or receivers may seek to evict a

tenant without giving the notice required under law. This amendment provides that where a bank or vulture fund appoints a receiver over a rented property, it should be required to take on all the responsibilities of a landlord. This is crucial as it means receivers would have exactly the same obligations to existing tenants as landlords with regard to Part 4 of the Residential Tenancies Act. This includes its provisions relating to the security of a tenant, the maintenance and upkeep of rented properties, notice to quit provisions etc.

The amendment also seeks to address the position of tenants whose landlords are in receivership and remain solely and fully responsible for returning the tenants' deposits, even though they are in receivership. The amendment also imposes an obligation on the receiver to return a tenant's deposit in full. This is an important provision.

Senator Trevor Ó Clochartaigh: We discussed this issue on Committee Stage. These are important amendments which Sinn Féin supports. The Senators outlined clear reasons for introducing them. People have been caught in circumstances where a receiver has taken over a company that owns the properties in which they live and have been turfed out of their homes as a result. This is a practical response to addressing the loophole in the law.

I am disappointed that, following the comprehensive debate on this issue on Committee Stage, the Minister of State did not at least acknowledge that there is a loophole that must be closed. He appears to be showing utter disregard for the case of tenants in this scenario and to be working instead in favour of receivers. Perhaps he will explain why he is willing to leave the current provisions in place. It is astonishing that he has not proposed to accept the amendment as it is not a radical proposal. It would have enhanced rather than detracted from the Bill but it appears the Government is being obstinate in refusing to accept it.

There is merit also in amendment No. 33. It is a shame, however, that the Fianna Fáil Party has not supported some of the other amendments that have been introduced. We will certainly support this amendment when it is proposed. It would be better if the Minister of State were to accept the amendment and avoid a division because the Government may find that the numbers are against it.

It is terrible that people with small children who have a lease with a landlord and have paid their rent discover that a receiver is allowed to sell a property from under their feet and turn them out on the road. We hear a great deal of rhetoric from the Government about keeping people in their houses, not having people homeless, trying to cut back on couch-surfing and ensuring everybody has a bed. The amendment proposes taking a practical step in this direction and I hope it gains cross-party support. I also hope the Fianna Fáil Party will find its conscience and support other positive amendments the Opposition will put forward, rather than finding in favour of unscrupulous landlords and vulture funds. Sinn Féin supports the amendment.

Senator Gerard P. Craughwell: On Committee Stage, I pointed out that we have been caught in this position because receivers are obliged, when they take possession of an asset, to maximise its value for the person who appoints the receiver. I recently came across a case involving an excellent landlord who got into difficulty. He kept the rent for a group of people I know at the same level for the best part of seven years.

8 o'clock He is a decent man trying to run a business. Given that he had overstretched himself with a couple of other apartments and had lost tenants, he suddenly found himself in a situation in which there was a repossession order on the lot. He agreed to allow the business to go

into receivership and the receiver decided vacant possession was the only way. This resulted in seven families being given their marching orders. That is wrong.

The mistake we made when we bailed out the banks was that we did not force them, where they were taking back buy-to-let properties on which the landlords were unable to meet the costs, to establish letting agencies and run the tenancies themselves. If we had, we might not have the homeless problem and rental escalation we have today. That is spilt milk and there is very little we can do about it. While I am open to what the Minister of State has to say about amendment No. 33, I am inclined to support it.

Senator Michael McDowell: What is to stop a landlord collusively agreeing to appoint a receiver in order to throw out the tenants and get a better price at any stage? Is there anything in the law that stops it? I do not think there is. One can run up a debt, sign a debenture and have a receiver in any day of the week. One does not have to go to court to have a receiver appointed. There is some force in the argument that a landlord who appoints a receiver should not be in a radically different position from a landlord who may need the money just as badly for other reasons but has not got a receiver to collect the money on his or her behalf. I would like the Minister of State to explain why a receiver has so much more power than a landlord who might just as urgently want to sell the property but who gets no facility similar to that of the receiver.

Deputy Damien English: I suspect that a man in the Senator's position would not ask the question if he did not know the answer. There is no law to prevent it happening. There is a mistake being made here in that people think a receiver can walk in and turf the tenants out. They cannot. The tenants' rights, obligations and security of tenure do not change if a receiver takes over their homes. There are other issues regarding deposits, etc. That is a different story. A perception has been given here and on Committee Stage that if a receiver takes over, the tenant's security is diminished. It is not. There is an obligation, and it does not change. It is based on the length of time a tenant has been renting and occupying a property. This does not mean a receiver will not try to evict tenants. However, legally the receiver cannot. Tenants are entitled to their security of tenure, be it four, six or, in some cases, nine months. It is the law and I have seen it in practice.

We are examining the other issues, including deposits, in the rental strategy. While I do not want to disappoint Senator Alice-Mary Higgins, some of the changes she wants are premature, given that the rental strategy is due to be published within a couple of weeks. The legislation will not be finished before the rental strategy is published, that much I can promise. If any changes need to be reflected in the legislation to speed up the protection, we will do it. Many of the issues the Senator has raised here will be addressed in the rental strategy.

Security of tenure is not affected. A receiver does not have any more rights to make people sell their properties or evict them. Tenants have rights under the Residential Tenancies Act, and that is the bottom line. There is an issue to find solutions to encumbered buy-to-let properties. It is an important focus of the strategy and we are examining the possibility of four amendments to the Residential Tenancies Act which could help bring greater clarity to the area and benefit tenants and receivers alike. I accept that appointing a receiver can cause people concern. There are interpretations and confusion, and it causes distress. However, the statutory or contractual rights of tenants under the Residential Tenancies Act do not change. It is affecting people's decisions regarding how they will vote in this debate.

The reason we are reluctant to make other changes before the rental strategy is published,

although Senators may raise relevant issues, is that the interplay between the receivership laws and the Residential Tenancies Act is very complex and it is imperative we do not make any amendments that make matters worse or lead to legal uncertainty. It would not help anybody, tenants, receivers or landlords. I am not just being awkward. There is a concern and it is a very complex area of law. We are developing the rental strategy and everything is being examined. We will make relevant changes, if need be. Although Senator Alice-Mary Higgins does not say it, others speaking on her amendment keep saying people can be turfed out at a day's notice. It is not the case. Tenants have rights, and in some cases they may need to be given nine months notice. A receiver cannot change this.

Senator Lynn Ruane: I refer to some information from Threshold's pre-budget submission to the Department on the issue. It states:

In the case of repossession, tenants cannot refer a dispute to the Residential Tenancies Board for resolution, [which obviously puts them further on the back foot] as a lender will not generally be regarded as a party to the tenancy (Residential Tenancies Act 2004, s. 76). Their landlord will not be held liable for terminating the tenancy without the requisite written notice, as it will be the lender rather than the landlord that is effecting the termination. This means that tenants in mortgaged properties can be evicted without any means of redress.

Threshold believes that a simple amendment to the definition of "landlord" in the Residential Tenancies Act 2004, so as to explicitly include both receivers and lenders, would introduce a welcome degree of certainty for landlords, tenants, financial institutions and receivers. It would impose a requirement on a lender that has commenced repossession proceedings to terminate a tenancy in the manner provided for by the Residential Tenancies Act 2004. It would also impose a responsibility for repairs and the return of the tenant's deposit upon the expiry of the tenancy.

In addition to this legislative change, Threshold is seeking the introduction of a code of conduct on buy-to-let mortgage arrears.

Deputy Damien English: I have read the Threshold submission and it has been well investigated as part of the rental strategy. We have received the same submission a couple of times. It is a very strong submission. I am not saying we are not prepared to take on board some of Threshold's changes. We will make some changes through the rental strategy. The legislation is complex and we want to ensure we get it right if we make changes. The Senator mentioned repossession. There is a difference between a repossession order and a receiver. This week, I dealt with a case in which a house had been repossessed. The judge ensured notice was given to the tenant. The law protects the tenant. Tenants must have a minimum notice period, whether or not there is a receiver. While I accept that some will try it, the law is not on their side but on the tenant's side.

Trust me, the rental strategy that is coming forward will provide clarity on many of these matters. The Senators are raising other issues of concern that genuinely need to be addressed. They are different from this case of tenants being turfed out or obligations under the Residential Tenancies Act being changed. They do not change.

Senator Lynn Ruane: Given that we feel Fianna Fáil might have the numbers for its amendment, which we will support, we will withdraw the amendment.

Amendment, by leave, withdrawn.

Senator Lynn Ruane: I move amendment No. 13:

In page 33, after line 34, to insert the following:

“Amendment of section 19 (setting of rent above market rent prohibited) of Act of 2004

27. The Act of 2004 is amended by the insertion of the following new section after section 19:

“19A.(1) Any subsequent increases in the level of rent under the tenancy of a dwelling shall not be greater than the rate of inflation, as provided for by the Consumer Price Index as issued by the Central Statistics Office.

(2) The provision outlined in subsection (1) will remain in effect until 31 December 2019 at which point the Minister may by order extend the specified period which this section will continue to apply.”.

My contribution is mostly on behalf of Senator Colette Kelleher, who cannot be here. We met earlier to discuss the amount of work and research she has put in, especially regarding Threshold’s submission.

I wish to speak about the need for rent certainty across the State. According to the Private Residential Tenancies Board, over 704,000 people are in registered residential tenancies, while an unknown number are in unregistered residential tenancies, all of whom are affected by rent increases. Many renters wait anxiously for the dreaded call from a landlord demanding a rent increase. For some, it will mean cutting back on basic necessities, while for others, it will mean moving across the city or county in search of cheaper rent. For some children, it will mean leaving school friends behind. For a few, the call will be the beginning of a spiral into long-term homelessness. We know that the housing market is broken and we all have to accept that it needs interventions, with a major focus on housing supply. Rebuilding Ireland is ambitious and commendable, but without solid rent certainty, that policy is and will be undermined.

According to the Private Residential Tenancies Board, private rents rose by nearly 10% across the country in the second quarter of 2016 when compared with 2015. These statistics are compiled by the ESRI and this is the most accurate and authoritative rent report of its kind on private accommodation. The consumer price index compiled by the CSO shows that in the same period across the economy prices rose by only 0.4%. An increase in rents of 10%, while prices in other areas of the economy have increased by less than 1%, proves that rents are out of control and that urgent action is required. We need to do all we can to stop rents from spiralling, end the fear and uncertainty and ensure people can afford to stay in their homes. Last year a staggering 345 people slept rough on the streets of Cork. I should really have said that in a Cork accent, as I am sure Senator Colette Kelleher would appreciate it.

Senator Trevor Ó Clochartaigh: We thought the Senator did.

Senator Jennifer Murnane O’Connor: We understand her.

Senator Lynn Ruane: That is almost ten times the number in 2011 when Fine Gael took office. If the crisis is not resolved soon, we should not be surprised if the rental crisis becomes

the new Irish Water.

I have listened to the contributions of the Minister of State and various other Senators and accept that the issue of rent certainty is complex. Since Committee Stage I have examined it in more detail and I am impressed by the well developed and extensive proposal for the introduction of rent certainty drawn up by Threshold, the national housing charity, which includes, as per the amendment, linking rents with the consumer price index, on which it expands. It notes that the current rent regulatory measures provided for under the Residential Tenancies Act 2004 do not protect landlords or tenants from rapid increases or decreases in market rent levels, thereby exposing tenants to the risk of homelessness and landlords to uncertainty in their rental income. According to Threshold, there is no obstacle, either under the Constitution or the European Convention on Human Rights, to the introduction of rent certainty measures, provided such measures amount to a proportionate interference with the exercise by landlords of their property rights.

Threshold's proposal reads:

Rent certainty measures may be introduced by amending the Residential Tenancies Act 2004 to provide for:

- the insertion of definitions of 'rent', 'lawful rent', 'reference rent', and 'deposit';
- the creation and publication of an index of reference rents by the Private Residential Tenancies Board, drawn from the existing register of tenancies, whereby landlords and tenants may determine the average market rent for comparable properties in similar locations over the preceding four year period;
- the setting of initial rents at the market level for comparable properties in similar locations;
- the making of regulations by the Minister ... whereby initial rents in areas with high levels of demand and low levels of supply may be determined by means of the index of reference rents;
- the determination of the rate of increase in rent during the lifetime of a tenancy with reference to the annual percentage change in the consumer price index...

Threshold's proposal obviously covers much more and I accept that we need to get the rent certainty mechanism right. I am willing not to press the amendment if the Minister of State commits to including Threshold's proposal in the upcoming rental strategy. I believe Senator Colette Kelleher gave him a copy and I am sure he has read it inside out. Action on this issue cannot wait. We know that from Sunday, 4 December, for some, the two-year rent freeze will start to end. Rebuilding Ireland promised a rental strategy by the end of the fourth quarter, which is only four weeks away. I urge the Minister of State to incorporate this detailed proposal from Threshold in the rental strategy that is needed without delay.

Senator Alice-Mary Higgins: I second the amendment.

We have heard about the hundreds of thousands of people who are renting and vulnerable to rent increases that are completely out of sight. On Committee Stage we heard stories about many good landlords and there are good landlords. However, for every good landlord who did not increase rent or increased it by only a small amount, there are others who are increasing it

by vast amounts because the average annual increase in rent - the factual figures do not lie - is almost 12%, which is absolutely out of line with increases in any other area of the economy. It is certainly out of line with the meagre increase in the minimum wage. We need some mechanism to put a brake on it. While the average increase is 11.7%, we know of areas where it is 15%. We have all heard the anecdotal evidence that it is as high as 19% and 20%, even though some choose to increase it incrementally by 1% or 2%.

There has been a vast increase in the numbers of landlords. On Committee Stage the Minister spoke about his fear that if the reasonable parameter we were proposing was implemented in the rental market, people might leave it. I do not believe that would be the case. Those who are serious about being landlords are able to manage a predictable and manageable increase such as the structured increase we have proposed. We still await the Minister's proposals. The more detailed and nuanced proposals from Threshold have provided a rental strategy for him in terms of predictable rent increases. In the interim, people cannot be held hostage to out-of-sight rental increases, with no brake on the level of profit that might be sought. There is no mortgage on approximately 50% to 60% of houses being rented, which means that the rental income is straight profit for the landlords. Such figures are not reflected anywhere else in Europe. On Committee Stage we pointed out that larger-scale landlords had said they had never seen such increases anywhere. This is an emergency measure.

As the Minister has promised to address this issue in the rental strategy, we have not re-submitted all of our amendments; we have only resubmitted one amendment in this area. The amendment is very reasonable in that it does not seek to anticipate the outcome of the Minister's rental or tenancy strategy. Instead it proposes an interim emergency measure up to 31 December 2019, a date which has been designed to mirror the emergency measures the Minister has introduced in respect of planning. He has acknowledged the lack of supply and believes supply will not be adequate until December 2019, hence emergency measures must be taken in planning. While there is such a deficiency in supply, we should not see a huge imbalance, a dangerous distortion of the market in rent increases. Those who increased rents by 12% in the past year have taken three or four years' rent increases. Therefore, we are asking the Minister to introduce this measure which would ensure already high rents would not be increased by more than the rate of inflation for the next three years while he addressed the supply problem and introduced a more substantial, detailed rental strategy. We ask the Minister to accept this emergency measure. Even if he wishes to take a different and more nuanced approach in the long term to address the issue of rent predictability, we ask that he accept this as a necessary interim measure.

Senator Trevor Ó Clochartaigh: This is a very important amendment. We fully support it and I would go so far as to say that I hope the Independent Senators push the amendment because if they do not, we will push it to a vote. When legislation is brought before us in these Houses, it is our chance to effect change. If we do not do that, we are not fulfilling the mandate we have as elected representatives to represent those people who raise issues with us. This is about the crux of rent certainty. We have heard much hand wringing about rent certainty. On Committee Stage, Fianna Fáil said that it expected amendments to come from Government around rent certainty but I do not see any Government amendment around rent certainty here. I maintain that it is an ideological issue and that Fine Gael is opposed to rent certainty. I do not know where Fianna Fáil stands on it because it says one thing and votes a different way so we need it to vote in favour of rent certainty in respect of this amendment. The ideology around rent certainty is Thatcherite-Reaganite free-market economics that says we cannot interfere

with the market, which must be allowed to do its thing. It was very strange that when we were bailing out banks, we were able to intervene in the market. Free market and liberal policies were not allowed to play out in that scenario. We had to bail out the banks and we know how much that has cost us.

If the Minister of State was a car salesman, he would be asking us to buy a car that he will have in a few weeks' time. We do not know what colour, make or year it is and we do not know what we are going to be buying. A strategy such as a rental strategy does not necessarily have to be voted on in these Houses. We only have power regarding legislation so we can only effect change to legislation. A strategy is merely a strategy. A Minister and a Government can bring it in and we have very little control over what is or is not in it. I do not believe we will have the type of rent certainty Threshold and the Independent Senators have advocated for. I do not believe we will see it in the Minister's strategy. We do not want to buy a pig in a poke. If that is to be the situation, the Minister of State should tell us now and we can have a proper and decent vote on the amendment and know exactly where people stand.

This is the fourth time we have given Fianna Fáil the opportunity to get off the fence on this issue. We have seen a rent certainty Bill that was put through the Dáil in the summer. We brought the rent certainty Bill to the Seanad. We voted on rent certainty last week. Fianna Fáil hummed and hawed on it and now needs to get off the fence on the issue of rent certainty. If it is going to vote for rent certainty and tell people it is in favour of it, it needs to vote in favour of this amendment. That is the bottom line.

The rent certainty Bill we wanted to introduce would have linked rent reviews to the consumer price index, as is being called for here. It would have provided that stability that is needed in the private rental sector for landlords and tenants so that people could plan their finances. The situation I see in Galway is dire. In the past year, we have seen rent increases of 13% in the city. We have not seen a 13% increase in social welfare payments or wages. We have seen other costs of living going up. This is why something like rent certainty is crucial for the people I represent. Families facing rent reviews in the coming months might see their rent increase by between 10% to 20%. It is not out of the realms of possibility. We are seeing significant issues where vulture funds are coming in. I have been told that there is a new phenomenon when houses come on to the market. These guys in very slick suits come in. They are the people representing the vulture funds because they are buying up properties as investment properties. Many of those investment properties are being rented out at a very high price to people who can pay a lot more or are being used for something like Airbnb where there is a larger turnover and the return on investment is much higher. This all puts more pressure on tenants.

It also puts pressure on the Government and local authorities when it comes to paying rental accommodation scheme, RAS, payments or housing assistance payments, HAP. We might as well admit that even though there were meagre increases to HAP and RAS, they are nowhere near what the market rents are in most of the areas we are talking about. There are some scenarios where extra payments are made to keep people in their houses but in a general sense, RAS and HAP levels are under rental prices. We know that there are still situations where people have to top up those payments and pay landlords extra money to stay in their houses. They do not have any other choice to do that. It is not as if they have a free market so they can go out and find a house somewhere else. They cannot pitch landlords against each other. I spoke to some students during the week. When houses are being rented to students, there are queues of up to 60 or 70 people so the landlord can pick and choose whoever he or she wants.

This is what rent certainty would try to combat. I am really disappointed that both Fine Gael and Fianna Fáil previously voted against these measures. I think it is an ideological issue. I will not argue with the Minister of State about it. Ideology and politics are what we do in these Houses. We believe in one way of running the country while the Minister of State believes in a different way. I believe he has a fundamental liberal marketeer attitude. Will he tell us straight out whether he believes rent certainty will be in the strategy because that is what we are voting on here tonight? He should not ask us to buy a pig in a poke or tell us it is coming in the future because this is where we are right now. It is a hugely important issue and I hope Fianna Fáil will come around and vote in favour of this amendment. I hope the Independent Senators will push this amendment because, if not, on a point of principle, we will push for a vote on it.

The issue around the private rented sector was not caused by tenants. It was caused by a failure of regulation, the banking crisis, vulture funds, etc., but tenants are the ones paying the price. All we are asking for is for Senators here tonight to take one very small step for those people in private rented accommodation and give them more security to let them plan for the coming years what their income will be and how much of an outlay they will have and know that it will only go up or down by a certain amount and within certain parameters. That is all we are asking for. The Minister of State needs to take this on board. It is already on board in countries like Sweden, Denmark, Germany and France. There is a form of rent certainty with the setting of differential rents. Rent certainty is more flexible in nature and allows for rent increases or decreases in line with inflation. I hope Senator Davitt, who has great experience in this area and property, in particular, would like more stability in the market rather than spikes up and down in the housing market so that he could plan better-----

Senator Aidan Davitt: That is why we have a Bill coming.

Senator Trevor Ó Clochartaigh: We have a Bill coming. We will probably have an election coming as well.

Acting Chairman (Senator John O'Mahony): Could we stay on the matter?

Senator Trevor Ó Clochartaigh: It is very important we support this amendment.

Senator Jennifer Murnane O'Connor: We need to clarify something. Fianna Fáil proposes an overall reform package to deal with rental inflation and increase the supply of affordable rental properties. The package proposes regulations to reduce excessive rent inflation and increase security of occupancy for tenants coupled with a range of incentives to expand the supply of rental properties. Incentives to increase supply include cheap financing for new build-to-rent units, incentives for landlords to maintain long-term leases, an empty property refurbishment grant to return some of the 260,000 vacant properties nationwide to the market and assistance for involuntary landlords in negative equity. We also propose more favourable tax treatment of rental income and measures to enhance the supply of affordable rental accommodation. If implemented, these proposals would bring some stability to the rental market.

We are all here because we all want rent certainty. One cannot compare Dublin, Cork and Limerick to the likes of my own area of Carlow, a rural town where one would rent a house for €800. One cannot compare that to cities. We must make sure there is a balance for everybody. We need to work together in the long term. We need rent certainty and Fianna Fáil is putting in a Bill-----

Senator Paul Gavan: Now is its chance.

Senator Jennifer Murnane O'Connor: We have and we are working on it. We will have a submission going into the Dáil for some of the incentives here relating to tax treatment and all the different things we will work on. It is not as easy as Sinn Féin makes out. One cannot compare different areas. I deal with homelessness every day in clinics. I hear what Sinn Féin is saying but I know that a balance can be found and Fianna Fáil will be working on it.

Senator Aidan Davitt: Well said.

Senator Colm Burke: I welcome the Minister of State. On the proposal on rent certainty, it is very unwise to tie anything to the rate of inflation. It is fine when the rate is as it is currently, showing very little increase. What if there is a sudden increase of 10% to 12%, which happened in this country previously? Do we then rush in to amend legislation the following day?

Senator Trevor Ó Clochartaigh: What is the Government going to do to stop that happening?

Senator Colm Burke: I did not interrupt the Senator so he should have the courtesy not to interrupt me.

Do we rush in to amend legislation to take out this proposed clause? That is why I am totally against it. I agree, however, that we need rent certainty. This has to be planned over a period.

Having been involved in the legal profession for over 25 years, I note that a person who is renting a commercial property can get a 20-year lease and five-year rent reviews, while all the internal work in the property is done by oneself. I refer to the provision of furniture, carpets and fittings, for example. We need to start moving in that direction in this country. I am not saying we are ready for it yet. It can be done over a gradual period. In Germany, for example, the landlord is not responsible for any of the fitting, be it of kitchens, bathrooms or otherwise, but he or she is still getting a return of 8% on the investment. The tenants have a quite low rent.

We still have a basic problem in this country, namely, the cost of building. We do not seem to have been able to deal with that. Why does it cost a lot more money to build in this country than in other jurisdictions? That is one of the issues we need to deal with.

We have a big problem in that there is a large cohort earning over €35,000 per annum but who will not qualify for a local authority house. At the same time, they will not be able to borrow, especially if living in an urban centre. This is a major problem, especially for the age group between 28 and 45, who lost out over the past ten years. For the foreseeable future or rest of their lives, they will be living in rented property. I am particularly concerned about people with young families. I came across a case in which a family with four children was suddenly asked to vacate but they could not find a property in the location in which they were living. Trying to move children to another primary school is difficult, especially if one's lease expires at the end of the year. Trying to move children to a new school in January or February because one cannot get accommodation where one was living is a big problem with which we must deal. We must be comprehensive in the way we deal with it. The approach will have to evolve over a period but we need to start planning now. This amendment will not do anything to stabilise rents.

We must determine how to keep people who are providing property in the market. Every day of the week I come across more and more people who bought property ten or 15 years ago

and who were able to manage it during the downturn but who now want to get out of the market. They are going to wait another 12 months to two years, perhaps, before getting out. From 2008 to 2008, property was regarded as one's pension policy. People have now learned all of a sudden that if one wants to have this type of pension policy, there is a lot of work involved, including maintenance and responding to the requirements of tenants. We need a better way of thinking, from the perspectives of both the landlord and tenant, about individual responsibilities. I certainly do not believe this amendment will do anything to stabilise the rental market.

Senator Paudie Coffey: I wish to add to the remarks of my colleague, Senator Colm Burke. Many Senators have raised the concerns over increasing rents but one has to look at this in the context of the overall property and construction market, which has now been dysfunctional for some time. I heard Sinn Féin representing landlords last year as multimillionaires. Some of them may be millionaires but many of them are colleagues of ours, and probably colleagues of Sinn Féin Members. They include teachers, doctors and nurses who did not intend to become landlords in the longer term but who bought into the property market when prices were high and subsequently rented. When the crash came, they found themselves in serious difficulty with their mortgages and in terms of maintaining their properties to the required standard. There is the added difficulty of negative equity. In recent years there were lower rents because the rental sector crashed in addition to the property sector.

As the economy recovers, we will see a recovery in the rental income on some properties. People are rightly talking about the increases but are they actually talking about sustainability in the rental sector? If the sector is not sustainable, people will exit. The last thing we want before construction returns to any normal level is the smaller landlords exiting the property sector. If they do so, the houses will go up for sale and will be bought, with the result that the tenants we all want to assist will have a considerable challenge in finding an alternative property. While the intention of the amendment might be positive and good, there are concerns that if we interfere with the market, landlords will exit. Subsequently, that will have an impact on tenants.

There is existing legislation allowing that if somebody increases the rent, he can do so only at the current market rate. If he goes beyond that, there is a right of appeal for tenants through the Residential Tenancies Board. The rent is retained at the lower level until there is a final independent determination. On top of this, there are also measures for tenancy sustainment where people are under pressure. Some people mentioned the housing assistance payment and other Government initiatives. If there is a particular case where the housing assistance subsidy is not high enough, there is a facility for increasing it on a case-by-case basis. That has been done in thousands of cases around the country. It is not true to say that tenants are being left in the lurch. The Government is doing all in its power, with the levers available to it, until the property sector normalises.

The Government has had an independent analysis of the property sector that took into account rent certainty. This constitutes independent advice. If we interfered with the market, we could seriously run the risk of having a lot of landlords exit, with the unintended consequence that tenants would be without a home.

I am voicing concerns on behalf of people who are our neighbours and friends, and they are landlords. We need to be very careful in any interventions we are making. I welcome the fact that the Minister of State has outlined that a new rental strategy will be announced in the coming weeks. I believe there will be measures in the strategy to enhance tenancy sustainment. That should be supported. I, for one, am prepared to await the new strategy. We should all get

behind it to try to help those who are in difficulty. There is a challenge and, until the supply increases through construction, it will undoubtedly remain. Let us all work together to try to ease the pressure on the tenants to whom I refer.

Senator Paul Gavan: Here we are again. Senator Coffey said tenants are not being left in the lurch. Eighty-five people came into our Limerick Sinn Féin office last week, over 70 of whom came in regarding housing. The biggest housing issue in Limerick is hikes in rent. I accept it may be different in Mullingar, in fairness to Senator Davitt. The hike is close to 10% in Limerick and 13% in Galway, yet Senator Coffey says tenants are not being left in the lurch. If they are not being left in the lurch, why are the constituents coming into our office? Are they making it up? Are they coming in with fairytales? Senator Maria Byrne, whom I respect, will know the circumstances in Limerick as much as I do.

There is a crisis in housing in Limerick. There is a crisis for tenants in Limerick. Yes, they are being left in the lurch. The Government has an opportunity to do something about it but there is a problem. I recommend everyone to read a very good book called *Sins of the Father* that was written by Conor McCabe as it details the history of housing in this country. The certain fact is that the best way to predict the future is to look at past performance. The past performance of Fine Gael in respect of tenants' rights is nothing less than abysmal.

Senator Colm Burke: That is not true.

Senator Paudie Coffey: Tenants' rights were enhanced by the last Government. Senator Gavan has made an incorrect statement.

Senator Paul Gavan: This evening Fine Gael has told us it will come up with a strategy.

Senator Colm Burke: That is not true.

Senator Paudie Coffey: Week after week Fine Gael says it is coming up with a strategy that amounts to a pig in a poke. One thing that the Minister of State and his colleague, the Minister, have not said at any point is that they will legislate for rent certainty. It is generous of our colleagues in civic engagement to say if we give that commitment then they will work with us.

Senator Colm Burke: One would have a worse housing crisis the following day.

Senator Paul Gavan: According to the landlord party, and I got stick last week----

An Cathaoirleach: Through the Chair, please. I do not want interaction across the floor.

Senator Paudie Coffey: It is the landlords who are to blame.

An Cathaoirleach: We will see how many Senators are here at 1 a.m.

Senator Paul Gavan: Fair play to the Cathaoirleach.

In fairness, Senator Coffey has also said that we know of colleagues in this situation. Let us address the elephant in the room. One in four Members of the Oireachtas is a landlord and I want to put on the record that it is a factor here. Landlords will not vote for measures that will impact on them. Frankly, there are too few people from a working class background in these institutions and too many landlords.

We know there is a crisis. Anyone who holds a constituency clinic knows there is a crisis,

and I accept what Senator Murnane O'Connor has said, yet here is the Minister of State again. As my colleague has said, this is the fourth occasion to debate the matter. It is an opportunity for the Minister of State to do something about rent certainty. We have recommended a civic engagement measure but once again the Government will turn it down.

I acknowledge that some landlords are struggling. By way of solution the Government should tackle the banks that are still trying to cripple landlords who are in debt. Again, the Government has done nothing about the matter.

We could see the State intervene and buy some of the houses. That policy could be enacted but there is no word of doing so. As my colleague, Senator Ó Clochartaigh, correctly pointed out, there is an ideological problem with the State buying houses and a mindset of leaving it to the markets and landlords as God forbid that the State should become involved in buying houses. Housing has gone wrong because we have a homelessness crisis.

Senator Paudie Coffey: The State has bought houses.

Senator Paul Gavan: Tonight there are homeless people sleeping rough on the streets of Dublin. There are homeless people in Limerick and that is a new factor. The problem did not exist five or six years ago but it is now commonplace in Limerick city. Yet Senator Coffey has said that tenants are not being left in the lurch.

Senator Paudie Coffey: The State has bought houses.

Senator Paul Gavan: We have the worst homelessness crisis in the history of the State.

Senator Paudie Coffey: The statements that the Senator has put on record are incorrect.

Senator Paul Gavan: The Senator has said that landlords are not being left in the lurch.

Senator Paudie Coffey: The State has bought houses.

Senator Paul Gavan: I am sure that the people of Waterford will be very interested to hear what the Senator has said.

Senator Paudie Coffey: Local authorities and voluntary housing bodies have bought houses.

Senator Paul Gavan: I am sure that the people of Waterford who decided not to elect the Senator the last time will be interested to hear what he has said.

Senator Paudie Coffey: I had 7,500 votes all the same.

Senator Paul Gavan: Tenants are not being left in the lurch. We know better. It is shameful what Fine Gael-----

Senator Paudie Coffey: The statements that the Senator has put on record are incorrect. The State has bought houses.

Senator Paul Gavan: Fine Gael has an opportunity to do something for tenants. Rather than talk about it I suggest Fine Gael does something positive. We are here to legislate. We have an excellent proposal for civic engagement that Fine Gael will not back.

I am disappointed with Fianna Fáil. I accept the bona fides of my colleagues here. They

want to do something but there is a problem. I do not know whether it is the deal the party has with the Government or there has been a genuine mishap. This is the fourth occasion on which Fianna Fáil will vote down rent certainty. Again, it is the wrong decision and lets down the very people who are in crisis. I would like to hear a little less about landlords in crisis and a little more about the real people who are in crisis. I refer to the people who have been made homeless and the people who I met last week who will be homeless by Christmas with three children under the age of ten. The tenants are not being left in the lurch. What a statement to make.

Senator Michael McDowell: While passions are growing strong on this debate we should remember a few things. First, it is the case that some tenants are being gouged by excessive rent increases. The people who are riding the crest of a wave of a shortage are exploiting other people to provide them with housing. I look forward to hearing what the Government will do about the matter. I listened with interest to what was said by Fianna Fáil Senators about their plans to address it.

We are not in the simple binary situation suggested by Senator Gavan of either one does this or one does nothing. That is not the policy choice that is before us. We live in a world where the rate of inflation, due to international austerity and banking policies laid down by the European Central Bank in Frankfurt, is going to be between zero and 2% indefinitely as far as I can see. Senator Colm Burke referred to a period when inflation was at 10% and 12%. I cannot imagine, as long as we are members of the euro, that this will happen again. If that is the case then the Senators, with their rent certainty or CPI-related proposal, are advocating a situation where rent is completely taken out of the market sector and made into something equivalent to a static value of money. That is what CPI is about. The proposal will mean that properties will be available in five years' time for the same real amount as they are today. That proposal has been dressed up with the phrase "rent certainty". It is not rent certainty but a rent freeze. If the Senators are proposing a rent freeze, subject to the real value or purchasing power remaining the same, then as far as the property market is concerned in future there will be a permanent rent freeze in Ireland that has been dressed up as a rent certainty proposal.

If it had been suggested here that 3%, 5% or 7% was a figure over which there should be an excess profits tax or something like that then I can see somebody saying this represents a measure of social justice. To describe a permanent rent freeze as rent certainty is coddling oneself.

Senator Gavan is full of genuine passion because he has seen people at the wrong end of the housing shortage who have suffered as a consequence. I fully accept his bona fides in respect of that situation. When one legislates for a market situation please let us remember one thing. Let us examine all of the consequences of a proposal.

Senator Coffey has made a point that I think is unanswerable. That may be offensive for some people to hear but it is unanswerable. If one effectively institutes a permanent rent freeze, subject to CPI, there will be consequences for those who would otherwise invest in properties for others to live in. There will be consequences for those who have such investments now as to how they treat them in the future.

The Cathaoirleach and I are long enough in the tooth to remember when there was rent control in this country. In those days there was a differentiation between furnished and unfurnished accommodation. It was interesting to hear what was said about Germany. In some places in Germany the landlord provides the shell of the building and the tenant, thereafter, is responsible for everything apart from the basic structure of the building. Installing washing

machines, erecting beds, hanging curtains and laying carpets falls to the tenant. We have had that differentiation before. If one wanted to escape rent control in the days of rent controlled accommodation then one had to let one's house or flat furnished. The Rent Restrictions Act was very clear about what was and was not a furnished flat. However, it should be remembered that if one says one will have it CPI related, meaning the real value of the rental property will never change over a period of five, ten or 15 years, one should ask oneself who will pay for the new carpets and curtains. Who will pay for the washing machine or cooker when it goes wrong and the new television when the old one is antiquated? Who will do all that sort of stuff? Who will buy a new sofa and repair the kitchen chairs when they break in this system? No one seems to be addressing this issue and no one is asking what are a landlord's obligations, but it goes further than that.

There are people who bring their savings to the post office to get whatever the best rate is on deposits. It may be 2% or 3%. I do not know what rate is available, but I presume it is in that territory these days. Most people who are investing in rental accommodation are looking for a return of 5% or 6% per annum. That is the return most people actually have in mind. If they get up to 10%, they will say it is a really good investment. If a property rental roll was yielding 10%, there are certain people who have plenty of money who would just pour it into that property to get that kind of return. However, the important point is that if one is going to invest one's pension pot in bonds or savings schemes in local authorities or in some fund operated by an international financier, one is going to expect a return of 2% , 3% or 4% per annum. If one is willing to take the risk of being a landlord, one will require more than this. They are not the same thing. There is a risk in being a landlord. One has a problem if the roof falls off one's property. One has a problem if the tenants become insolvent or the place will be vacant for a while. These are risks that must be remunerated. To say the rate of return on properties is frozen by reference to the consumer price index is simply to turn off the remuneration associated with that risk.

I see a considerable moral force in saying one cannot gouge people for increased rent when there is an acute housing shortage. I can see the strong force in that argument, but, equally, what is being proposed fails to learn the lessons of history. It will involve a flight of capital from the rented sector, an exit of money, landlords and the like. They will ask why they should bother being stuck with a poor investment when they can get a return of 2% or 3% simply by placing it in an investment fund. These are the choices they make. They are not the plutocratic rich. They are people who, as has been pointed out, find themselves as accidental landlords. They include married couples who used to have two apartments with a mortgage but who have moved into one or who sold one to buy a family home and ended up with one on their hands, sometimes leaving them in negative equity. These are real situations. Those which involve vulture funds are not the norm in Ireland. It is not the case that if one goes around a rural town, one will find vulture funds rushing in to buy up all houses for letting. It is usually individuals who own these properties, including farmers and shopkeepers and members of Sinn Féin, not members of the grand classes in our society.

All of these proposals on so-called rent certainty which is not rent certainty but rent freezing will be counterproductive. If we enact them, we will find in two years time that there is less property available for rent. People will walk away from the rental market because it will simply not be worth their while to participate in it. If the ideologues who have decided to link with the consumer price index and freeze the real value of rents indefinitely have their way on one night in the Oireachtas, the result will be a trickle which will grow to be a stream of money leaving

private provision of rented property. The money will go to other places where the law is more remunerative. I remind the House that some genius in Dublin City Council decided a number of years ago, for the very best of reasons, to get rid of bedsit accommodation. That genius said it was no longer acceptable in the early 21st century for people to share a bathroom. Any accommodation let out on that basis would be illegal from a certain date. I often wonder about this because now one has the phenomenon of a group of people renting a house and sharing a bathroom, but it was decided that the idea that they could all have their own separate rooms and share a bathroom was no longer acceptable. As a result, between 10,000 and 12,000 housing units were taken out of the market. Whole houses were emptied of their tenants at a time when there was an impending housing crisis. The only reason I mention this is that I have no doubt that the person who came up with that policy thought as passionately as Senator Paul Gavan that he was going to improve the living conditions of people who had the least in our society. The result was that he drove them out of their accommodation and exacerbated an emerging crisis.

Let us look at the consequences of linking a rent freeze with the CPI. If people really believe the consequence of that policy will be less capital being invested in providing homes for others, be it by small or big landlords, let them not make that mistake. This country has made many mistakes. The mere fact that one is well intentioned and passionate about the justice in one's case does not excuse one from the responsibility to look around the corner to see what market there will be in two years time if a rent freeze is introduced. For the foregoing reasons, I am opposed to the proposal. I fully accept that there are issues of social justice at stake, but nobody who proposes a rent freeze will stand up in two or three years and say, "I am sorry; I got it wrong. I drove out landlords and made fewer properties available for people to rent. I did not realise it at the time. I was blinded by the immediate injustice in people being gouged by a small minority of landlords and made a mistake." Apologies will not do. We have a responsibility to get our policies right and look at the consequences of the changes we are proposing. Freezing rents by reference to the CPI, even temporarily, although the small print indicates that this is not a temporary arrangement, will be counterproductive and have the effect of reducing, rather than increasing, the number of properties available to rent. Everybody who spoke this morning and this evening in the House has said supply is the issue. Please, do not turn it off.

Senator Aidan Davitt: I clarify that Fianna Fáil is committed to providing for rent certainty. We are bringing forward a comprehensive Bill as outlined by our spokesperson, Senator Jennifer Murnane O'Connor. While there is merit in what Sinn Féin proposes, the mechanics and fundamentals of some of the points made will not stack up.

9 o'clock The fundamental principle of supply and demand is where this issue lies. We have a problem because we have little supply. We know the reasons - increased building costs and increased regulation. There will be much more of the latter if this amendment passes. Other reasons include dezoning, the spatial strategy and the pre-1963 housing alluded to by Senator McDowell.

As I told the Minister of State's ministerial compatriot, Deputy Coveney, when he was present, this is down to the cost of building. The Government's Front Bench has told him. Prior to each of the past two budgets, I made submissions regarding building costs. We introduced a good measure and changed the VAT rate for the tourism and hotel sectors. As a result, they have flourished. That has been one of the great successes of Fine Gael's tenure in office. We are a long way off discussing developments of more than 100 units, but if anything comes of this debate, the Government needs to consider the VAT component of building costs. We are

tinkering with everything - the Governor of the Central Bank, Dr. Philip Lane, has moved from 20% to 10% and there is also the new grant to help first-time buyers - except the logical element, namely, reducing the cost of building. If it reduces, supply will increase, which will solve many problems. It will certainly stabilise or reduce rents. It is a numbers game, and costs will keep increasing if the numbers are short.

Senator Gavan made a good point. He referred to 70 people from Limerick who had presented to him. He is a hard-working Senator. Coming from Westmeath, he could be nothing else. How many of those are presenting for the first time, that is, people who are starting off in life and are approaching their council only to be told that it has nothing for them and they should present to the private sector, which is where the council is sourcing its own housing? Social housing building needs to be addressed. The Government is making inroads, but this will solve much of the problem.

Vulture funds have appointed receivers where people have gone bust, but the number of individuals entering the market as landlords is small. People are not jumping into the property market. We need not fool ourselves about the killing that is to be made. I do not know whether all of those Senators to whom I listened are aware, but if a landlord gets rent, he or she must pay tax on it. That is 40% for most people. Landlords must also pay USC. After all of that and whatever expenses they incur, they have lost up to 50%. If people believe that there is a pot of gold and everything goes into the landlord's back pocket, I wish that I could use that account. I could do with seeing him or her. The belief is not the reality.

I implore the Minister of State on the matter of building costs. We are tinkering around with schemes, but that is a load of rubbish. Helping with building costs will help everyone.

Deputy Damien English: It is *déjà vu*. This sounds similar to a debate that we had previously. I will address a couple of issues.

Of us all, Senator McDowell summed it up best. This is about getting the balance right. If one or two changes are introduced without an overall package, there is a risk of affecting supply. The solution to all of our problems - social housing, private housing and the cost of rent - is supply. A package of €5.5 billion of taxpayers' money has been put in place to drive up the supply of social housing and return us to where we were ten years ago, increase the supply of private housing, address the costs of rent and supports, etc. There are many solutions to the crisis, but implementing this blunt instrument without proper mitigating measures to protect supply would actually endanger that supply. That is the fear. It is not down to ideology, but practical common sense. We can almost guarantee that supply will be affected. Even if we could say "might be", we would still be concerned.

Senator Ó Clochartaigh insisted that this was down to ideology, but it is not. I can be no clearer. We are a solutions-focused Government that is supported by most of the Dáil in tackling the housing crisis. We will do what needs to be done to address the issue of homelessness, the shortage and cost of housing, the cost of rent and so on.

Senator Aidan Davitt: The VAT rate.

Deputy Damien English: This is about doing, and getting, the right thing, that being, the overall package. Senators referred to buying a car, a pig in a poke and so on. I told Senator Kelleher, one of the sponsors of this amendment, in conversation that we would introduce a package in a few weeks' time. It will be a full rental strategy. If Senators wish to revert to the

car analogy, we will introduce a full car in a few weeks' time. Not a wheel of the car or just one part of it, but a full strategy that will balance the situation.

It is assumed that landlords and investors do not want certainty or predictability but that is untrue. The majority of people who invest money want reliability and certainty. They want to know what they are investing in. They are happy with an overall package, but they like predictability and reliability. We want investors. Even with the best will in the world, we cannot solve this crisis just by building taxpayers' houses, that is, social housing. We could not do it quickly enough even had we all of the money tomorrow. Some €5.5 billion has been allocated, but we need private sector investment, the existing accommodation and so on. All of the housing supply is needed to tackle the issue, which cannot be fixed overnight. There is a danger that, if we use the proposed blunt instrument, we will scare away investment.

Can anyone tell me how the amendment will increase the housing supply? If we all agree that increasing the supply is the solution to our problems, we must increase it, but this measure will not help. That is not to say that we will not introduce a package next week to deal with the various issues involved. We are committed to doing that. There will be a major focus on supply but the package will also include mechanisms for setting and reviewing rents. This legislation will not be finished before we introduce our strategy. It is a question of having a package that achieves a balance and does not affect one end of the market more than another. It is important that we get this right.

Many issues were raised about the cost of building. VAT is not the only solution. It only forms part of the cost. Site costs, levies and infrastructure are significant issues. We are analysing the cost of construction. Compared with the UK and the rest of Europe, our construction costs are not that much out of synch. Measures in the action plan will deal with the issues. There is more to building costs than VAT. It is not that I am against reducing the rate for housing, but we cannot guarantee that the reduction would be passed on to the purchaser. The help to buy scheme gives purchasers their own tax back. However, we will monitor the VAT situation. Everything is being considered to keep construction-----

Senator Aidan Davitt: The chance that the previous Government took with the hotel industry-----

Deputy Damien English: We did.

Senator Aidan Davitt: -----has repaid fivefold.

Deputy Damien English: It has paid off.

Senator Aidan Davitt: It is worth taking another chance on a six-month or one-year basis.

An Cathaoirleach: Allow the Minister of State to respond.

Deputy Damien English: I agree that the VAT measure paid off, but the question is whether it is still needed in every part of the market. When one looks at the prices of hotel rooms in this city, one would question it. The change worked for a couple of years and we retained it because it helped to create jobs, but there are other ways to reduce the cost of a house. We are considering those, for example, funding infrastructure, reducing site costs and working on State-owned lands.

We will not accept this amendment because we will introduce proposals next week based

on a full policy package. It would not be right of us to accept one or more amendments at this Stage without having our full policy worked out. Again, everybody was involved in formulating that policy. There were submissions from all sides. Threshold, which I will meet next week, was involved so everybody has had a say in this. It is not tipped in anyone's favour. Our motive is to increase supply. Senator Ó Clochartaigh spoke about car sales. I am not asking him to buy a car.

Senator Trevor Ó Clochartaigh: They are buying a pig in a poke.

Deputy Damien English: I am asking him to wait and see what is in next week's market and we will bring it forward.

Senator Trevor Ó Clochartaigh: A pig in a poke. Will it have rent certainty?

Deputy Damien English: I did not interrupt Senator Ó Clochartaigh.

An Cathaoirleach: Allow the Minister of State to conclude.

Deputy Damien English: I am not telling the Senator to wait and see the car next week. I am just telling him the way it is. We cannot tell him what our policy is until we have formulated it. It will be produced in the next few weeks and will dictate legislation that has to be implemented. If we can introduce it in time for this, we will bring forward changes. That is the truth. I am not asking the Senator to buy a car at all but this is not a full vehicle. It is part of one. It is one suggestion - one amendment - and on its own, will not achieve what the Senator genuinely wants it to achieve. It will not achieve that, which is the concern we have. For this reason, we will not be accepting this amendment.

Senator Lynn Ruane: I want to comment on a number of points. It is unacceptable for Bills to come through the House if they are not ready to be amended and we have to wait for a strategy to feed into them. It seems like a pointless exercise. It seems that it is being rushed through all Stages in the Seanad so that it will be too late for us to pick up on the things we want to amend, which removes the Seanad's scrutinising role and its ability to feed into policy. We are being asked to wait until a later date when we will have no input.

This amendment is not about supply. We support the legislation in respect of increasing supply. This amendment is about decreasing homelessness so to attach it to supply is not accurate. Senator McDowell gave an overview of the situation this amendment could bring about. I think this is also incorrect. Our amendment will cease to exist in December 2019 and the only way it will continue will be if the Minister extends it. This is an emergency measure for a short period of time, not something that will ensure stagnant rents forever more, as Senator McDowell argued, because it will cease in 2019, hopefully, when we have come out the other side of a housing emergency, which should be declared a national emergency. Any sort of emergency strategy that is introduced should be supported. If something better arises out of the rental strategy, fair enough but in the interim, this amendment is too important for it not to be pressed at this stage.

There is another provision in the law, which is that rent cannot be higher than the market rate. This amendment will strengthen that. That means there will be two provisions in place to effectively decrease the level of homelessness in this country for the next number of years. I think Senator Colm Burke said that if inflation rose by 10% or 15%, rents would also rise. We are not attaching rents to inflation. We are saying that one cannot have rents that are higher than

inflation. We are not suggesting that when inflation shoots up, rents shoot up with it. We are just saying that one cannot go higher than the rate of inflation. We will press this amendment.

Amendment put:

The Seanad divided: Tá, 13; Níl, 24.	
Tá	Níl
Conway-Walsh, Rose.	Ardagh, Catherine.
Craughwell, Gerard P.	Burke, Colm.
Devine, Máire.	Burke, Paddy.
Gavan, Paul.	Butler, Ray.
Higgins, Alice-Mary.	Buttimer, Jerry.
Mac Lochlainn, Pádraig.	Byrne, Maria.
Nash, Gerald.	Clifford-Lee, Lorraine.
Ó Clochartaigh, Trevor.	Coffey, Paudie.
Ó Donnghaile, Niall.	Conway, Martin.
Ó Ríordáin, Aodhán.	Daly, Mark.
O'Sullivan, Grace.	Davitt, Aidan.
Ruane, Lynn.	Gallagher, Robbie.
Warfield, Fintan.	Hopkins, Maura.
	McDowell, Michael.
	McFadden, Gabrielle.
	Mulherin, Michelle.
	Murnane O'Connor, Jennifer.
	Ó Céidigh, Pádraig.
	O'Donnell, Kieran.
	O'Donnell, Marie-Louise.
	O'Mahony, John.
	O'Reilly, Joe.
	O'Sullivan, Ned.
	Reilly, James.

Tellers: Tá, Senators Alice-Mary Higgins and Lynn Ruane; Níl, Senators Gabrielle McFadden and Michelle Mulherin.

Amendment declared lost.

An Cathaoirleach: Amendments Nos. 14 to 32, inclusive, are related. Amendment No. 26 is a physical alternative to amendment No. 25. These amendments may be discussed together. Each amendment must be seconded.

Senator Trevor Ó Clochartaigh: I move amendment No. 14:

In page 34, between lines 3 and 4, to insert the following:

“Amendment of section 28 of Act of 2004

28. The Act of 2004 is amended in section 28(2)(a) by the substitution of “for an indefinite period from” for “for the period of 4 years from”.

I would also like to speak on amendment Nos. 15 and 16. Amendment No. 15 states: “In page 34, to delete lines 4 to 6.” Amendment No. 16 states:

In page 34, between lines 6 and 7, to insert the following:

“Amendment of section 34 of Act of 2004

29. The Act of 2004 is amended in section 34 by the deletion of paragraph 3 of the Table.”.

I would also like to support amendment No. 17.

An Leas-Chathaoirleach: You do not have to read them all out. We understand that they are grouped. They are on the Order Paper.

Senator Trevor Ó Clochartaigh: I support amendments Nos. 17, 18 and 24.

An Leas-Chathaoirleach: I know that. You are grand. Is there a seconder for amendment No. 14?

Senator Paul Gavan: I second the amendment.

An Leas-Chathaoirleach: Does the Minister of State wish to speak?

Senator Jennifer Murnane O’Connor: I would like to speak on amendment No. 25.

An Leas-Chathaoirleach: Do you want to speak on it now?

Senator Jennifer Murnane O’Connor: Yes.

An Leas-Chathaoirleach: It is part of the grouping.

Senator Jennifer Murnane O’Connor: It is.

An Leas-Chathaoirleach: You can only speak once on the group.

Senator Jennifer Murnane O’Connor: I am speaking on amendment No. 25 which states: “In page 35, line 8, to delete “20 or more” and substitute “5 or more””. We welcome the so-called Tyrrelstown amendment in the Bill, which provides that where a landlord proposes to sell 20 or more units in a development within a six-month period, the sales will be conditional on existing tenants remaining other than in exceptional circumstances. However, we were worried that the figure of 20 units appears to be too many. The rationale behind the 20-unit provision is that such a large scale would have a significant impact on reducing the supply of the rental unit in the local market.

However, why should householders in large developments enjoy greater security of occupancy than other tenants? We believe there is an argument against completely getting rid of the option to sell as a reason for renting a tenancy. The criteria of 20 units could reasonably be reduced to a lower level of five units. This would offer more secure occupancy to a large

number of tenants without having a detrimental impact on the market by preventing involuntary landlords from selling their properties.

We want the number of units involved to be reduced from 20 to five. In the long term, we also want to look after smaller landlords. In smaller areas, such as where I live in Carlow, and in other rural areas in Ireland there are smaller landlords. This amendment would include such landlords. I hope the Minister of State will address the amendment.

Senator Alice-Mary Higgins: We have tabled a number of amendments to this section. Many deal with drafting and technical matters, but there are also a couple of key issues.

Senator Murnane O'Connor referred to the proposal that we reduce the number of units in the so-called Tyrrelstown amendment from 20 to five units or more. We know that 0.54% of landlords are covered by the current proposal of 20 units. The 20-unit provision that purports to deal with the situation in Tyrrelstown and other areas would not go very far as it only covers a small number of landlords. By reducing the number to five or more, we would cover a wider range of landlords. Nonetheless, landlords who have five or more units are, we believe, professional landlords. We emphasise that we are not in any way impinging on their right to sell their property. Rather, we are simply saying they should not have the right to evict their tenants and sell properties on. For every one landlord there are potentially five families in residential units. If 1,000, 2,000 or 3,000 landlords are affected by the provision referring to five units or more, in each case one can multiply by the figure by five in order to calculate the large numbers of families who are affected. We want to ensure that when properties change hands there are no inadvertent consequences leading to homelessness.

There are many figures in the Hooke and MacDonald report. I will refrain from reading out the detail of the report, but will instead provide one figure as an example. We know that under the capital gains tax waiver a large number of investors and vulture funds came to Ireland to take advantage of the fact they could hold to a property for seven years and gain tax advantage from so doing. The waiver ran from 2012 until 2014. Hooke and MacDonald describe how towards the end of 2014 over 3,000 residential units had been purchased in Dublin by international investors. The report is very explicit. It states that the budget measure, which provided the capital gains tax exemption for properties purchased prior to 31 December 2014 and held for seven years, has proved to be an attractive stimulus for investors and the intensification of buying activity is occurring prior to the cut-off date.

A significant number of landowners and landlords in the property market entered it because of the tax waiver involved. They will leave the market in three or four years' time and would of course prefer to sell properties that are vacant because they will make more profit by so doing. They are immune to the pressures of public opinion because, in many cases, the investors will move to the next place that is in crisis and purchase there.

Our amendments ensure that the proposal in the Bill does what it sets out to do, namely, address the dangers of property flipping and consequent homelessness. We co-sign and support the proposal that the figure of 20 units or more be reduced to five or more. We have made a number of other suggestions which I will not enumerate. For example, we sought a reduction in the provision that allowed for 20% profit to be the bar - it should instead be 30% or 40%.

Lorcan Sirr, writing in *The Sunday Times*, said a landlord could drive a coach and four through the provisions in the Bill and that the bar which asks landlords to justify large-scale

evictions by simply saying that they show they can make a better profit than 20% is too low. Any letting agent would be able to prove that. The other part of the proposal suggests it is unduly unfair that landlords should not be allowed to exercise mass evictions. The phrase “undue unfairness” is far too loose and wide in this regard.

The Minister of State has genuine people working in his Department who are endeavouring to tighten this area. However, we have not received proposals from the Department on tightening this area. We have put forward seven or eight amendments, one or two of which I will signal now that we intend to press. The Minister of State should ensure that the bar would at least include a change from “or” to “and” so that landlords who propose to throw people out of their apartments at a time of sale would, at a minimum, have to show not only that they can make a profit but that they need the profit and would suffer undue hardship if they did not accept it. I also have amendments to remove the entire section, because subsection 35A(3) is unacceptably loose. I ask that the Minister of State accept at least this most reasonable and mild of our amendments, which would ask that landlords proposing to evict their tenants in properties of five or more, if we are successful in that amendment, or 20 or more, would have to meet at least two bars of proof. “Undue unfairness” is a loose term and I cannot imagine any landlord worth his or her salt who could not find some narrative to say he or she was suffering “unfairness” which would allow him or her to proceed in this regard. I apologise for speaking too long. I know we are keen to move the debate forward. I ask the Minister to accept the amendments, or we will have to press them.

An Leas-Chathaoirleach: Does Senator Trevor Ó Clochartaigh wish to speak again to wind up?

Senator Trevor Ó Clochartaigh: No, I am fine, thanks.

Deputy Damien English: Are you all right, Trevor? I am getting worried about you.

Senator Trevor Ó Clochartaigh: Fantastic, thank you.

Deputy Damien English: I cannot accept amendments Nos. 15, 18 and 24, which propose to delete sections 28 to 30, inclusive, of the Bill. Section 30, together with sections 28 and 29, provides for what is known as the Tyrrelstown amendment. This provision gives effect to action 4.2 of the Rebuilding Ireland Action Plan for Housing and Homelessness to legislate to deal with circumstances where there are large sales of property with tenants *in situ*.

I am aware that this provision does not deal with security of tenure for all tenants, and that the Bill does not resolve all the problems in the rented sector; it was not intended that it would do so. To legislate for the problems in the rented sector in advance of having a strategic plan for the sector risks exacerbating the very problems that the Government is trying to solve. I will not go back over this again. I made the same point last week. This was not meant to be a rental strategy Bill and this is why we are not bringing forward legislation regarding the policy. This Bill is to deal with many other matters. We decided the Tyrrelstown issue was an important one to try to deal with. That is why Rebuilding Ireland commits to the publication, by the end of the year, of the strategy, which will set out measures to address immediate issues affecting the supply, cost and accessibility of rental accommodation.

Regarding security of tenure, including the termination of tenancies for the purpose of sale, the strategy will examine all options to improve security of tenure for tenants. Therefore, I cannot accept amendment Nos. 14, 16 and 17, which pre-empt the proposals in the strategy relating

to security of tenure.

Amendments Nos. 19 to 23, inclusive, 27, 31 and 32 all relate to the exemptions provided for landlords from section 30. We have carefully considered the arguments made in respect of these amendments on Committee Stage in this House, and we have taken legal advice in respect of them. Some good points have been made and we are minded to redraft the exemption provision to ensure it is effective. However, while I accept some of the amendments in principle, specifically amendments Nos. 19, 22, 23, 31 and 32, we will require time to redraft the provisions in line with the legal advice we have received and I ask that the amendments be withdrawn. We will deal with the matter on Committee Stage in the Dáil, if that is acceptable.

Amendments Nos. 25 and 26 propose to reduce the number of dwellings referred to in the Tyrrelstown amendment from 20 to five, or, alternatively, from 20 to ten. I cannot accept amendment No. 25 although I understand the intention behind it. The purpose of the Tyrrelstown amendment, which is limited in its scope, was to take early action before the rental strategy was complete, to indicate to institutional investors buying large-scale developments that when these properties were being sold, the existing tenancies in those properties would be protected. The figure of 20 units was chosen because anything above it represented a medium-sized development. However, I have listened to the submissions made on this issue on Committee Stage and a case has been made to reduce the number of dwellings to ten. Therefore, I will accept amendment No. 26.

Amendments Nos. 29 and 30 propose to increase the figure of 20% to either 30% or 40%. I do not propose to accept these amendments. The figure of 20% is reasonable and represents a significant difference between the value of the property sold with vacant possession or with an existing tenancy.

Amendment No. 28 deals with the role of the Residential Tenancies Board, RTB, where a tenant challenges a notice of termination served by a landlord pursuant to the exemptions provided for under the new section 35A. Where a tenant is served with a notice of termination under the section, and does not believe the exemptions apply, the tenant may refer a dispute to the RTB. The RTB is an independent statutory body, with quasi-judicial powers. The dispute is heard, in the first instance, by an adjudicator who has a statutory obligation under section 97 of the 2004 Act to inquire fully into each relevant aspect of the dispute concerned and provide to, and receive from, each party such information as is appropriate. Any order made by an adjudicator may be appealed to a tribunal, which holds an oral hearing for that purpose. The tenancy may not be terminated during the dispute process. Section 97, and the 2004 Act generally, provide for a robust and independent assessment of the validity of any notice of termination in these circumstances and, as such, I am not accepting this amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 15:

In page 34, to delete lines 4 to 6.

Senator Máire Devine: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 16:

29 November 2016

In page 34, between lines 6 and 7, to insert the following:

“Amendment of section 34 of Act of 2004

29. The Act of 2004 is amended in section 34 by the deletion of paragraph 3 of the Table.”.

Senator Máire Devine: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 17:

In page 34, between lines 6 and 7, to insert the following:

“Amendment of section 34 of Act of 2004

29. The Act of 2004 is amended in section 34 by the insertion of the following in paragraph 3 of the Table:

“This provision shall not be available to any landlord whose property was purchased with a buy-to-let mortgage or whose property benefitted from any section 23 tax relief or where the landlord is a professional landlord with three or more properties with tenancies registered with the Residential Tenancies Board.”.

Senator Máire Devine: I second the amendment.

Amendment put and declared lost.

Senator Trevor Ó Clochartaigh: I move amendment No. 18:

In page 34, to delete lines 7 to 27.

Senator Máire Devine: I second the amendment.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 19:

In page 34, line 18, to delete “section 35A(3)(a)(i)” and substitute “section 35A(3)(a)”.

Senator Grace O’Sullivan: I second the amendment.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 20:

In page 34, line 22, to delete “20 per cent” and substitute “40 per cent”.

Senator Grace O’Sullivan: I second the amendment.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 21:

In page 34, line 22, to delete “20 per cent” and substitute “30 per cent”.

Senator Grace O’Sullivan: I second the amendment.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 22:

In page 34, line 24, to delete “where section 35A(3)(a)(ii) applies,”.

Senator Grace O’Sullivan: I second the amendment.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 23:

In page 34, line 27, to delete “undue unfairness to or”.

Senator Grace O’Sullivan: I second the amendment.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 24:

In page 34, to delete lines 28 to 39, and in page 35, to delete lines 1 to 35.

Senator Grace O’Sullivan: I second the amendment.

Amendment put and declared lost.

Senator Jennifer Murnane O’Connor: I move amendment No. 25:

In page 35, line 8, to delete “20 or more” and substitute “5 or more”.

Senator Catherine Ardagh: I second the amendment.

Amendment put:

The Seanad divided: Tá, 21; Níl, 17.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Clifford-Lee, Lorraine.	Burke, Paddy.
Conway-Walsh, Rose.	Butler, Ray.
Daly, Mark.	Buttimer, Jerry.
Davitt, Aidan.	Byrne, Maria.
Devine, Máire.	Coffey, Paudie.
Gallagher, Robbie.	Conway, Martin.
Gavan, Paul.	Craughwell, Gerard P.
Higgins, Alice-Mary.	Hopkins, Maura.
Mac Lochlainn, Pádraig.	McDowell, Michael.
Murnane O’Connor, Jennifer.	McFadden, Gabrielle.
Nash, Gerald.	Mulherin, Michelle.
Ó Céidigh, Pádraig.	O’Donnell, Kieran.

Ó Clochartaigh, Trevor.	O'Donnell, Marie-Louise.
Ó Donnghaile, Niall.	O'Mahony, John.
Ó Ríordáin, Aodhán.	O'Reilly, Joe.
O'Sullivan, Grace.	Reilly, James.
O'Sullivan, Ned.	
Ruane, Lynn.	
Swanick, Keith.	
Warfield, Fintan.	

Tellers: Tá, Senators Catherine Ardagh and Lorraine Clifford-Lee; Níl, Senators Gabrielle McFadden and Michelle Mulherin..

Amendment declared carried.

10 o'clock

Senator Alice-Mary Higgins: Amendment No. 26 has been superseded by amendment No. 25 so we will not be moving it.

An Cathaoirleach: The Senator should move it.

Senator Alice-Mary Higgins: It is not that we are not moving it. We can move it but it is dead in the water.

An Cathaoirleach: Is it being withdrawn?

Senator Alice-Mary Higgins: Yes. It is superseded.

Amendment No. 26 not moved.

Senator Alice-Mary Higgins: I move amendment No. 27:

In page 35, to delete lines 11 to 26.

Senator Grace O'Sullivan: I second the amendment.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 28:

In page 35, line 12, after "Board" to insert ", them also having due regard to perspective of the tenants and other independent sources".

Senator Grace O'Sullivan: I second the amendment.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 29:

In page 35, line 15, to delete "20 per cent" and substitute "40 per cent".

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Senator Grace O’Sullivan: I second the amendment.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 30:

In page 35, line 15, to delete “20 per cent” and substitute “30 per cent”.

Senator Grace O’Sullivan: I second the amendment.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 31:

In page 35, line 16, to delete “or” and substitute “and”.

Senator Grace O’Sullivan: I second the amendment.

Amendment put:

The Seanad divided: Tá, 22; Níl, 15.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Clifford-Lee, Lorraine.	Burke, Paddy.
Conway-Walsh, Rose.	Butler, Ray.
Craughwell, Gerard P.	Buttimer, Jerry.
Daly, Mark.	Byrne, Maria.
Davitt, Aidan.	Coffey, Paudie.
Devine, Máire.	Conway, Martin.
Gallagher, Robbie.	Hopkins, Maura.
Gavan, Paul.	McDowell, Michael.
Higgins, Alice-Mary.	McFadden, Gabrielle.
Mac Lochlainn, Pádraig.	Mulherin, Michelle.
Murnane O’Connor, Jennifer.	O’Donnell, Kieran.
Nash, Gerald.	O’Mahony, John.
Ó Clochartaigh, Trevor.	O’Reilly, Joe.
Ó Donnghaile, Niall.	Reilly, James.
Ó Ríordáin, Aodhán.	
O’Donnell, Marie-Louise.	
O’Sullivan, Grace.	
O’Sullivan, Ned.	
Ruane, Lynn.	
Swanick, Keith.	
Warfield, Fintan.	

Tellers: Tá, Senators Alice-Mary Higgins and Lynn Ruane; Níl, Senators Gabrielle McFadden and Michelle Mulherin.

Amendment declared carried.

Senator Alice-Mary Higgins: I move amendment No. 32:

In page 35, line 20, to delete “undue unfairness to, or”.

We are asking for the removal of the term “undue unfairness” because we feel given “undue unfairness”, “undue hardship” and “unduly onerous” are the three----

An Cathaoirleach: The amendment has already been discussed. We cannot allow debate.

Senator Alice-Mary Higgins: I am giving the reason. If those terms were applied to the rental area, to tenants, we would see many tenants would not pay rent. I am going to move this amendment to remove the phrase “undue unfairness” but it would leave the other two intact.

Senator Lynn Ruane: I second the amendment.

Amendment put:

The Seanad divided: Tá, 22; Níl, 16.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Clifford-Lee, Lorraine.	Burke, Paddy.
Conway-Walsh, Rose.	Butler, Ray.
Craughwell, Gerard P.	Buttimer, Jerry.
Daly, Mark.	Byrne, Maria.
Davitt, Aidan.	Coffey, Paudie.
Devine, Máire.	Conway, Martin.
Gallagher, Robbie.	Hopkins, Maura.
Gavan, Paul.	McDowell, Michael.
Higgins, Alice-Mary.	McFadden, Gabrielle.
Mac Lochlainn, Pádraig.	Mulherin, Michelle.
Murnane O'Connor, Jennifer.	Ó Céidigh, Pádraig.
Nash, Gerald.	O'Donnell, Kieran.
Ó Clochartaigh, Trevor.	O'Mahony, John.
Ó Donnghaile, Niall.	O'Reilly, Joe.
Ó Ríordáin, Aodhán.	Reilly, James.
O'Donnell, Marie-Louise.	
O'Sullivan, Grace.	
O'Sullivan, Ned.	
Ruane, Lynn.	
Swanick, Keith.	
Warfield, Fintan.	

Tellers: Tá, Senators Alice-Mary Higgins and Lynn Ruane; Níl, Senators Gabrielle McFadden and Michelle Mulherin.

Amendment declared carried.

Senator Jennifer Murnane O'Connor: I move amendment No. 33:

In page 35, between lines 35 and 36, to insert the following:

“**31.** (1) Receivers appointed to mortgaged properties and lenders who have initiated repossession proceedings are regarded as the landlord in relation to existing tenancies.

(2) Where appointed, the receiver of the property shall be under the same tenancy obligations as landlords as specified in Part 2 of the Residential Tenancies Act 2004 and associated regulations.

(3) Where appointed, a receiver of the property shall be responsible for promptly refunding the tenancy deposit, subject to conditions in section 12(4) of the Residential Tenancies Act 2004.”

Senator Mark Daly: I second the amendment.

Amendment put:

The Seanad divided: Tá, 21; Níl, 17.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Clifford-Lee, Lorraine.	Burke, Paddy.
Conway-Walsh, Rose.	Butler, Ray.
Craughwell, Gerard P.	Buttimer, Jerry.
Daly, Mark.	Byrne, Maria.
Davitt, Aidan.	Coffey, Paudie.
Devine, Máire.	Conway, Martin.
Gallagher, Robbie.	Hopkins, Maura.
Gavan, Paul.	McDowell, Michael.
Higgins, Alice-Mary.	McFadden, Gabrielle.
Mac Lochlainn, Pádraig.	Mulherin, Michelle.
Murnane O'Connor, Jennifer.	Ó Céidigh, Pádraig.
Nash, Gerald.	O'Donnell, Kieran.
Ó Clochartaigh, Trevor.	O'Donnell, Marie-Louise.
Ó Donnghaile, Niall.	O'Mahony, John.
Ó Ríordáin, Aodhán.	O'Reilly, Joe.
O'Sullivan, Grace.	Reilly, James.
O'Sullivan, Ned.	
Ruane, Lynn.	

Swanick, Keith.	
Warfield, Fintan.	

Tellers: Tá, Senators Catherine Ardagh and Lorraine Clifford-Lee; Níl, Senators Gabrielle McFadden and Michelle Mulherin.

Amendment declared carried.

Senator Trevor Ó Clochartaigh: I move amendment No. 34:

In page 36, to delete lines 10 to 13.

Senator Paul Gavan: I second the amendment.

Amendment put and declared lost.

An Cathaoirleach: Amendment No. 35 has been ruled out of order as it involves a potential charge on the Exchequer.

Amendment No. 35 not moved.

Senator Jennifer Murnane O'Connor: I move amendment No. 36:

In page 38, between lines 22 and 23, to insert the following:

“Amendment of section 151 of Residential Tenancies Act 2004

38. The Residential Tenancies Act 2004 is amended in section 151(2) by the insertion of the following new paragraph:

“(b) The Board shall publish performance statistics to include average waiting times and other user statistics that may be prescribed by the Minister, on a quarterly basis in relation to the performance of its functions as prescribed by subsection (1)(a).”.”.

Senator Mark Daly: I second the amendment.

Amendment put:

The Seanad divided: Tá, 22; Níl, 16.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Clifford-Lee, Lorraine.	Burke, Paddy.
Conway-Walsh, Rose.	Butler, Ray.
Daly, Mark.	Buttimer, Jerry.
Davitt, Aidan.	Byrne, Maria.
Devine, Máire.	Coffey, Paudie.
Gallagher, Robbie.	Conway, Martin.
Gavan, Paul.	Craughwell, Gerard P.

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Higgins, Alice-Mary.	Hopkins, Maura.
Mac Lochlainn, Pádraig.	McFadden, Gabrielle.
McDowell, Michael.	Mulherin, Michelle.
Murnane O'Connor, Jennifer.	O'Donnell, Kieran.
Nash, Gerald.	O'Donnell, Marie-Louise.
Ó Céidigh, Pádraig.	O'Mahony, John.
Ó Clochartaigh, Trevor.	O'Reilly, Joe.
Ó Donnghaile, Niall.	Reilly, James.
Ó Ríordáin, Aodhán.	
O'Sullivan, Grace.	
O'Sullivan, Ned.	
Ruane, Lynn.	
Swanick, Keith.	
Warfield, Fintan.	

Tellers: Tá, Senators Catherine Ardagh and Lorraine Clifford-Lee; Níl, Senators Gabrielle McFadden and Michelle Mulherin.

Amendment declared carried.

An Cathaoirleach: Amendment No. 37 has been ruled out of order as it involves a potential charge on the Exchequer.

Amendment No. 37 not moved.

An Cathaoirleach: Amendment No. 38 has been ruled out of order.

Amendment No. 38 not moved.

Question put: "That the Bill, as amended, be received for final consideration."

The Seanad divided: Tá, 30; Níl, 7.	
Tá	Níl
Ardagh, Catherine.	Conway-Walsh, Rose.
Burke, Colm.	Devine, Máire.
Burke, Paddy.	Gavan, Paul.
Butler, Ray.	Mac Lochlainn, Pádraig.
Buttimer, Jerry.	Ó Clochartaigh, Trevor.
Byrne, Maria.	Ó Donnghaile, Niall.
Clifford-Lee, Lorraine.	Warfield, Fintan.
Coffey, Paudie.	
Conway, Martin.	
Craughwell, Gerard P.	

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Daly, Mark.	
Davitt, Aidan.	
Gallagher, Robbie.	
Higgins, Alice-Mary.	
Hopkins, Maura.	
McDowell, Michael.	
McFadden, Gabrielle.	
Mulherin, Michelle.	
Murnane O'Connor, Jennifer.	
Nash, Gerald.	
Ó Céidigh, Pádraig.	
Ó Ríordáin, Aodhán.	
O'Donnell, Kieran.	
O'Donnell, Marie-Louise.	
O'Mahony, John.	
O'Reilly, Joe.	
O'Sullivan, Grace.	
O'Sullivan, Ned.	
Reilly, James.	
Swanick, Keith.	

Tellers: Tá, Senators Gabrielle McFadden and Michelle Mulherin; Níl, Senators Paul Gavan and Trevor Ó Clochartaigh.

Question declared carried.

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

The Seanad divided: Tá, 28; Níl, 7.	
Tá	Níl
Ardagh, Catherine.	Conway-Walsh, Rose.
Burke, Colm.	Devine, Máire.
Burke, Paddy.	Gavan, Paul.
Butler, Ray.	Mac Lochlainn, Pádraig.
Buttimer, Jerry.	Ó Clochartaigh, Trevor.
Byrne, Maria.	Ó Donnghaile, Niall.
Clifford-Lee, Lorraine.	Warfield, Fintan.
Coffey, Paudie.	
Conway, Martin.	
Craughwell, Gerard P.	
Daly, Mark.	
Davitt, Aidan.	
Higgins, Alice-Mary.	

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Hopkins, Maura.	
McDowell, Michael.	
McFadden, Gabrielle.	
Mulherin, Michelle.	
Murnane O'Connor, Jennifer.	
Nash, Gerald.	
Ó Céidigh, Pádraig.	
Ó Ríordáin, Aodhán.	
O'Donnell, Kieran.	
O'Donnell, Marie-Louise.	
O'Mahony, John.	
O'Reilly, Joe.	
O'Sullivan, Grace.	
O'Sullivan, Ned.	
Reilly, James.	

Tellers: Tá, Senators Gabrielle McFadden and Michelle Mulherin; Níl, Senators Paul Gavan and Trevor Ó Clochartaigh.

Question declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Jerry Buttimer: Ar 10.30 maidin amárach.

The Seanad adjourned at 11.20 p.m. until 10.30 a.m. on Wednesday, 30 November 2016.