



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 30 Samhain 2016

Wednesday, 30 November 2016

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

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

The need for the Minister for Education and Skills to introduce a scheme to enable permanent primary school teachers, currently participating in a temporary teacher exchange scheme for five consecutive years, to continue to exchange their posts on a permanent basis, subject to the agreement and written approval of the boards of management of their respective schools.

I have also received notice from Senator Pádraig Mac Lochlainn of the following matter:

The need for the Minister for Foreign Affairs and Trade to outline the Government's response to the recent assertion by the British Secretary of State, Mr. James Brokenshire, MP, that "the whole of Lough Foyle is within the UK" and to clarify why previous negotiations over this territorial dispute have not led to a resolution.

I have also received notice from Senator Victor Boyhan of the following matter:

The need for the Minister for Justice and Equality to set out the position regarding the reopening of the Garda station in Maynooth, County Kildare.

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

The need for the Minister for Finance to review the system whereby traders on or over a €2 million turnover must account for VAT on the basis of invoices rather than receipts.

I have also received notice from Senator Brian Ó Domhnaill of the following matter:

The need for the Minister for Agriculture, Food and the Marine to provide clarity on the need for the taxpayer-funded Irish Greyhound Board to interact positively, proactively and transparently with the representative organisation of greyhound owners and breeders, the

Irish Greyhound Owners and Breeders Federation.

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

The need for the Minister for Health to confirm that the recommendations set out in Report of the Investigation into the Safety, Quality and Standards of Services Provided by the Health Service Executive to Patients in the Midland Regional Hospital, Portlaoise, have been implemented, particularly in respect of the appointment of a director of midwifery in each of the 19 maternity hospitals throughout the country.

I have also received notice from Senator Kieran O'Donnell of the following matter:

The need for the Minister for Health to provide an update on discussions on the provision of the drug Orkambi to cystic fibrosis patients.

I have also received notice from Senator Martin Conway of the following matter:

The need for the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs to outline what funding her Department has given to Rural Resettlement Ireland over the past five years and her plans to support this organisation into the future.

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

The need for the Minister for Public Expenditure and Reform to update the Seanad on the status of the report from the Office of Government Procurement on the use of social clauses in public contracts, with particular reference to the issuing of guidelines to local authorities in this regard.

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

Go dtabharfaidh an tAire Iompar, Turasóireachta agus Spóirt soiléiriú maidir le h-aon phlé a bhí ag Bus Éireann lena Roinn maidir le deireadh a chur leis an tseirbhís iompar scoile ó Rathún-Seantalamh chuig Scoil Náisiúnta an Chladaigh i nGaillimh agus an mbeadh sé i gceist aige iarradh orthu athbhreithniú a dhéanamh ar an scéal?

I have also received notice from Senator Maria Byrne of the following matter:

The need for the Minister for Transport, Tourism and Sport to extend the 304 bus service to serve the residents of Annacotty, Limerick.

I regard the matters raised by Senators Gallagher, Mac Lochlainn, Boyhan, Coghlan, Ó Domhnaill, Burke, O'Donnell, Conway and Gavan as suitable for discussion. I have selected the matters raised by Senators Gallagher, Mac Lochlainn, Boyhan and Coghlan and they will be taken now. Senators Ó Domhnaill, Burke, O'Donnell, Conway and Gavan may give notice on another day of the matters they wish to raise. I regret I have had to rule out of order the matters raised by Senators Byrne and Ó Clochartaigh on the grounds that the Minister has no official responsibility in these matters.

Commencement Matters

Teacher Exchange Scheme

Senator Robbie Gallagher: Cuirim fáilte roimh an Aire Stáit go dtí an Teach. The Minister of State is very welcome and I thank him for his attendance. I raise the teacher exchange scheme which is designed to facilitate primary school teachers to temporarily exchange their posts for educational purposes. The minimum period for which they can do this is one year and the maximum period is five years. I understand more than 230 teachers are currently taking part in the scheme which, by and large, works very well.

Teachers on exchange for up to five years develop ties with the area to which they have relocated. Some may find that their circumstances change and they may wish to remain in the exchange school. After a five-year period, some will have met a partner, settled down, had children and become embedded in the exchange school community. The schools, by extension, are also pleased to retain a teacher who has become an integral part of the school's staff and life. Unfortunately, the rules set out in the circular under which the scheme operates are rather rigid. I ask the Minister of State to examine the circular with a view to providing a degree of flexibility to those who wish to remain in the exchange school on a permanent basis after the five-year period has elapsed. Such a change would be cost neutral to the Department.

Some flexibility is required. I accept that all parties must be in agreement on any proposal to make the exchange post permanent. In other words, the exchange teachers, the respective schools and their boards of management would have to agree to it. If such agreement were reached and everyone was happy with the position, the five-year cap should be removed. As I indicated, the change I propose would be cost neutral and would proceed only where everybody was satisfied with the proposal. I ask the Minister of State to issue a circular to school boards of management advising that the five-year cap may be removed and those who wish to make the exchange permanent may do so.

Minister of State at the Department of Education and Skills (Deputy John Halligan): I thank Senator Robbie Gallagher for raising this matter and affording me an opportunity to outline to the House the position with regard to the teacher exchange scheme.

The provisions of the scheme are set out in Circular 17/2015, the contents of which were agreed under the auspices of the Teacher Conciliation Council. The Teacher Conciliation Council is part of the scheme of conciliation and arbitration for teachers and was established to deal with claims and proposals relating to the terms and conditions of employment of teachers. The council is composed of representatives of teachers, school management, the Department of Education and Skills and the Department of Public Expenditure and Reform, and is chaired by an official of the Workplace Relations Commission.

The teacher exchange scheme is open to primary teachers who are registered with the Teaching Council, have completed probation and wish to exchange their posts for educational purposes. Educational purposes include enabling teachers in primary schools to gain experience of teaching in different types of settings. For example, a teacher could seek an exchange from an urban school to a rural school or *vice versa*; a large school with a single class per teacher to a smaller school with multi-grade classes; a junior school, namely, a school where infants to second class are taught, to a senior school where third to sixth class pupils are taught; a single gender school to a mixed gender school; an ordinary school to a special school; or from a DEIS school to a non-DEIS school.

The concept is that teachers will gain a different experience, enrich their knowledge and understanding of their professional work and share this understanding with colleagues. The minimum period for which an exchange may occur is one year and the maximum is five years. In the current year, the issue of this limit and the purpose of the scheme was reviewed under the auspices of the Teacher Conciliation Council. Having considered the matter in detail and taking into account all circumstances, both the trade union and management partners considered that their preferred option was to retain the existing scheme for educational purposes. Available teaching posts are to be filled by redeployment, in the first instance, in accordance with the redeployment schemes or with the recruitment and appointment procedures, as agreed and published in the Department's governance manual for primary schools.

To facilitate this review and in an exceptional matter and without prejudice to Circular 17/2015, it was decided to extend the maximum period of exchange for teachers who were in their fifth year of the scheme for one further year. I have set out precisely what has occurred. The Department asked the various governance bodies associated with the teacher exchange programme to review the scheme. Discussions were held among the various bodies and they recommended that no changes be made. That is the current position.

Senator Robbie Gallagher: I thank the Minister of State for his response. Most teachers who have taken part in the teacher exchange programme for five years will have set down roots in the area. If the school, local community and teacher in question are happy, it would seem fair and reasonable that a mechanism would be put in place to allow such exchange teachers to make their positions permanent.

The issue appears to be with trade unions and management. Perhaps the Minister of State will use his good offices to arrange a meeting to ascertain if we can make progress on this issue. He stated that, without prejudice and all things being equal, he would, subject to the trade unions and management being satisfied with any resolution, examine the option I have proposed.

Deputy John Halligan: Yes. I intended to point out that I received views on the scheme from the Catholic Primary Schools Management Association, CPSMA, and the National Association of Boards of Management in Special Education, NABMSE, and the Irish National Teachers Organisation, INTO. A major effort was made to bring on board all the relevant bodies when we decided to review the scheme. The final decision was not made by the Department, which sought to ensure that all bodies associated with education would have a say on the matter. I suggest that Senator Gallagher seek a meeting with the Teacher Conciliation Council which is, as I stated, composed of representatives of various bodies. If I can facilitate such a meeting, I will be pleased to do so. If the Senator lets me know when he will be available, I will discuss the matter with the council. I am sure its representatives will meet the Senator.

The Senator made some relevant points. The difficulty facing me and the Department is that, having asked the relevant authorities, namely, the trade union movement, schools and school management, for recommendations and advice, we have little option but to accept their advice. The group we appointed reviewed the scheme and indicated it was satisfied with it. Nevertheless, I am sure it would be open to discuss the issue, particularly individual cases. As I indicated, teachers who are in the fifth year of the programme may have the exchange extended by another year. If the Senator wants me to arrange a meeting with the Teacher Conciliation Council, I would be delighted to do so.

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Northern Ireland

Senator Pádraig Mac Lochlainn: The Minister of State will be aware that the British Secretary of State, Mr. James Brokenshire, in response to a parliamentary question recently asserted that the whole of Lough Foyle was within the UK. Eighteen years after the Good Friday Agreement, it is unacceptable for language that is so clearly arrogant and provocative to be used. It flies in the face of the establishment of the Loughs Agency, which develops and manages the fisheries and the potential of Lough Foyle and Carlingford Lough. Carlingford's status has been resolved and there is a North-South division, but why has it taken all these years to resolve how we share Lough Foyle? Why must we still deal with such pronouncements?

We are post-Brexit and the British Tories have stated their wish to gain control over all their waters. If that includes Lough Foyle, as they assert, there will be a major problem for its fishing and tourism. We need to deal with this issue urgently. It has not been resolved because the British Government regards Lough Foyle as a strategically important naval and military point. It has ongoing operations in the area. Our Government must explain what it has done to try to resolve the situation and who is at fault. I believe that the British Government is at fault.

This issue has been ongoing for years. I have been raising this matter in all of my time in the Houses. The Loughs Agency is also raising the matter. Under the Good Friday Agreement, it is tasked with managing the lough's resources. It wants the two Governments to resolve the ownership question so that it can achieve its potential in partnership with those who fish on the lough and those who utilise it for tourism. It is a beautiful location with real potential, if only we could resolve the ownership issues.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I thank Senator Mac Lochlainn for proposing a Commencement matter on this important matter. I apologise for the Minister for Foreign Affairs and Trade, who cannot be present.

The Government's response to the recent assertion by the Secretary of State for Northern Ireland has been twofold. First, we have made unequivocally clear Ireland's position and the Government's rejection of the UK's claim regarding Lough Foyle. Second, we have sought to return the focus of discussion and of work on the matter to dealing in a positive and pragmatic way with the matters that have arisen from the differences on jurisdictional issues.

I will briefly outline the Government's approach to the House. Ireland has never accepted the UK's claim to the whole of Lough Foyle. Uncertainty concerning the extent to which each side exercises jurisdiction within Lough Foyle has created practical difficulties for the conduct of a number of activities there, as the Senator outlined. This includes a difficulty in creating a system for the licensing of aquaculture by the Loughs Agency in accordance with the intentions of the two Governments under the 1999 agreement establishing the North-South implementation bodies. The Government wishes to see the Loughs Agency working to its full potential, which is in the interests of everyone on this island.

Following discussions in 2011 between the then Minister for Foreign Affairs and Trade and British Foreign Secretary, both Governments agreed to seek to address and resolve jurisdictional issues relating to Lough Foyle and Carlingford Lough. Since then, a series of meetings have taken place at official level between the Foreign and Commonwealth Office and the Department of Foreign Affairs and Trade. The issues in question are complex and involve a range of different actors, including the Crown Estates.

As regards the specific issue of the parliamentary reply on 16 November by the Secretary of State for Northern Ireland, the position of the Irish Government was clearly outlined by the Minister, Deputy Flanagan, in his public comments immediately afterwards. He set out Ireland's long-standing rejection of the UK claim and the Government's wish to focus on finding practical resolutions to the consequences of ongoing jurisdictional issues in Lough Foyle. He also raised the matter directly with the Secretary of State, Mr. Brokenshire, in the course of a telephone call on 23 November. Again, the Minister conveyed the Government's surprise at the Secretary of State's statement, in particular the fact that it did not refer to Ireland's position or acknowledge the ongoing negotiations between the two Governments that seek to address all jurisdictional issues on the island. The Minister noted that the stark statement on Lough Foyle at Westminster had also raised understandable concerns on both sides of the Border, but particularly in the north west. He noted that such absolute statements on jurisdiction did nothing to advance the practical co-operation and progress on the issues that require a pragmatic solution. Similar messages have been conveyed at official level to the Foreign and Commonwealth Office, which leads on this issue for the UK side.

Progress is in the interests of both Governments and the people of the island of Ireland. Therefore, this work will be taken forward in the continuing discussions between the Department of Foreign Affairs and Trade and the UK's Foreign and Commonwealth Office under the political oversight and direction of the Minister and his British counterpart.

Senator Pádraig Mac Lochlainn: I appreciate the Minister of State's confirmation that the Minister has conveyed the Government's concerns about the language used. I was alarmed when it was brought to my attention. I have been aware of the negotiations down the years, but the main concern is the post-Brexit situation. Some will desire to put a wall around Britain. As an Irish republican, I want a united Ireland but, in the interim, we need to share Lough Foyle to the benefit of everyone on both sides of the lough.

It is the opinion of people in the area that the British are not doing a deal on Lough Foyle because of its strategic naval and military importance. Access to Foyle Port is another issue. Were the lough split down the middle, a navigational channel would fall on the State's side. These matters are all resolvable if the will is there.

In the context of the Good Friday Agreement and the Loughs Agency, which is tasked with managing the resources for everyone, I do not understand this situation. The only thing that makes sense to me is military strategic importance. If that is the case, our Government needs to say it out loud and call out the British for playing games with the livelihoods of those in the area.

In light of Brexit, I am asking for urgency from the Minister for Foreign Affairs and Trade and a resolution of the issues at stake at the earliest opportunity.

Deputy David Stanton: Brexit was mentioned, but the question of the division of jurisdictions on Lough Foyle has been with us since partition. There was a political commitment in 2011 on the part of both Governments to resolve the jurisdictional issues at Lough Foyle and Carlingford Lough. That commitment is being pursued in ongoing discussions and negotiations between the Department of Foreign Affairs and Trade and the Foreign and Commonwealth Office, with political oversight and direction by the Minister and his counterpart, the Foreign Secretary, Mr. Boris Johnson. This work will continue, with a particular focus on the objective of ensuring that the Loughs Agency can operate to its full potential as envisaged when it was

established under the Good Friday Agreement. Therefore, the matter is not something that we currently envisage as forming part of the negotiations on the UK's departure from the EU.

The Government's approach has been clear, consistent and constructive. The UK Government's assertion that it has jurisdiction over the whole of Lough Foyle is rejected and has never been accepted by any Irish Government. To progress from this difference of view, the Government strongly remains committed to the agreement with the UK in 2011 on seeking to resolve all jurisdictional issues related to both loughs. This is where our focus will remain and the Government will seek practical solutions that can address licensing and other practical issues that arise and allow the Loughs Agency to work to its full potential, which is in the interests of everyone on the island.

11 o'clock

Acting Chairman (Senator Diarmuid Wilson): Senator Boyhan was due to make a contribution next. Unfortunately, due to personal circumstances, he is unable to be present. I apologise to the Minister of State.

VAT Payments

Acting Chairman (Senator Diarmuid Wilson): I welcome the Minister of State at the Department of Finance, Deputy Eoghan Murphy, to the House.

Senator Paul Coghlan: I thank the Minister of State for coming to the House to discuss this important issue of a cash basis threshold. I have been told about this matter by business people who pay on a receipt basis because now that their business approaches a €2 million turnover, they must use a cash basis threshold. I refer to small businesses that are trying to grow and recover from the devastating effects of the recession. As we all know, it is Government policy to support small business and undertake measures to further increase job creation, which this issue affects.

It is simple to understand the cash basis. If one has a small growing business and one's invoices approach the €2 million mark, one may not be paid for months. Some invoices might end up as bad debts and not be paid at all. Having to pay VAT on an invoice issue basis will seriously affect the cashflow of small businesses thus affecting job creation, particularly for small businesses located outside of the capital and throughout rural Ireland.

Paying VAT in advance totally militates against growth and job creation simply because it damages cashflow and has a huge negative impact. Is it possible to increase the threshold from €2 million to €3 million? Such a small increase would encourage new employment across the country and VAT would still be paid to Revenue. The only sectors to be affected by the increase would be the small business community and, ultimately, job creation. I have been informed that the measure affects a significant number of businesses and two specific businesses have approached me about the matter. A modest change could satisfy everyone and act in the interest of further job creation. I look forward to hearing from the Minister of State.

Minister of State at the Department of Finance (Deputy Eoghan Murphy): I am pleased to have the opportunity to speak on the question of the VAT cash basis system, on behalf of the Minister for Finance. I thank the Senator for raising the issue.

VAT is an EU tax and Irish VAT law is governed by the EU VAT directive. In respect of

accounting systems, the VAT directive provides that VAT must generally be accounted for on an invoice basis, that is, VAT is payable on the total sales invoiced in a relevant period regardless of whether the trader has been paid for the supply in that period. EU VAT law also allows member states to introduce simplification measures for small and medium-sized businesses such as the cash receipts basis of accounting, where the trader is not required to pay VAT until payment for the supply is received. Availing of this option assists businesses in the critical area of cashflow.

In order to avail of the cash basis, a business must either supply goods or services to mostly unregistered persons or have an annual turnover of less than €2 million. This threshold was increased on 1 May 2013 from €1 million to €1.25 million and again on 1 May 2014 from €1.25 million to €2 million. It is worth noting that currently a total of 161, 000, or 66% of all businesses, benefit from accounting for VAT on a cash basis. The retail, accommodation and restaurant sectors are among those businesses that qualify automatically for the cash basis, as the majority of their supplies are to non-registered persons. The type of businesses that benefit from the cash basis threshold on the basis of the €2 million turnover threshold are manufacturing, technology, professional and administrative services. Due to variations in their treatment for VAT purposes, the cash basis system would not apply to the construction, motor and financial services sectors. The cost to the Exchequer of operating a cash basis system is significant as these businesses can claim back the VAT they are charged on their purchases and overheads, irrespective of when they pay for them. They also have no obligation to pay over the VAT they charge on their sales until such time as they receive payment from their customers.

I shall speak directly to the Senator's proposal. Increasing the threshold to €3 million would cost the Exchequer €45 million and would benefit only 636 businesses. This breaks down as a cost of €70,000 for each of the 636 businesses that would benefit from this increase. The Minister, Deputy Noonan, did not increase the cash basis threshold in 2015 or 2016 because of the cost of extending the limit beyond €2 million and because a very small number of businesses would actually benefit from such a change. Article 66 on the EU VAT directive provides that the cash basis system can only be used for "certain transactions or certain categories of taxable persons". It cannot be used to replace the normal VAT arrangements.

A range of simplification measures is available to businesses in Ireland, including a facility to make VAT returns on a bi-annual or annual basis, as well as VAT registration thresholds that are among the highest in Europe. The success of these measures is reflected in the recent PwC-World Bank Group report that highlights Ireland's taxation strengths. For the eighth year running, Ireland continues to be the most effective country in the EU in which to pay business taxes and is the fifth most effective worldwide. In the circumstances, there are no plans to review the cash basis accounting threshold.

Senator Paul Coghlan: I can see how it is advantageous for Revenue because the initiative means Revenue can borrow from or lean on businesses. It is unfair that one must pay in advance of being paid oneself. One is totally out of pocket in advance. A business might not be paid for months and might never be paid for some invoices that have been issued. The system lacks equity and cries out for redress.

Acting Chairman (Senator Diarmuid Wilson): Does the Minister of State wish to comment?

Deputy Eoghan Murphy: I understand the Senator's point. I appreciate that he tabled his

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proposals in the best interests of businesses. The Government is conscious of the needs of business, particularly at present. However, increasing the threshold would cost the Exchequer €45 million but would benefit only 636 businesses. A cost of €70,000 for each of those businesses cannot be justified given the competing demands on Government at present. I shall reiterate how the Government supports businesses. For the eighth year running, Ireland continues to be the most effective country in the EU in which to pay business taxes and is the fifth most effective worldwide.

Sitting suspended at 11.07 a.m. and resumed at 11.30 a.m.

Membership of Committees

An Cathaoirleach: In accordance with the order of the House of 24 November, I will announce for the information of the Seanad the names of the Senators appointed to be members of the Joint Committee on the Future Funding of Domestic Water Services. These are Senators Paudie Coffey, Lorraine Clifford-Lee and Grace O'Sullivan. Senator Pádraig Ó Céidigh has already been appointed a member by an order of the House.

Order of Business

Senator Jerry Buttimer: The Order of Business is Private Members' business No. 21., motion 10, to be taken at 12.45 p.m. with the time allocated to the debate not to exceed two hours; No. 1, Criminal Justice (Suspended Sentences of Imprisonment) Bill 2016 - Committee and Remaining Stages, to be taken at 3 p.m. and completed not later than 3.30 p.m. if not previously completed; No. 2, Knowledge Development Box (Certification of Inventions) Bill 2016 - Order for Second Stage and Second Stage, to be taken at 3.30 p.m. and to be adjourned not later than 5 p.m., if not previously concluded, with the contribution of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes; and Private Members' business motion No. 21., motion 9, to be taken at 5 p.m. and, notwithstanding anything in Standing Orders, to conclude not later than 6 p.m., with the contribution of all Senators not to exceed five minutes.

Senator Mark Daly: As the Leader is aware, Fianna Fáil has tabled a Corporate Manslaughter Bill, which was proposed by the Law Reform Commission. It is important legislation which is long overdue, made all the more relevant by issues involving University Hospital Limerick, where a whistleblower has highlighted the deaths of 30 people due to serious mismanagement in the hospital. She has made a protected disclosure.

Over recent years she has highlighted the issue to senior management in the hospital in Limerick and a report was made to HIQA. Eight deaths which occurred there in the first half of this year are attributed to the hospital's lack of proper infection control. Apparently superbugs are rampant there, and senior management is not doing its job. Tragically, people are dying as a result of this.

Despite making a protected disclosure and contacting the Minister for Health, he has refused to meet her. She is asking for an inquiry into the 29 people who died between 2012 and 2014 because of failings in senior management in University Hospital Limerick. Other hospi-

tals are refusing to disclose information on deaths that have occurred which may be attributed to mismanagement and the fact proper protection of patients is not taking place and there are not proper protocols. The protocols which are in place are not followed with regard to infection control.

Will the Leader find out from the Minister for Health what is being done? His refusal to meet the whistleblower is unacceptable. She has put her career on the line and is now being victimised by senior management. She is no longer able to go to work because, unfortunately, the culture in this country is that instead of applauding people who come forward to highlight the fact people are dying as a result of senior management's failing, they end up being victimised. We have seen that in the case of gardaí and now we are seeing it in the case of somebody who is trying to save other people's lives by ensuring that the procedures are followed, and if they are not good enough then better needs to be done.

If the Corporate Manslaughter Bill were in place and those senior managers were found to have failed in their duty, they could be liable to prison sentences. Instead of spending their time, effort and energy trying to victimise and silence a whistleblower for their own failings, they would have their minds focused on the fact because if they were unable or unwilling to do their jobs they could end up going to jail as a result.

I ask the Leader to find out what is happening in University Hospital Limerick. I ask him to use his good offices to arrange a meeting between the Minister for Health and the whistleblower so that more lives will not be lost instead in addition to the 30 who have already died as a result of suspected failings in senior management.

Senator Michael McDowell: This House sends Members to a number of Oireachtas joint committees. I am a member of the Oireachtas Joint Committee on Communications, Climate Action and Environment, as is Senator Leyden. That committee met on 25 October when we considered the then projections for greenhouse gas emissions and the extent to which the State was challenged or not challenged by meeting its national targets in this respect.

On that day the committee heard submissions from officials from the Department of Communications, Climate Action and Environment and from staff of the Environmental Protection Agency. Various projections and graphs were provided to the committee suggesting that, while things were not satisfactory and not totally on target, they were within manageable margins of achieving our requirements.

On 10 November the EPA then went public with totally different figures indicating that we were badly off target in respect of all of these matters. I want the Leader to use his offices to invite the Minister, Deputy Naughten, to come to the House to deal with these matters.

Based on the documentation furnished to the committee, the EPA and the Department were well aware that the figures the committee had received and were discussing were seriously dubious at the time the committee meeting took place. They must have been aware from drafts in their possession and from the research done for the publication on 10 November that Ireland was very badly missing its targets. The committee was given the impression that was not the case. I was there and I remember the general feeling among members of the committee was that this was a manageable situation, nothing was out of control and there was no need to panic. However, it has now emerged that the EPA and the Department, assuming that they communicate with each other and that they do their jobs well at all, must have been aware from prelimi-

nary figures that the material furnished to the committee was seriously misleading.

I ask the Leader to ask the Minister, Deputy Naughton, to come to the House to explain exactly what in the report which was prepared and issued in early November was unknown to the officials and to the EPA members who attended the committee meeting, and to explain to us why, given that we had set aside a meeting to consider these important issues, we were left in the dark and seriously misled as to the gravity of the situation and the implications for agriculture, industry, energy production, transport and economic growth in this country on which we were lulled into a false sense of security. I ask the Leader to ensure that the Minister comes to the House to explain this. There is no point in having joint committees if they are to be given the mushroom treatment, if I may use that phrase.

An Cathaoirleach: The Senator has made his point.

Senator Paul Gavan: I also raise the issue of University Hospital Limerick. I commend Senator Mark Daly on his comments. I want to tell a brief story about a man with a van who works with the national ambulance service.

Senator Jerry Buttimer: Did the Senator say a man with a van?

Senator Paul Gavan: Yes. His job is to deliver charts around the various hospitals in Nenagh, Croom and the two in Limerick city. His van broke down and since then because the University Hospital Limerick and the national ambulance service cannot agree on who should pay for a new van, the taxpayer is spending €2,000 to €3,000 every week on taxis. Can that be credited? I give that as an example of the incompetence at the heart of HSE management and the failure of the Government to deal with it bearing in mind that Fine Gael has been in charge for six years at this stage. It would be laughable if it was not so serious. This week my SIPTU colleagues among the nursing and support staff are going on strike, not for extra money, but because of the chronic staff shortage in the hospital and because morale is at an all-time low.

At the same time as these chronic staff shortages and the embargo on recruitment, we are spending tens of millions of euro on agency staff - more than ever - to plug the gaps caused by not hiring the staff. It makes no sense from an accounting point of view. Morale is at an all-time low. I am new to this arena. I remember standing on a platform with Deputy Kelly and Eamon Gilmore as they pledged to save Nenagh hospital - we know how that went. I remember seeing Senator James Reilly - it can be viewed on YouTube - asking people if they would fight to save Monaghan Hospital. We know how that went.

The situation in Limerick is so dire that the vice president of the National Association of General Practitioners, Dr. Emmet Kerin, has described it as the worst accident and emergency unit in Ireland and he has correctly said that people will not send their loved ones there even with serious illnesses. I know that Fine Gael inherited a bad situation, but after six years it is just not good enough. There is a rising tide of anger.

I am raising the issue today because I have received a number of phone calls from staff and patients who are genuinely concerned over the safety and welfare of patients in Limerick city. The Minister for Finance comes from Limerick and we have had other senior Ministers from Limerick. There is a litany of failure and there is a rising tide of anger from people who are not prepared to put up with another winter of suffering due to the incompetence of the Government.

I ask the Leader to bring the Minister for Health to the House as a matter of urgency. I know

we do not have much time left this year and we are heading towards January. To put things in perspective, there were 68 people on trolleys on 8 November. There is a new policy that once it goes over 16 trolleys, the staff push the trolleys into the wards. That would mean 50 trolleys in wards, which is the equivalent of the entire capacity of Ennis hospital. The hospital has asked for an extra 96 beds. There is no word from the Minister on that. A report eight years ago asked for 100 beds. There is nothing new here. We all know what the problems are. We also know unfortunately of the chronic incapacity of the Government to deal with them. I ask the Leader to bring the Minister for Health to the House as a matter of urgency.

Senator Grace O’Sullivan: I was interested to hear Senator McDowell say he felt he was misled. I am very surprised that someone like him would feel misled. Given his many years of experience and professional capability to scrutinise I am shocked to hear that. However, I absolutely support his request for the Minister to come to the House to discuss our inability to curb Ireland’s greenhouse gas emissions.

I wish to raise another issue related to energy - the Chernobyl accident in 1986. The European Bank for Reconstruction and Development has just spent €2.1 billion on a casing to put over the site of the Chernobyl accident. People might remember that the radioactive fallout from the site was the world’s worst civil nuclear accident. It spread across three quarters of Europe and prompted a global rethink about safety of atomic fuel. I urge the Government to look at renewable clean energies as our path to supplying energy for Ireland and Europe and to stay away from the nuclear industry because of the dangers that are still being felt today as a result of the radioactive fallout from Chernobyl in Ukraine in 1986.

Senator Ivana Bacik: I renew my call for a debate on Syria and the appalling bombardment of civilians in Aleppo. We are seeing really horrific scenes from Aleppo this week. Indeed, the French foreign Minister has described what we are seeing as potentially the biggest massacre of civilians since World War II. I know the UN Security Council is convening an emergency meeting. I had the privilege yesterday of hearing first-hand accounts from Syria at a Scholars at Risk in Trinity College attended by President Michael D. Higgins at which the provost of Trinity College was also present. One of the speakers at a panel I chaired was a Syrian archaeologist from Aleppo who spoke movingly of the fear and trauma suffered by civilians under siege in that unfortunate city. I ask the Leader for a debate on that issue. The Joint Committee on Foreign Affairs, Trade and Defence will hear from a number of different delegates from Syria and some journalists who have reported on the conflict tomorrow but I ask that we have an early debate here.

I also ask for a debate on transport policy. I was pleased to see that this week, the Minister for Transport, Tourism and Sport published a list of priorities for the Department on his departmental website only six months into the new Government. At least, we see some priorities. Unfortunately, there is very little that is new on that list, most of which relates to projects that were already ongoing before the Minister took office. It is disappointing that there is no sign of any major new initiative. I ask the Leader for a debate on transport policy, particularly the need for a really enlightened policy on the resourcing of cycling and cycling infrastructure. We have seen some really good initiatives, particularly the roll-out of Dublin Bikes, which was originally an initiative of Andrew Montague, a Labour Party councillor in Dublin City Council. We need to hear some new initiatives and dynamic thinking from the Minister of the sort that perhaps he exhibited previously when he called for an end to road tolls when he was merely a journalist. That would be worth hearing.

I welcome the announcement that an agreement has been reached at Cabinet about judicial appointments. I look forward to the debate on this House on the judicial appointments Bill. Apparently, a general scheme will be published in the next ten days. It is good to hear that at last, we will get some movement on judicial appointments in the meantime given the comments of the President of the Circuit Court, Judge Raymond Groarke, a number of days ago when he spoke of the difficulty in ensuring that people would get their cases heard given the shortage of judges. I wish colleagues on the Oireachtas committee on water charges well under the chairpersonship of Senator Ó Céidigh. I look forward to the debate on that.

Senator Joe O'Reilly: I ask the Leader to facilitate a debate on and subsequent review of the school transport system. The principle behind the system, which is that a child should go to their nearest school, is a good and reasonable one and makes logistical sense from every perspective. However, like every good principle and every good scheme, and it is a great scheme, it needs constant review. There are some difficulties with the current situation. This comes up in our work at constituency level and anecdotally. It is dividing families in some instances. By that, I mean that some older members of a family would previously have gone to a particular school and that would have been acceptable then but under the current transport rules, the younger ones cannot follow so you have children going to different schools, which is creating all sorts of hardship for families. It is also creating difficulties where an older child would have been a mentor and support to a younger child. That is the first difficulty. The second is that there can be special family circumstances where difficulties arise in respect of a person working in a different town, a grandmother available in the evening or a family member and it is more appropriate that the child goes to another school that is a bit further away. Sometimes the needs of the child can be better facilitated by a particular school in a particular instance. Could the relevant Minister come to the House to discuss the school transport system and the difficulties we are encountering at a practical level, and applaud a wonderful system that could be improved a bit and made more user-friendly so that we get a better outcome for parents and pupils? This is not some whimsical idea of mine. It is based on practical cases coming to me.

Senator Diarmuid Wilson: I understand that on 21 October last, the Clerk of Seanad, Deirdre Lane, retired. Will the Seanad be afforded an opportunity to pay tribute to Ms Lane who has over 40 years of dedicated and committed service to the Oireachtas since first joining the Oireachtas staff in 1976? She was appointed Assistant Clerk of the Seanad in 1987 and appointed Clerk of the Seanad in 1990. It is important for this House to be afforded an opportunity to pay tribute to her for her dedicated commitment and service to the Oireachtas and this House in particular. In his closing remarks as Cathaoirleach of this House, Senator Paddy Burke indicated that one of the biggest difficulties he witnessed as Cathaoirleach of the House was the chronic under-staffing of this House. He pointed out that a staff of five people administer this House. From time to time, Senators may feel hard done by but it is time we started to stand up for ourselves and the administration of this House and ensure that this House is adequately furnished with administrative staff. While not wanting to interfere with the appointment process for a new Clerk, I ask the Leader to expedite that appointment as a matter of urgency. The staff of this House are now double jobbing and treble jobbing in some instances because they do not have enough personnel. I ask the Leader to make it a priority to ensure that a new Clerk is appointed and that adequate staff are provided to run this House. I ask the Cathaoirleach, in conjunction with the Leader, if we could be afforded an opportunity to pay tribute to Deirdre Lane.

Senator Gerard P. Craughwell: I echo Senator Wilson's request. It would be the right

and decent thing to do.

Brexit brings many problems to the UK and Ireland. Communities on all sides on this island are going to have to learn to work together to deal with some of them. Some of the utterances that have come out of Leinster House from all parties and none in recent months are a matter of some concern to me. It is no secret that I served in the Royal Irish Rangers during which service I made friends with people from all traditions in Northern Ireland. It is no secret that since leaving the Royal Irish Rangers over 40 years ago, I would have made friends from all traditions on this side. I am as much of a republican as anybody else in this room. We hear people jumping on opportunist statements talking about the reunification of Ireland as a result of Brexit. Those statements are dangerous. I am being contacted by former colleagues - people I have not met for 35 years - who are from the Protestant tradition and who tell me that there might be a united Ireland at some stage in the future and that they might even go for it but that they will not be bullied into a united Ireland or some sort of quick referendum to unite Ireland because of Brexit.

They say they take grave exception to people outside the Sinn Féin Party making those statements. While they expect Sinn Féin will always seek to take the opportunist approach to shout about a united Ireland, they would have expected other parties to show some respect for their feelings and for the feelings of the parties that represent them in the North of Ireland. I am travelling to the North of Ireland tomorrow and I hope we can discuss some of this with the politicians at the Northern Ireland Public Services Alliance, NIPSA, meeting.

Senator Diarmuid Wilson: Could the Senator indicate what route he will take?

Senator Gerard P. Craughwell: We must recognise that there are two traditions in the North of Ireland and the peace is fragile enough. Let us not give it any reason to become in any way endangered.

Senator Maria Byrne: University Hospital Limerick was raised here today. While there are concerns about the hospital, I would hate the story to go out that it is falling apart at the seams. As recently as last month, the Minister for Health, Deputy Harris, was in Limerick for the opening of the new €16.5 million development unit to deal with cystic fibrosis, the Parkinson's Association of Ireland was also involved and there is also a new heart unit there. He saw at first hand the extent of the emergency in the emergency department and he did acknowledge that there is an issue. He has taken the issue on board and is working on something at the moment. I would hate the message to go out that it is a no-go area because the hospital has expertise in many fields. It is well known for its treatment of cancer patients. The new cystic fibrosis unit there is very much welcomed as well and people go to it from all over the region. There is much positivity happening in the hospital as well as what is taking place in the accident and emergency department. While I acknowledge that issues exist, I wish to put on record the staunch work carried out by the staff in the hospital and that most of the time it is a very pleasant place to go.

Senator Trevor Ó Clochartaigh: Bhí Seanadóirí ag ardú deacrachtaí leis na comhchoistí éagsúla. Tá deacracht mhór ag baint le Buan-Chomhchoiste na Gaeilge, na Gaeltachta agus na nOileán, sé sin nach bhfuil Airí Rialtais ag teacht isteach chuig an gcomhchoiste.

Issues that were raised about co-operation with joint committees are being exacerbated by the fact that Ministers are failing to appear or are using any excuse not to come before commit-

tees. That situation arose with the Gaeilge, Gaeltachta and islands committee where numerous Ministers and the Taoiseach have been invited to come before it. The Taoiseach, who is chairing the joint committee on the implementation of the Stratéis 20 Bliain don Ghaeilge, has declined to come and so have the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, the Minister of State, Deputy Seán Kyne, and the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Heather Humphreys. One would think that at least those Ministers would be able to come, given it is their Department that is dealing with it. I urge the Leader to use his good offices to express our dismay at the lack of engagement.

Since the start of this Seanad I have been calling for a debate on the diaspora and Gaeilge and the Gaeltacht. Is it the situation that they are not co-operating with the Leader in coming into the Seanad? I would have expected those Ministers to have attended a couple of times at this stage for such debates but they have not yet taken place. Can the Leader outline when we will have such debates? He keeps telling me the Ministers are coming into the Seanad but we have not seen them yet. I am getting quite frustrated at this stage that we have not had those debates.

Senator Jerry Buttimer: The Senator talks too much about legislation so that is why I cannot bring them in.

An Cathaoirleach: The Seanadóir should be allowed to continue.

Senator Trevor Ó Clochartaigh: It is very strange for the Leader of the House to be complaining about Senators talking too much about legislation when it is the job of a parliament to legislate.

An Cathaoirleach: I am ruling him out of order in that regard so ar aghaidh leis an Seanadóir Ó Clochartaigh.

Senator Trevor Ó Clochartaigh: A couple of weeks ago we raised the issue of Kleber Medeiros and Harriett Bruce. Kleber was deported, unlawfully, from this country and his wife is trying to get him back for Christmas. I ask the Leader to ask the Minister for Justice and Equality for an update on the situation.

There is an ongoing and urgent crisis today in Inis Mór in the Aran Islands. The operator of the ferry service to Inis Mór will stop the service from tomorrow morning due to an absolute hames of a debacle that has ensued for some time, involving the operator, Galway County Council and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. In recent weeks we have called on the Minister to get people around the table and to bang heads together in order to hammer out a deal. As it stands, there will be no ferry service for the Aran Islands from tomorrow morning. It might seem a bit extreme but the Minister might need to ring the Department of Defence to see whether a Naval Service vessel will be available to ship people in and out. Many people need the service on a regular basis. School groups are going in and out and trying to get back to the island. People are working on the island and others need to leave it to go for hospital appointments. At this stage it is an emergency and the Minister of State must intervene to get people around a table, bang heads together and find a solution, instead of people using excuses not to meet and sort out the situation. It is an absolute disgrace that it has been allowed to go this far. I hope the Leader will contact his office immediately to try to get him to act and to find a solution.

Senator Frances Black: I will try to keep my contribution short today. Speaking on

“Morning Ireland” this morning, Professor John McHale, chairperson of the Irish Fiscal Advisory Council, in commenting on its latest report stated that any new increases in expenditure such as in public service pay would have to be offset by reductions in spending on services or increases in taxes. We have set our tax rates for the year ahead so the only result will be reductions in service levels - service levels that are already hard pressed and struggling to recover from the recession. I refer, for example, to people with disabilities, people with mental health needs, people needing supports to recover from many different addictions and their families. I have a great and immediate fear in regard to this issue. I call on the Leader to ensure an early debate on how public and social services will be protected and advanced next year rather than cut back. I am aware that Senator Dolan has spoken to the Leader earlier this morning on the issue and I look forward to hearing his response.

Senator Gabrielle McFadden: For years, the phenomenon of Black Friday has existed in the United States and more recently it has been creeping into this country in a big way. It is a good event in some respects because it kick-starts the Christmas period and the Christmas shopping campaign for retailers. In my area, Longford town has made much of the event using social media and has created a great atmosphere in the town. Some shops in Longford claim that their sales could be up by as much as 600% on the day compared with a good Friday in December. Perhaps we could consider doing a green Thursday. When I was a child in the countryside we came to Dublin on 8 December and I do not know why as a country we could not have a green Thursday on 8 December and encourage everyone to buy Irish and to buy locally. It has been reported that if one spends €10 locally on Irish products it generates up to €24 of benefit to the local community.

I have a mantra that I always use at home and I have reared my children to adopt it. It is “Keep your business in Westmeath, keep Westmeath in business.” It is very important that we would try to campaign to buy Irish. I am not sure whether the Minister could create a campaign for fear of EU sanctions, but perhaps the Leader could contact the Minister and she could encourage the Irish Small and Medium Enterprises Association to start a campaign to encourage people to buy Irish and to create our own green Thursday.

Senator Robbie Gallagher: Yesterday, Donegal County Council unanimously voted no confidence in the Health Service Executive, HSE. It was an unprecedented move by the councillors and it springs from their total frustration and anger at the lack of availability of health services and the ongoing overcrowding at Letterkenny University Hospital. We heard this morning from Members in various parts of the country about similar frustrations elsewhere. The councillors in Donegal expressed their frustration about the difficulty the people they represent have in accessing hospital care. It is a very sad day that it has come to this. It is a wake-up call for us all. I ask the Leader to invite the Minister for Health to the House to discuss the issue. I compliment and commend all the members of Donegal County Council on taking this initiative. I understand their motion has been circulated to other local authorities around the country. We talk about such issues *ad nauseam* here week after week but something needs to happen. People are afraid and it has got to the stage now where people are even afraid of going into hospital because they do not know what will happen when they go through the doors. My heart goes out to the staff who have to work under these conditions. I again ask the Leader to ask the Minister for Health to come before the House so we can have a discussion on what we can do to try to address this very serious situation for once and for all .

Senator Colm Burke: I am concerned when I hear Senator Gavan rising to speak, when on the one hand he is looking for services but on the other seeking an increase in salaries and

wages across the board in the public sector. Senator Black raised a very serious issue. If wages and salaries are increased across the board, services will suffer.

We need to be realistic about our health services where there has been a lack of long-term planning over a long period of time. While a lot of good work is being done in Dublin with the proposed new maternity hospital and new children's hospital, it is important that areas outside of Dublin are not forgotten.

I have referred to Cork. The 1960 Fitzgerald report identified that there was a need for two new hospitals in Cork and that all of the other hospitals should be amalgamated into them. The Cork North Infirmary, Eye, Ear & Throat Hospital and St. Finbarr's Hospital were closed. We built one new hospital but did not build a second. There is a need for long-term planning. We are already talking about a site in Cork without any public consultation taking place. The wrong location has been identified. We do not necessarily need to identify a new hospital for Cork, but rather a centre of excellence for Munster. All of the focus of should not involve moving health services to Dublin.

It is proposed that three new maternity hospitals be provided in Dublin, and rightly so. Planning has begun for one already. We now need to focus on health services outside of Dublin. Not everything should be centralised in Dublin. Limerick, Cork, Galway or Waterford could provide services.

We need to engage in long-term planning in order to provide a centre of excellence for Munster. We need to incorporate that when we are discussing a new hospital for Cork. It should not be located a mile from CUH which already has a problem in terms of maternity services because they were included in a general hospital. It was the right decision at the time, but we need to examine the problems and ensure they are resolved.

There are 19 maternity units around the country. The three Dublin hospitals have a separate system of governance which works very well. We need to establish a separate system of governance for each of the other 19 maternity units. The demands on the maternity services are immediate and are not something one can put on the long finger. Rather, they must be delivered now and it is important that we deal with the matter.

Senator Keith Swanick: The recent barbaric actions of ISIS have horrified and shocked the world. I am certain every Member of Seanad Éireann agrees that its actions are a stain on humanity. We have been disgusted by the barbarism displayed in the filming and photographing of victims and the subsequent publication of executions for propaganda purposes. There is no place in a civil society for this inhumane activity. It is clear that the Universal Declaration of Human Rights does not apply to ISIS. I refer specifically to Article 3, the right to life and liberty, and Article 5 which states that "No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment".

As mentioned yesterday, Cuba is in the midst of nine days of mourning following the death of Fidel Castro. I feel compelled to comment on this. Thousands of Cubans died in front of Castro's infamous *paredón*, the wall, by firing squad. Those involved gleefully recorded their actions in photographs in order to assist in their propaganda war at home. It should never be forgotten that Fidel Castro was an oppressor, who sanctioned the torture and murder of gay people. In 1965, his regime established prison work camps, known as military units, to aid production, into which it sent homosexuals, Jehovah's Witnesses and other undesirables who

stepped out of line with the communist ideology. For everyone with a basic understanding of the history of Europe during the Second World War there is a chilling similarity in the tactics of Castro's regime and that of Hitler in regard to the use of prison work camps.

I now want to read into the record of the Seanad nine names, one for every day of mourning. Delgado, 15 years of age, was beaten to death in 1981 when security agents stormed the embassy of Ecuador where his family had taken refuge. Lydia, 25 year of age, who was eight months pregnant, was repeatedly kicked while in custody. She lost her baby and then, having been left without medication, bled to death. A 70 year old woman named Edmunda was beaten to death in 1981 in a Cuban jail. In 1981 two men, González and Lugo, were executed but the regime reported the deaths as suicides. Maleras and Valverde were assassinated in 1994 while trying to obtain asylum. Radio operator Perán was assassinated in 1965 by Cuban state security. Police officer Cortés was executed by firing squad in 1959.

An Cathaoirleach: Are you calling for a debate?

Senator Keith Swanick: On a point of principle, the statement by the President horrified me and I struggled to understand how he could, on behalf of the Irish people, express such glowing tributes to a tyrant and dictator.

An Cathaoirleach: You are out of time. You are testing my patience.

Senator Keith Swanick: The glaring omission of the human rights atrocities by the Castro regime was disgusting. The remarks do not speak on my behalf. Words are important and I want to distance myself from the comments of President Higgins.

Senator Paddy Burke: I ask the Leader to outline to the House how the expert report on domestic water charges will proceed. A joint committee has been established and the expert report from the committee will go to that committee. What will happen? When the joint committee makes its recommendations, will they be made to the Dáil or both Houses? We have no involvement in bringing forward a referendum, if one is required, in regard to Irish Water. We cannot impose a charge on the Exchequer, if charges were to be abolished or further charges imposed on citizens. I am at somewhat of a loss as to know what will happen when the joint committee makes its recommendations. Will they go to the Dáil alone or will this House have an opportunity to debate the expert report that was commissioned? Will we have an opportunity to debate the report of the joint committee? I do not expect the Leader to have all the answers today, but I ask him to outline to the House at some stage how matters will proceed.

An Cathaoirleach: On that, a motion was passed last week to establish the joint committee. I understand it will report by 28 February, and will report to both Houses. The Leader can expand on that.

On Senator Wilson's comments, I am sure it is possible to pay tribute to Deirdre Lane. She was an extremely efficient and hardworking lady who served the Seanad impartially. I was not aware of the date, but Senator Wilson probably has his facts right and that she retired from the job, as she is so entitled, on 21 October. There is a problem. The outgoing Cathaoirleach mentioned in his final remarks some months ago that there was a lack of staff for the Seanad Office. That has been exacerbated by the fact that we do not have a Clerk. It is an issue of which we should be acutely aware.

The Committee on Procedure and Privileges cannot get up and running because we do not

have the staff to operate it. When there are stress points, there are problems. I do not want to say any more. Members should be aware of the situation. Perhaps the Leader can endeavour to use his political influence to move things on and rectify a situation that is not good for us for the future.

Senator Jerry Buttimer: I wish to address Senator Wilson's remarks. I hope we will be able to collectively pay tribute to Deirdre Lane who has been a very loyal, impartial, fair and astute custodian of the position of Clerk of the Seanad. It is important to record our appreciation and thanks to her. In keeping with the remarks of the Cathaoirleach, it is important for group leaders and, in particular, the Whips to discuss the matter further because it is one we should address in terms of the number of staff required to run the Seanad Office and also to be fair to the members of the Seanad staff who are still here and providing tremendous service to us as Members. They deserve to be treated with respect and dignity. I am sure there will be cross-party and Independent support for an improvement in the situation. I hope we will have an opportunity to pay tribute in a full and wholesome way to Ms Deirdre Lane who we all acknowledge has been a very fine servant.

I agree with the thrust of Senator Craughwell's remarks. Language is important and what we say is critical whether in the House, in the media or on social media. If Members come to the House to raise matters, it is important not to engage in populism or rhetoric that adds to hysteria or which causes further angst, anxiety or grief or sends the wrong message to people who watch or listen, or to families. In that regard, I refer to the remarks Senator Daly made on the hospital in Limerick. It is important to put things in context. Any death in any hospital is regrettable. Those of us who have worked in hospitals and been in hospitals in which loved ones or friends have died, in particular through a bug or MRSA, know full well that it is not acceptable in this modern day. The Government introduced the Protected Disclosure Act 2014 which protects whistleblowers. It is robust legislation which gives any worker statutory protection under the law of our land. It behoves all of us as elected representatives or those charged with the management of public services or bodies to work within the parameters of the law and to protect those who have the courage to come forward with information and to act for the good of the organisation or group they serve. There is a prohibition on any penalisation of workers who bring forward information under the Act. Any employer who does not comply with that should be penalised. Equally, the employee can go to the Workplace Relations Commission.

The matters to which the Senator referred in regard to Limerick are very serious and are ones the HSE and hospital management are addressing. As Senator Byrne said, there are serious ongoing issues in Limerick, but the matter to which Senator Daly refers goes back to 2009 and covers a seven-year period. My information is that 27 deaths were recorded in the hospital in the context of the matter to which the Senator refers. Unfortunately, and it is a source of regret to all of us, in three of those deaths there were contributory factors of the matters the Senator raised. In 24 cases, there were not. It is important that the HIQA report commissioned as a result of the incidents in the hospital is followed up on. Equally, the management of the hospital has a duty to ensure the spread of infection is limited. Those of us who travel to hospitals every day should know that a hospital is a place where infection can be spread very easily. The management has a duty of care to staff, patients and visitors. It is important to record that.

It is also important to understand that within University Hospital Limerick over €700,000 has been invested in the refurbishment of wards and cleaning and deep cleaning with a quality improvement plan put in place. It is very clear to me, as someone who has been Chairman of the health committee, who has worked in a hospital as a porter and who is very familiar with the

activities that go on there, that there is a need for a whole change of approach in the management of infectious diseases and bugs. It requires an all-embracing policy. The Government is committed to this.

The Minister for Health has been in contact and I understand that the chief medical officer has been involved directly. There is a progression of a national action plan around resistance to these types of bugs and I expect the plan to be published later this year. The points the Senator makes are important. It is critical that there is no ambiguity regarding patient safety, in particular around these infections which, unfortunately and tragically, lead to loss of life. That can never be condoned or accepted and there needs to be a complete reorganisation by hospital management with staff in how we control and manage these bugs.

Senators McDowell and O'Sullivan raised the matter of climate change as did Senator Ó Clochartaigh regarding Ministers not going to the committee, which is disappointing. As a former committee Chairman, I note that it is important that the line Minister responds to the committee he or she is dealing with. That leads to communication, dialogue and better relations. I am happy to tell the Senators that the Minister will be in the House to discuss climate change next week as a beginning in terms of ongoing discussion in that regard. I would be happy to have him come back at a later date on the wider policy discussed by Senators McDowell and O'Sullivan regarding energy and climate change. When he is in the House next week, he will address some of the matters raised by the Senators. I would also be happy to have the Minister of Health, Deputy Simon Harris, come to the House to discuss the matters raised by Senators Daly, Gavan and Byrne in respect of Limerick.

Senator Bacik referred to Syria and we all join in the condemnation of what is happening there. It is important that we, as an island nation within Europe, send a strong signal that we stand firm. The Minister is happy to come to the House and has indicated her willingness to do so. It is a matter of just getting the legislation passed. If we can get the Minister in before Christmas, we will try to do that. I am happy that the Minister for Transport, Tourism and Sport, Deputy Ross, has put up his statement of intent on his website. He has committed to revert to the House following his visit here last week. I hope we can see the judicial appointments Bill proceed. It is important that we introduce clarity. Equally, it is important that we do not allow a transgression in the area of State-judicial relations.

Senator Joe O'Reilly asked for the attendance of the Minister for Education and Skills to discuss school transport. Senator Craughwell also raised the important issue of Brexit. It is important that we have meaningful and clear statements which do not border on hysteria or try to drum up support for some position. The Senator is right that this is a very important topic that will have a profound impact on us as a nation. It is fair to say that Brexit will have more of an impact on us than on England, Scotland and Wales put together, which is something we need to come back to in the House. It is clear that there needs to be a very strong offensive by our Government and by us across Europe to protect our interests. The Senator's point is well made in that regard.

In reply to Senator Ó Clochartaigh, I note that the Minister of State with responsibility for the diaspora was here. The issue with the Minister of State, Deputy Kyne, is actually my fault. I have held him off on the basis that I want him to attend in the new year when legislation will be scarce so that we can have a real rather than a rushed debate in the House. To be fair to the Minister of State, he has given me a number of dates before Christmas, but we have to deal with pressing legislation in the meantime. That is the reason he has not been in before Christmas.

On the matter of the ferry, I heard a commentary on “Morning Ireland” this morning and I discussed the matter with the Minister of State prior to coming to the House. While it is a matter primarily for Galway County Council, the Minister of State, to be fair to him, is in discussions this morning with the Department and the different groups involved. I believe he is due to meet with the island co-operative later today with a view to resolving the matter. It is important that the matter is resolved. This is an island community and it deserves to be able to access and leave the island. I will be happy to pursue the matter with the Minister of State, but in the meantime the Senator may wish to put down a Commencement matter. I have been in touch with the Department on that prior to coming here today. I would be happy to talk to the Senator about the deportation matter after this debate to see how we can approach the Minister.

Senator Black raised the statement by Professor John McHale of the Irish Fiscal Advisory Council. Senator John Dolan has communicated with me this morning. I spoke to him on the telephone and he e-mailed me. I would be happy to have a discussion on the issue. The point made by Senators Frances Black and John Dolan which is lost on some people is that investment in public and social services is very important. It comes back to the water issue. Although some believe there is a pot of gold at the end of the rainbow and that it can be used to pay for everything, somebody has to pay for something. We must try to get the balance right and protect those who are most vulnerable. I will be happy to invite the Minister for Finance to the House to discuss the issue.

Senator Gabrielle McFadden mentioned green Thursday and black Friday. Saturday, 3 December, is small business Saturday. It is an invitation to all of us to spend locally and support small businesses in our communities. It is the third year of what is a grassroots campaign established by Retail Excellence. Every €10 spent locally is worth €40 to the local economy. Some 28,000 people are employed locally in small businesses. If Members can support green Thursday or small business Saturday and if next Saturday we can all try to shop locally and support our local retail outlet, it would be very welcome and help to provide and protect jobs.

Senator Colm Burke raised an issue close to my heart, namely, long-term planning for a new hospital in Cork. It is very clear that a new hospital is needed in Cork. While we may have arguments and disagreements about where it should be located, it is critical that we have one and that the plans be advanced. A report has been commissioned, published and debated and I hope the project will come to fruition. I commend Senator Colm Burke for having the long-term interests of the health service at heart.

It disappoints me when members of Fianna Fáil and Sinn Féin speak about health issues. They did not support having Members of the Seanad on the Oireachtas Committee on the Future of Healthcare when they could have. We have expert Members from all parties such as Senators Keith Swanick, Máire Devine and Colm Burke, who could have been on the committee making their contribution and giving of their expertise and it is disappointing that we did not allow it to happen. It is important that we plan for the future of health care services, given that people are living longer.

Senator Trevor Ó Clochartaigh: On a point of order, all members of the committee decided that, including the Leader’s party members.

An Cathaoirleach: That is not a point of order.

Senator Jerry Buttimer: The Senator is incorrect. He is embarrassed by it and I under-

stand why. Senators Máire Devine and Paul Gavan, as a former shop steward, would be well able to articulate views at the committee. It is embarrassing for Senator Trevor Ó Clochartaigh that he could not support the proposal. I appreciate his support for it.

Senator Paul Gavan: What is embarrassing is the state of the health service.

Senator Jerry Buttimer: The Minister for Health has one of the biggest health budgets in the history of the State. It is a pity that Sinn Féin Members could not join the committee to make a contribution and support other Members in doing so.

Senator Trevor Ó Clochartaigh: Our members are doing so.

An Cathaoirleach: The Leader should not allow himself to be baited.

Senator Jerry Buttimer: I share Senator Keith Swanick's view on the propaganda of ISIL. I hope we will have a common cause in being able to fight ISIL and negate the damage it is causing, the threats and the killings. Yesterday we had comments on Fidel Castro and the Senator was right to mention the people who had been killed. In my response I mentioned Castro's campaign against members of the LGBT community who had been persecuted and killed. It is regrettable, but I will not get into the blame game. As I said yesterday, Castro is as controversial and complex in death as he was when he was alive. The Senator is entitled to express his views, for which I thank him.

Senator Paddy Burke raised the topical issue of the expert report on domestic water charges which was published yesterday. Like Senator Ivana Bacik, I wish the Senators who are members of the Oireachtas committee on water charges, under the chairmanship of Senator Pádraig Ó Céidigh, well in their deliberations. I am not sure whether the report of the committee will be brought to the Seanad. I know that it will be brought to the Dáil. I hope it will be given to us, given that there are Members of the Seanad and the Dáil on the committee. We must examine it and, I hope, advocate that it be brought to this House.

An Cathaoirleach: According to the motion passed last week, the obligation is that the report be made to both Houses by 28 February 2017, or within three months.

Senator Jerry Buttimer: Thank you.

Order of Business agreed to.

Sitting suspended at 12.35 p.m. and resumed at 12.45 p.m.

Presidential Voting Rights: Motion

Senator Niall Ó Donnghaile: I move:

That Seanad Éireann calls on the Government to implement the recommendation of the Constitutional Convention to give citizens resident outside the State the right to vote in Presidential elections and to indicate the time frame it envisages for the holding of any related referendum.

Gabhaim mo bhuíochas leis an Aire Stáit as a bheith anseo linn don díospóireacht tábhachtach seo. Tá an díospóireacht seo thar a bheith stairiúil. An fáth go deirim go bhfuil sé

suntasach agus stairiúil ná gurb é an chéad uair go bhfuil an seal againn a leithéid de chúrsaí a phlé anseo sa Seanad. Tá sé sin thar a bheith suntasach agus beidh a lán daoine ag leanúint na díospóireachta seo inniu. This is an important day in the history of the Seanad and for the Oireachtas as a whole. It is an important day for the people in the North and the Irish diaspora. Today Seanadóirí are voting to support the Constitutional Convention's recommendation that the Government hold a referendum and extend the vote for President to the people of the North and the Irish diaspora. Today the doors of this Seanad are being opened to the citizens of the North and the diaspora to join the rest of the people of Ireland when voting for the next Irish President. Irish citizens in the North, in particular, have waited a long, long time for the message that will come out of today's debate. This can be a powerful message and it can be an inclusive message.

Yesterday we all stood in admiration of the passion and dedication of the First Minister of Scotland, Ms Nicola Sturgeon, and we clearly supported and endorsed her stand on behalf of the people of Scotland. We did that because, of course, it was the right thing to do. Eighteen years ago, the Good Friday Agreement enshrined in law the rights and entitlements of Irish citizens across all of Ireland's Thirty-two Counties. It did not seek to give partial citizenship or, indeed, second-class citizenship to the Irish citizens in the North; it gave full Irish citizenship as a birth right to them. Therefore, what is the reason for further delaying the granting of presidential voting rights? Why do we not stand in the best interests of all the people of Ireland, just like First Minister Sturgeon does for Scotland?

This motion is a call to action. It is an opportunity to send a clear message at a time when the political and social stability of our entire country is being jeopardised by a vote taken in England to remove part of Ireland from the EU against our will. No one, certainly not I, ever said this process concerning voting rights would be an easy one. In previous exchanges in this Chamber on the matter, the Government side told us it needed to work out technical issues. That is fair enough but, of course, we have had a very long time to work out those matters. In this regard, let me quote a letter from former Minister of State, Jimmy Deenihan, to the Taoiseach on 30 September 2014:

In his introduction to the Fifth Report of the Constitutional Convention the Chairman, Tom Arnold said that "a clear majority of Convention members favoured a change to the Constitution to give citizens resident outside the State the right to vote in presidential elections".

As Ireland's first Minister for Diaspora Affairs, I believe that if we are serious about Diaspora engagement, we should put this question to the people of Ireland. [...] However, against this, and now that the conversation has begun, a decision by the Government not to take forward the recommendation of the Constitutional Convention would have a disproportionately negative impact.

The issue of voting rights is of enormous importance to many Irish citizens abroad. [...] If I spend much of that time defending a Government decision not to respond positively to the recommendation of the Constitutional Convention, I will be working with one hand tied behind my back.

In terms of Diaspora policy, it is my strong view that it would be seen as a major step forward to put this issue to a referendum.

In more recent times, we have heard the current Minister of State responsible for the diaspora, Deputy McHugh, outline his desire to hold a referendum as early as the beginning of next year. We were stumped when we heard the Taoiseach say in the Dáil there was no likelihood of that happening. What exactly are the reasons for that? If now is not the time for the Government to be energised, galvanised and mobilised in respect of achieving and enshrining this right, I do not know when is. The passing of this motion, without amendment, will be welcomed with open arms by tens of thousands of people in the North and among the diaspora globally.

Today's decision is about nation building. It is about connecting the people of the North and the diaspora. It is about remedying the hurt caused by partition and about reconciling the people of this nation in a practical way with one another. Today, it is the Seanad's opportunity to lead the debate in this State on this fundamental question of equality and rights. I know the Government is listening to this important debate very carefully and I hope it acts on foot of what it hears. I urge the Taoiseach to respond positively. This is not a divisive issue. How could enfranchising Irish citizens in this most important centenary year ever be? Let us not make it a divisive one.

Mar fhocal scor, I want to finish with a quote from a letter written by a 17 year old Belfast lad, Peadar Thompson, just yesterday. He wrote a very eloquent and comprehensive letter to GAA President Aogáin Ó Fearghaíl in which he talks about his sense of Irishness and his place as a young Irishman in Belfast within this nation:

For us up North, the GAA is one of the only things we have that makes us equal citizens in our own country and what we can claim to be ours as Irish people. The GAA has no border and you might not understand, but to us, for Antrim, Down, Derry, Tyrone, Armagh and Fermanagh to compete in an All Ireland Championship and the National League mean a hell of a lot.

What a fantastic sentiment from that young man. What a wonderful reflection of what the GAA gives us. What a sad reflection on what the Government continues to deny us, that is, quite simply, our place. We have an opportunity today to change that and send a very clear message. In this instance, let us unite the nation on the most basic tenet of democracy, the right to vote.

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire Stáit. Níl sé ag fáil mórán codlata na laethanta seo. We are keeping him busy these days.

Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English): The Senators are. I am looking for a vote too.

Senator Trevor Ó Clochartaigh: The Minister of State is very welcome back, particularly on this important issue of voting rights. Tacaím go hiomlán leis an rún seo inniu a threisíonn an méid a cinntíodh ag an gCoinbhinsiún Bunreachtúil na blianta ó shin. Is cuimhin liom go maith siar in 2011 nuair a bunaíodh an coinbhinsiún go raibh an Rialtas ag caint go hoscailte agus go bródúil faoin mbealach urnua a bhí aige chun na daoine a chur i láthair an phróisis dha-onlathaigh. Ar bhealach, ní fiú tada na hiarrachtaí seo mara bhfuil an Rialtas sásta gníomhú ar na moltaí a thagann astu.

Le déanaí, dúirt Oifig na bPasanna go raibh 700,000 iarratas breise ar phasanna i mbliana. It was recently tweeted by the passport service that 700,000 passports had been issued so far this year. This is the greatest number issued so far, with increases in applications worldwide and

especially in the Six Counties, as my colleague Senator Ó Donnghaile has mentioned. Despite this, this issue dates back as long as Irish citizens have emigrated. The argument has returned in waves as emigration has peaked at various periods, most recently with the mass emigration of the 1980s and the efforts that continued right up to the 1990s.

Diplomats and serving military are allowed to vote. I heard an tOllamh Piaras Mac Éinrí speak about this issue last week. He was one of the people who, when he worked for the diplomatic corps, wanted to make sure the diplomatic corps would be allowed to vote at that stage.

For 18 months after citizens have left this country they can vote in referenda. The issue lies in the fact that they must physically return to this island to vote.

Articles 1 and 2 now clearly define an Irish citizen. This means that in order for this motion to be realised, a legislative rather than a constitutional change is required.

In 1997 the Fianna Fáil manifesto promised to introduce emigrant voting rights by the year 2000. In the 1990s the then Fianna Fáil Government opposed a Private Members' motion that was narrowly defeated. It cited everything from principle to cost, taxation and conflict in the North. I can confidently say that most of the excuses offered in recent years were bogus or have been overcome. Increased communication capabilities mean that every Irish citizen is more than capable of informing himself or herself of the main issues involved from thousands of miles away.

I o'clock

I am Sinn Féin's spokesperson for the diaspora. When I have travelled to places like San Francisco, Toronto or Vancouver I have been amazed to discover that the Irish living in such places are more up to date with politics in Ireland. Some of them know more about what is going on at constituency level than many of the people who live in the constituencies. The first thing that some of these people who live abroad do in the morning is check the RTE news app and local media to see what is going on. To think that people who live thousands of miles away are not in tune with what happens here would be a huge mistake.

We seek to include all of the people in key decision-making. In 1990, during her presidential campaign, Mary Robinson put the following on the record: "The President is elected by the direct voice of the people and represents them. This includes the Irish who are forced to leave in order to get employment." In 1994 when South Africa, having emerged from apartheid, held its first free elections advertisements were placed in newspapers around the world asking South African citizens to register to vote wherever they were located. This election was a watershed one yet my party and I believe that every election is important enough for Irish citizens to have a voice.

The reasons given through the years not to act have been spurious and hide a self-interest. In the 1990s it was estimated that votes for citizens abroad would create between 350,000 and 400,000 extra voters in the US alone if a 20-year rule was imposed. This would have increased the valid poll in 1992 by 15%. It has been said that a tight local control could not be kept on these voters and they might vote on issues of national importance such as the prospect of Irish unity. Another worry was that American voters had a different view of the conflict due to living abroad. Of course they did because at that time they lived in a democracy where there was no State imposed censorship that banned news organisations reporting on the conflict in a way that might be seen to encourage sympathy or support for conflict resolution through unity. These people lived in an area that did not have a section 31 and control over what could be broadcast.

Last week the National Youth Council of Ireland held an interesting seminar in conjunction with UCC. Professor Theresa Reidy spoke at the event and made a number of valid points. For example, the idea that offering the vote to the diaspora abroad will somehow lead to Sinn Féin getting a massive boost in the polls is not borne out. The trends, patterns and percentage of votes cast would mirror what happens at home in a domestic scenario. If Fianna Fáil got 24% of a vote, Fine Gael 25%, Sinn Féin 14%, etc. domestically, studies conducted in the UK and US indicate that it would be the same result in an international vote. The idea that a party would boost its vote if voting rights were given to the diaspora does not stand up to scrutiny.

Another concern is that emigrants may be angry with the establishment and, therefore, may not vote for the Tweedledum and Tweedledee parties. The solution is to create a society in which people can stay and gain employment, and make it attractive to those who want to return.

Faraor, thar na blianta d'fhógair Rialtais éagsúla gur fadhb a bhí ann. Níl a leithéid de thír a bhfuil an oiread céanna dá saoránaigh ag cur fúthú thar lear. Ach ní leor bheith ag glacadh leis go bhfuil fadhb ann. Caithfidh beart a bheith de réir briathair. Fadhb eile ná go mbíodh pairtithe áirithe níos glóraí ar an gceist seo agus iad sa bhfreasúra ná mar a bhí siad agus iad i gcumhacht. Cé go gcuirim fáilte roimh thacú Fhianna Fáil inniu agus tá súil agam go bhfuil siad ag tacú leis an rún, cuirim i gcuimhne dóibh go bhfuil muide i Sinn Féin an-dáiríre faoi seo agus go ndéanfaimid ár ndícheall é seo a chur i bhfeidhm chomh luath agus is féidir. Ní bolscaireacht seo ar chor ar bith. Is beart de réir ár mbriathar é agus is é seo an rud atáimid chun déanamh.

In purely democratic terms I would see it as a healthy development that those citizens with a knowledge of other political systems and other major political issues could bring that to their decision-making in an Irish election. I am sure that diplomats who serve in countries where democracy is weak or non-existent will say how much they value placing their vote abroad. We also know that hundreds of countries across the world afford their citizens votes in presidential elections, general elections and referenda. Such voting rights can be administered in a number of ways. It is not a question of whether this can be done. It is a question of how this can be done, what type of constituency needs to be established, etc. We have an example of how voting can be done in this House. A precedent has been set in the Seanad because the diaspora have voted for members who were elected to the university panels. It is just a matter of extending that principle to all of our citizens.

A lot of talk today has focused on the rights of Irish citizens, specifically those who hold Irish passports. As Sinn Féin's foreign affairs spokesperson in the Seanad I must comment on the abuse of the Irish passport by a foreign state.

Acting Chairman (Senator Catherine Noone): I ask the Senator to conclude as he has run a minute over his time.

Senator Trevor Ó Clochartaigh: The use by Mossad of Irish passports to facilitate political murder must be condemned and opposed by all who profess *ad nauseam* to be upholders of Irish democracy. It is wrong and damages our reputation as a neutral country. It is disrespectful of a State that maintains an embassy in Ireland to treat our marker of citizenship as a weapon.

Tá súil agam go mbeidh an Rialtas in ann glacadh leis an rún seo agus tacú leis agus an leasú atá acu a tharraingt siar.

Senator Colm Burke: I move amendment No. 1:

30 November 2016

To delete all words after “That Seanad Éireann” and substitute:

“, while recognising the complexities and challenges involved, calls on the Government to expedite its consideration of the recommendations in the Fifth Report of the Convention on the Constitution on giving the right to vote at Presidential elections to citizens resident outside the State.”.

I welcome this debate. I also welcome the Minister of State to the House for same. This evening we must also talk about structures.

The last speaker referred to the university elections. I agree with him that we have a system whereby university graduates who live outside of the State can be involved in the decision-making process to elect Senators. I think everyone will accept that the university registers are totally out of date. There is a vast difference between the number of people who vote and the number of people who are registered to vote. If we decide to set up a system then we need to debate how we set up the Seanad electoral system in various jurisdictions.

I agree with what earlier speakers said about Irish people abroad in terms of keeping up to date with events in Ireland. My sister lives in Kenya and has decided to return home. She works 45 miles south of Nairobi but sometimes she is more up to date on Irish events than I am as she keeps in close contact with events here. I am very familiar with people who live abroad but keep up to date with events in Ireland on a daily basis. Sometimes people abroad convey information to me about an event here that occurred a week earlier. I am in constant contact with people with whom I have worked previously who now work in New York or Boston. It is interesting to witness how up to date they are with national affairs and local parish events in Ireland. People definitely have a huge interest in what happens at home. Many Irish people who work abroad take a great interest in what happens here because they hope to return home. The one great thing that has happened in this country over the past four years is we have grown the number of jobs. The number of people leaving the country has decreased and will continue to do so because the growth in jobs, hopefully, will continue. We need to look at the structures if we are speaking about people outside of Ireland having a vote in elections. An issue we need to look at is whether we accept the vote of a person outside the State is equal to that of someone at home. We might complain about the US system of an electoral college, but could we introduce an electoral college system that would allow people to have their say but at the same time the say of the taxpayers in the country is weighted? We need to look at structures if we are to introduce the system throughout the five continents. It is not just about the United States or the UK. A huge number of Irish people work in China, Indonesia and around the globe. The question is how we put all of this together.

The US has a mechanism whereby someone is appointed to monitor ten or 15 people in every class going through the college system to keep the university informed about where they work. Every university in the US is very much up to date on where their graduates are. It is unfortunate that in Ireland we do not have the same system because it would be powerful. Recently I spoke to someone who went to college in the US and wanted to get a new project up and running in Asia. All that person had to do was check with the university to find out what people from the same class or the university were working in the area who could immediately be contacted. It is something our universities should look at.

I welcome the debate but we need to speak more about the structure. We also need to speak about the cost implications. It is important that taxpayers are made aware of what it costs, how

reasonable it is and the timeframe required to put together the registers and to set a target date. Until we have this debate we cannot go forward with a referendum because it is not just about having a referendum. In previous referendums there was acceptance the electorate would automatically vote in a particular way. The electorate is very educated now and wants all of the issues on the table. Not all of the issues are on the table with regard to the structures.

At the time of the divorce referendum, I remember asking about the proposed mechanism to be implemented if it was passed and I could not get an answer. The referendum was subsequently lost. If we are serious about this we must have each and every item on the table so the electorate is familiar with every issue. What happens in referendum campaigns is that two weeks or ten days before polling day a new issue arises for which we do not have answers. All of these need to be dealt with.

I welcome the debate. It is important that we have a discussion on it. The Law Reform Commission brought out a report in 2011 and I tabled legislation to deal with the matter five years later. We tend to park issues and it is something with which I do not agree. I welcome the debate and I hope we can move forward from here, but in a structured and carefully planned manner.

Senator Mark Daly: We have been having this debate since the 2013 Constitutional Convention. We have been discussing the issue regarding extending voting rights for Irish overseas and citizens outside the State for many a long decade. It is amazing we are so far from other changes to voting rights, from Catholic emancipation in 1829 to extending voting rights to women, and now we are still debating extending the right of a citizen to vote in a presidential or Seanad election so many years later.

The number of people we are trying to include in the proposal to extend voting rights to citizens outside the State is equal to the cities of Waterford, Cork, Limerick, Dublin and Galway combined. This shows how much of a democratic deficit we have in the State. The most fundamental right of any citizen in any state is the right to vote. Articles 2 and 3 of the Constitution declare many people living outside the borders of the State are Irish citizens and part of the Irish nation, but we do not extend the right of franchise, which is a fundamental expression of citizenship, to many of our citizens as defined by our Constitution.

It is three years or more since the Constitutional Convention had its meeting and produced its fifth report, yet the Government has not moved forward, other than to say there are issues of a technical and legal nature. To put it mildly, in the year of 2016 this is disgraceful. The fact it has also not come up with solutions but problems and does not have a real and practical road-map is a failure of the Government to extend the rights of citizens in terms of the right to vote.

We are in poor company, in that of the 33 members of the Council of Europe only four do not extend voting rights to citizens outside their borders, with Cyprus, Malta and Greece being the other three and Ireland, regrettably, being part of the club of four. More than 120 of 196 countries give some form of expression to their citizens living outside their borders and they are allowed to vote. In France, 12 seats in the Senate are ring-fenced for the diaspora. In Portugal four out of 120 seats in Parliament are given over to the diaspora, which accounts for 20% of the electorate.

There are imaginative ways in which this can be done. Senator McDowell's Seanad Reform Bill is one of the imaginative reforms that would allow voting rights to be extended and ensure

there is a voice for the diaspora in the House. The election of first citizen, the person who embodies the nation and its views on the world, is the very practical and real expression of how it should work fundamentally. What we are asking today is where is the roadmap and where is the vision.

We speak about our Proclamation, which was read in the four corners of the island throughout 2016, and it states it cherishes all the children of the nation equally. Where is the tangible proof we actually do this? Surely there is no more tangible proof the Government cherishes all the children of the nation equally than giving them the equal right to vote and the equal right to be heard, whether it be in the election of their President or extending voting rights to citizens living outside the State. Bear in mind, of course, that by happy accident we do extend voting rights to citizens who live outside the State, but one requires a university degree to vote for the six Seanad university seats. However, a person without a university degree is excluded which, in a republic, is not satisfactory and needs to change.

The Government amendment to the motion basically suggests it will consider the recommendation. It has taken the Government three years to just consider it. Has nobody found the shelf on which the report has rested?

Deputy Damien English: What were we doing before that?

Senator Colm Burke: Fianna Fáil was in government for 14 years.

Senator Mark Daly: If Government Members want to get agreement on its amendment, they will have to do it on their own.

Acting Chairman (Senator Catherine Noone): There is one minute remaining. Senator Mark Daly, without interruption.

Senator Mark Daly: The Government has been unable to find the shelf where the report has been resting for three years. I can give Government Members a copy of it to consider. We might bring it before the Oireachtas Joint Committee on Foreign Affairs and Trade, and Defence to see if we have a better answer. The fact that the Minister, Deputy Flanagan, as the Minister responsible, is unable to be here, we just imagine-----

Deputy Damien English: This motion is not for his Department.

Senator Mark Daly: It could be the Minister of State, Deputy McHugh. Responsibility for this issue rests in so many areas, that the report might be lost somewhere between the various Departments. One would imagine that in this year of all years, the Government could find the report and at least create a roadmap to implement its findings instead of making the very obvious statement of fact that there are technical and legal issues with extending the voting rights, which is like saying that when the sun shines it can be hot. That is not a reason for things not to happen, three years after the Convention on the Constitution.

Senator Colm Burke: We need to take some legal advice.

Acting Chairman (Senator Catherine Noone): Senator Mark Daly without interruption for another 40 seconds.

Senator Mark Daly: We realise there is a requirement for a constitutional change, but the Government does not appear to have the impetus or will to do so. If we are considering extend-

ing the voting rights for elections to this House, we should include the presidential election which would be the same constituency. It appears that some legal obstacles can be overcome when it comes to voting rights for citizens overseas. I cannot understand why that cannot be utilised for the presidential election also.

Senator Michael McDowell: I welcome the motion, which gives us the opportunity to consider citizens' rights regarding our institutions, especially citizens who do not live in the jurisdiction. Based on the terms of the Constitution, a referendum would be required. Although Senator Ó Clochartaigh expressed a doubt on that issue, to me it is very clear that the only people who can vote in a presidential election are people who are entitled to vote in Dáil elections. By definition the only people entitled to vote in Dáil elections are people who are members of constituencies among which the seats have been allocated by reference to the number of people living in those constituencies. That is the first point. Doing this would need constitutional change, which means having a referendum.

The second point is this. When I was Minister for Justice, Equality and Law Reform, one of the things the Government of which I was a member did - I was particularly keen on this - was to end the idea of citizenship for sale and passports for sale. There was a time when people could by brandishing £500,000 come into this country, get a passport and be made citizens under a scheme administered largely by the Department of Foreign Affairs and the Department of the Taoiseach. This flew in the face of Article 9.3 of the Constitution, which states: "Fidelity to the nation and loyalty to the State are fundamental political duties of all citizens." It is not for sale and cannot be for sale. It cannot be conferred on people who do not owe their fidelity to the nation or loyalty to the State.

When suggesting conferring the right to vote on citizens outside Ireland, that right can only be extended to people who owe this State a loyalty. With one exception, to which I will return, that seems to apply to people who hold dual citizenship. Does a person, who is loyal to the People's Republic of China or to the United States of America, owe a duty of loyalty to the Irish State? Who resolves conflicts in that loyalty? Where do such a person's loyalties lie? There is something to be said for the proposition that if we are extending this right to people outside the jurisdiction who hold Irish citizenship in the form of a passport, it should be to people who owe this country a duty of loyalty and not to people who owe other countries a duty of loyalty.

It is also relevant that whereas we extend the right to vote in Dáil elections to British citizens in Ireland, they may not vote in presidential elections precisely because they are not citizens and the Constitution prohibits them from doing so.

The exception to which I said I would return is the Good Friday Agreement, which now has constitutional status here. In that Agreement, the State acknowledges that it is the right of anybody in Northern Ireland to consider themselves Irish or British, or, interestingly, both. From that point of view, that somebody in Belfast might have an Irish and British passport does not necessarily mean and cannot be taken to imply that he or she cannot owe a duty of loyalty to the Irish State. That is an exception and the general rule must be that in order to be eligible to vote in Irish presidential elections, if we extend the right outside the country by referendum, it should be confined to people who, I think, are citizens in the sense of owing a duty of loyalty to our State.

The next point to remember is that the President is not just some disembodied citizen living in the Phoenix Park, making pronouncements on the demise of Fidel Castro and things like

that. The President is more than that; the President is part of our Parliament. It is to the Irish Parliament that the right of making laws for this State is exclusively given under the Constitution. Therefore, the President is not just some figurehead or some symbol; the President has constitutional and parliamentary duties and rights, which must be remembered. Therefore, we are not simply giving people a free vote in a kind of popularity contest - the X Factor. If we are contemplating this step we will be giving certain citizens, who live abroad, the right to vote on who should be a Member of our Parliament at presidential level. That is an important matter to bear in mind.

I think the Government's amendment is purely procrastination. These issues could be addressed in a fortnight of solid thinking if anybody bothered to do that thinking. Are we in favour of it or not? No more consideration is required. On what classes of citizens do we wish to confer this right? On whom do we not want to confer this right? Is it to be passport holders? Is it to be current passport holders? Are they an identifiable group of people? Will they need to register voluntarily? They probably would. Who will arrange all of that?

I say this in respect of the Department of Housing, Planning, Community and Local Government in particular. The Minister of State, Deputy English, came into the House to respond to my Seanad Bill and gave me every reason a Department with limited resources, which does not like having extra work imposed on it, saw difficulties with giving people outside this country a vote. In the National University of Ireland constituency for this House, I got more first preference votes than six Deputies who hold seats in Dáil Éireann.

Senator Jerry Buttimer: The Senator should be in the Dáil.

Senator Michael McDowell: It is not a tiny place. It is administered by a handful of people. While there are problems with the register, it can be done if there is a will to do it.

I am glad the Minister is present as he was not here for any of the debates on the Seanad Bill and I want him to hear this.

Senator Jerry Buttimer: He was here.

Senator Michael McDowell: No, he was not. He sent in the Minister of State, Deputy Damien English.

Senator Jerry Buttimer: The Senator is wrong. The Minister was here.

Deputy Simon Coveney: I was here for four hours, which is much longer than the Senator spent in the Chamber on the Bill.

Senator Michael McDowell: Sorry, I remember the Minister was here.

Senator Jerry Buttimer: Even Homer nods.

Senator Michael McDowell: Yes.

Acting Chairman (Senator Catherine Noone): I ask Senator McDowell to conclude.

Senator Michael McDowell: The time has come for Fine Gael to make up its mind on Seanad reform and reform of presidential voting rights. This requires leadership from the top of the party, which must decide in this House whether it supports the programme for Government on the issue of Seanad reform. It also requires unambiguous and unambivalent courage and for

someone to say the party either supports or does not support the programme for Government. The time has come for the party to stop speaking out of both corners of its mouth at the same time.

On this issue, the idea we are discussing is either good or bad. If the Fine Gael parliamentary party cannot meet and give two hours to deciding whether it is for or against this, there is something wrong. If the Department of the environment - or whatever it calls itself now - cannot come to a conclusion on whether it is capable of putting together an amended register for passport holders abroad, who qualify under certain criteria, on which they could add their names to be sent a postal vote, let us hear that. As for the idea that this weak, wheelchair Government should kick every can down the road at every point - I say this with the greatest respect for people with disabilities - the time has come for the Government to state where it stands on these issues. If it continues to procrastinate, there are simple ways of making the House unworkable. When the Government does not have a majority in the House it cannot get things through.

Acting Chairman (Senator Catherine Noone): The Senator is almost two minutes over time.

Senator Michael McDowell: The time has come for the Government to be honest with us in this Chamber. It must face up to these issues, stop speaking out of both corners of its mouth and stop talking about establishing groups and having consultations and further contemplations. The Fine Gael Party asked to be in government; it did not fall into government by accident. It assumed the responsibility of government and if it cannot govern, it knows what options are available. If it wants to remain in government, for heaven's sake, it should face up to this simple proposition by deciding whether it is in favour of it or against it.

The Minister should return to the House within a fortnight or three weeks, having discussed the matter at a parliamentary party level, and tell us where he stands on the issue in order that we do not have futile debate after futile debate in this Chamber on these kinds of issues.

Acting Chairman (Senator Catherine Noone): I would be grateful if speakers could stick to the time provided for contributions. I was lenient with the previous speaker who completely ignored me.

Senator Jerry Buttimer: I welcome the Minister back to the House. He is probably one of the most accessible of all Ministers and to be fair to him, he comes to the Seanad for debates, notwithstanding the comments made by other Senators. I thank and commend Senator Mark Daly who has championed the idea of extending the franchise in presidential elections. He has done considerable work on this issue in the United States. To be fair to the Senator, it is important that we get this issue right. While he and I may disagree on the roadmap to achieving our objectives, I give him credit for his work on the issue.

Listening to Senator McDowell, I felt as if I was in the Forum in Rome. I wonder at times whether he was in government because he should know better than most that one does not get much done around here in two weeks. That was also the case during his time in government when he was cracking the whip.

Senator Michael McDowell: How long has the Government been sitting on this issue?

Senator Jerry Buttimer: We were not in government for 14 years. The Government that preceded us put the-----

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Senator Trevor Ó Clochartaigh: Fine Gael has been in government for six years.

Senator Jerry Buttimer: Sinn Féin will not go into government.

Senator Máire Devine: We have not been invited.

Senator Jerry Buttimer: That is part of the problem. The only party that wanted to go into government after the election was Fine Gael.

Senator Trevor Ó Clochartaigh: The Senator should stick to the point.

Senator Jerry Buttimer: Senator Ó Clochartaigh is a great man for opposing everything and supporting nothing. He speaks on everything.

I will revert to Senator McDowell's point on the Seanad Bill. The issue of presidential voting rights is not black and white. I was a member of the Constitutional Convention, which gave a strong endorsement to extending the franchise.

Senator Michael McDowell: Senator Buttimer did not object.

Acting Chairman (Senator Catherine Noone): Please allow Senator Buttimer to continue without interruption.

Senator Jerry Buttimer: The convention voted on the issue. It had a very good discussion on the topic before reaching a conclusion.

The important point is that it is critical to prepare in advance. Senator McDowell spoke about fidelity and loyalty to the State and the right to vote. How is it proposed to allow the 700,000 people who acquired an Irish passport this year, whoever they may be, the right to vote if they live outside the State? How does one change this? If a person registers to vote and does not vote for a certain period, should the franchise be removed from him or her after a number of years? Ultimately, this matter will be decided in a referendum. As the Senator knows from his time as a Minister and the successful campaign he waged on the retention of the Seanad-----

Senator Michael McDowell: We would not be here otherwise.

Senator Jerry Buttimer: -----little quibbles get in the way and change the discourse in a referendum campaign.

Politicians use the electoral register, which is clearly in rag order. If one looks at how it is compiled in many places, one finds that the names and addresses often do not match up. I visited New York to observe the recent presidential election. I was struck by the fact that the US and Irish electoral registers were not different in some areas. The US has an absentee ballot system. How would we introduce this type of voting for a presidential election? Senator Colm Burke referred to an electoral college system and having a balanced distribution of voting weights. Is this option being considered or would one have a straight vote?

It is not possible to do this in two weeks. For this reason, it is important-----

Senator Michael McDowell: According to the Constitution, the President must be elected by a direct vote of the people.

Senator Jerry Buttimer: That is my point. If one extends the franchise, one must arrive at

a decision as to whom it should be given, apart from those who live in the country. Would we extend it to all those who hold a passport? For how long can they have been living outside the country? Must they visit the country every six months or must they stay abroad? This is not a black and white issue.

The President is not only a figurehead. The officeholder is subject to strong constitutional requirements in terms of how he or she interacts with the Houses of the Oireachtas, both in respect of legislative duties and as a custodian. This issue must also be discussed. In framing the discussion, the Government amendment, which was moved by Senator Colm Burke and which I support, provides that we approach this matter in a considered way. We cannot click and move because this will take time. As a former Minister, Senator McDowell should know that better than most.

Senator Michael McDowell: I tried in my time.

Senator Jerry Buttimer: At times, the Senator did not do too well in that regard in his former incarnation. I suppose he will welcome Bertie Ahern back today. I presume that would be another good move for the country.

It is sometimes lost on Members that it is the prerogative of the Government to accept or reject the recommendations of the Constitutional Convention. The right to vote is a precious and cherished right. What will happen if people do not vote in elections? Should we consider this issue in the context of changes to the franchise? Should we make voting compulsory, as is the case in Australia? That would create a different dynamic.

To respond to Senator McDowell's goading, I am in favour of extending the franchise. My fundamental concern centres around the registration process, who one allows to vote, the criteria and the cut-off point. Linked to that is the fundamental question of whether the person voting understands the importance of the office of President. It is not simply about going around meeting civic and community groups and it is not just about opening the Ploughing Championships. It is not about meeting the teams at the Aviva Stadium or Croke Park. It is much more substantial than that.

I will spend my final minute on Seanad reform. The Taoiseach has outlined the Government position. As Leader of the House, I note that we have had the debate on Second Stage of the relevant Bill. The Taoiseach has spoken to Senator McDowell about it and is putting in place a process and a consultation team to move it forward. He has written to the leaders of the other parties to move that forward. How we arrive at the end of Seanad reform is a matter we all have to discuss. Senator McDowell has a constituency to appease while Members with a different point of view must look at their constituencies. We all agree that Seanad reform is necessary. New politics does not necessarily mean, however, that those who oppose Government all the time should continue to do so. In fairness, that is not an issue for Senator McDowell, but it requires a new way of doing politics and of doing business. One of the legacies of new politics is that pre-legislative scrutiny will play a bigger and more important role in future Parliaments, which is welcome. As someone who chaired a committee of the last Oireachtas, I thought it served us well.

There will be a cost to the State in any extension of the franchise. How much will it be and where will the money come from? Will it mean depriving services of resources further down the road? That has to be teased out. The overarching policy, which we accept, is to extend the

franchise. With that, I note to Senator McDowell that I am glad the Minister is here.

Senator Michael McDowell: He is very welcome.

Senator Jerry Buttimer: He has been a very welcome visitor to the House. He attends often at very short notice and is willing to engage and discuss with Members, as I am sure Senator Ó Clochartaigh will-----

Senator Pádraig Mac Lochlainn: With respect, that is his job.

Senator Jerry Buttimer: Senator Mac Lochlainn should look at his own members in Stormont who do not interact on many issues. The mirror should be looked at as well.

Acting Chairman (Senator Catherine Noone): Senator Kelleher has eight minutes.

Senator Niall Ó Donnghaile: Name them.

Acting Chairman (Senator Catherine Noone): Senator Kelleher has the floor.

Senator Paul Gavan: Senator Buttimer could not name them. He does not know who they are.

Senator Jerry Buttimer: What is their response to marriage equality in the North, for example?

Senator Paul Gavan: Go on, name them.

Senator Jerry Buttimer: Sinn Féin has a poor record of advancement there.

Senator Niall Ó Donnghaile: We have brought forward the last four motions on marriage equality and our Finance Minister is bringing forward a Bill.

Acting Chairman (Senator Catherine Noone): I ask the Senators to have some respect for the Senator who is on her feet.

Senator Jerry Buttimer: Talk to the people up there.

Senator Niall Ó Donnghaile: We do.

Senator Jerry Buttimer: You do not.

Senator Niall Ó Donnghaile: We clearly do.

Acting Chairman (Senator Catherine Noone): I ask Senators to have respect for the Senator who is on her feet waiting to speak.

Senator Niall Ó Donnghaile: I apologise. I am sure you will ask the same of the Leader.

Acting Chairman (Senator Catherine Noone): Take it outside if you want to have that kind of conversation.

Senator Colette Kelleher: I am sharing time with Senator Frances Black.

Acting Chairman (Senator Catherine Noone): Is that agreed? Agreed.

Senator Colette Kelleher: I feel like a múinteoir waiting for silence here, but anyway.

Acting Chairman (Senator Catherine Noone): There is no choice, unfortunately.

Senator Colette Kelleher: I welcome the Minister back to the House. I support Sinn Féin's motion today. I speak as a former member of the diaspora who lived in England for 17 years and as somebody who always considered herself part and parcel of this country during that time in London. I also speak as the mother of a son who lives in France. He was born in London and is an Irish passport holder. He went to primary school in London, secondary school in Cork and university abroad. He is also somebody who is fully a member of the country and would sign up to what Senator McDowell outlined in terms of supporting the State.

I support the motion because of the urgency of the situation. This matter has been around for a number of years. It has been three years since the publication of the fifth report of the Constitutional Convention recommending an amendment of the Constitution to give citizens resident outside the State the right to vote in presidential elections at Irish embassies or otherwise. The Constitutional Convention was established by the Houses in good faith to examine a number of important issues. It was expected that the Government would consider the decisions of the Convention and respond in due course. The Government has done the Convention and the Houses a disservice by not adequately responding to this report or holding the agreed referendum. A year and a half ago, on 10 March 2015, the then Minister of State, Jimmy Deenihan, in an address to the Seanad on the subject of Global Irish: Ireland's Diaspora Policy said:

Since my appointment, I have travelled extensively, and the message from our citizens overseas is the same the world over. They want to deepen their engagement with and connection to Ireland and play a more active role in Irish society and they feel that voting would give expression to that desired connection ... The Government has asked Minister Kelly in co-operation with Minister Flanagan and myself to analyse these issues and report back to Government and that is what we will do.

Three months later in the Dáil, the Taoiseach said:

Deputies will be aware that the Government made the point in its recent diaspora strategy that it is necessary to analyse the full range of practical and policy issues that would arise from any significant extension of the franchise before any decision could be made on the holding of a referendum. The analysis is being undertaken by the Minister for the Environment, Community and Local Government in co-operation with the Minister for Foreign Affairs and Trade and the Minister of State with responsibility for the diaspora.

Six months later on 14 January 2016, the then-Minister of State, Ann Phelan, said:

The Government asked the Minister for the Environment, Community and Local Government, in co-operation with the Minister for Foreign Affairs and Trade and the Minister of State with responsibility for diaspora affairs, to analyse these issues and to report back to the Government in due course.

It has been three years since the report and almost two years since the Government said this issue would be examined. We are now at the end of what has been termed "due course". There are important issues to address but they are not beyond the wit of clever civil servants, of whom we have many, and other wise heads, including in the universities. Let us not undermine the great work that was done by the Convention and the innovative thinking of the last Oireachtas.

The approach taken has been praised internationally. The author David Van Reybrouck noted the following in an open letter published this week:

Look at Ireland, the most innovative democracy in Europe. A few weeks ago, a random sample of one hundred Irish citizens, drafted by lot, was brought together into a Citizens' Assembly. This is a country that trusts its citizens, instead of fearing them.

We should continue to trust our citizenry and extend that trust to our diaspora by bringing forward the measures recommended by the Constitutional Convention. We must be given that crucial timeframe, which is why I am supporting the motion.

Senator Frances Black: I welcome the Minister to the Seanad. I support the motion. Ireland lacks a modern absentee ballot process and lags behind nearly every nation in the EU when it comes to giving its emigrant citizens the right to vote. Indeed, the Republic lags behind the vast majority of nations in the world, some 125 of which have already established an absentee ballot process for citizens. Emigrants immediately become second-class citizens the moment they leave the departure lounge at any Irish airport or port. A European Commission report of 2014 criticised Ireland for disenfranchising those citizens who live abroad. The Taoiseach must fulfil his Constitutional Convention promise and hold a referendum to give Irish citizens living abroad the right to vote for the next President of Ireland in 2019.

My father was born in the Six Counties but always considered himself as Irish as anyone else on the island. He was sad that he was unable to vote while living in the North but could vote when he settled in Dublin. Voting rights must be extended to Irish citizens in the North as soon as possible. I support fully the right of all Irish citizens of voting age to vote for the Irish President regardless of where they live. It is ironic that someone from the North can become President of Ireland but cannot vote in the election. Irish citizens living in the Six Counties cannot do so. The Good Friday Agreement states that the Government recognises the right of all people born in the North to identify as Irish citizens if they so wish. We should not treat those people as second-class citizens. We should encourage people from all political backgrounds on the island to engage in the political process. In this way, we will build an island on which everybody is equal. We must ask why there is such reluctance to extend voting rights to Irish citizens living in the Six Counties. All political parties should establish a presence in the North, which would help to eradicate the partitionist nature of our politics and show our citizens in the North that we consider them worthy of equal treatment and equal representation.

In September 2013, 78% of the members of the Constitutional Convention voted in favour of giving citizens resident abroad a vote in presidential elections. The Convention members voted 73% in favour of giving such a vote to Irish citizens resident in the North. We need to end the practice of depriving Irish people of the right to influence their destinies and ours. Do we fear Irish citizens who live abroad or in the North? Northern nationalists are philosophically and emotionally part of the Irish nation. It is in their DNA. They deeply resent partition and constantly seek practical ways in which their national identity is affirmed. What better way to affirm it than by being able to vote for the President? It would also be good to see Northern Unionists, who are reportedly applying for Irish citizenship in ever-greater numbers after the Brexit vote, exercising their right to vote for an Irish President. The decision of the Constitutional Convention is a clear indication that the people of the South support people from the North voting in presidential elections. The extension of voting rights in presidential elections to Irish citizens living in the North must be done as soon as possible.

Senator Ivana Bacik: I welcome the Minister and commend our Sinn Féin colleagues on tabling the motion which I am happy to support on behalf of the Labour Party. We will oppose the Government amendment. I have three personal reasons before coming to the broader reasons for why I think the House should support the motion. I was a member of the diaspora briefly myself. Like Senator Kelleher, I lived in London and recall remaining deeply interested in Irish politics and Irish affairs for the few years I was abroad.

Like Senator McDowell, I am also elected by members of the diaspora, among others. I am happy to say that of the 50,000 plus voters on the Trinity College electoral register a large number are resident overseas in places as far flung as the Pacific islands and all across the world. I know from e-mails and communications with those voters just how engaged they are. We should not forget that six Members of this House are elected, at least in part, by Members of the diaspora.

I was proud to lead the Labour Party delegation in the Constitutional Convention which voted, as we know by a 78% majority in 2013, in support of the principle of extension of voter rights in presidential elections. Like Senator Buttimer, we all found the experience profoundly moving. I recall, in particular that weekend, there were not only very helpful presentations from academics such as Dr. Theresa Reidy of UCC and groups such as the Irish in Britain emigrant group, which I have met, but we also heard very powerful testimony by video link from Irish citizens resident abroad seeking the right to vote. They made very direct personal appeals to us and to the 100 members of the convention. I found that very moving.

I wish to deal briefly with the Government amendment which, as Senator McDowell said, seeks to procrastinate or delay further consideration despite the fact that it has been three years since the recommendation of the convention. It could be done in a much more straightforward manner. Article 12.2.1° of the Constitution provides that the President shall be elected by direct vote of the people. Article 12.2.2° goes on to say that every citizen who has the right to vote at an election for Members of Dáil Éireann shall have the right to vote at an election for President. It would be very straightforward for a Government committed to the principle adopted by the convention to seek to put an amendment before the people. It would require a constitutional referendum to provide in a facilitative way for the Oireachtas to prescribe that eligibility to vote at an election for President could be extended to certain categories of Irish citizen resident outside the jurisdiction. In other words, it would leave the detail of the limitations or restrictions on voting rights to legislation, as is currently done. When one looks at Article 12 it is apparent that legislation must set out in detail the mechanism of presidential elections and it is set out in very broad brush terms currently in the Constitution. The reference is to the “direct vote of the people” and then it goes on to say citizens have the right to vote for the Dáil. There is nothing to stop us seeking to amend the Constitution in broad brush terms to extend diaspora voting rights without needing to prescribe within the Constitution exactly the nature of those voting rights.

I will turn briefly to how voting rights could be dealt with in practice because, again, the objections from the Government side have been largely practical and logistical. Dr. Theresa Reidy told us in 2013 that the International Foundation for Electoral Systems reported in 2012 that the cost of in-country voting is about \$1 to \$2 per person, using American measures, but for out-of-country voting costs rise to between \$5 and \$20 per person. The way the costs are addressed differ depending on the nature of the voting rights extended but based on a 2012 report they can be as low as \$5 per person.

Other speakers have referred to the limitations placed, for example, to require that a citizen

resident abroad would hold only an Irish passport. In Canada a citizen can only have been resident abroad for up to five years and must declare an intention to return. In the United Kingdom that is extended to a 15-year period and in Germany to 25 years. We know that 45 European countries and 125 countries worldwide have some form of emigrant rights, but usually limited in some way, for example, temporal limitation such as that I have mentioned in terms of timing. When we spoke with the Irish in Britain and the Federation of Irish Societies group they were very supportive of the idea that there might be, for example, a ten-year or 15-year limit on voting rights.

Presidents such as President Mary Robinson have spoken powerfully about the need to recognise and acknowledge the diaspora. They have spoken of the 70 million people worldwide who claim Irish descent. In fact, when one looks at the passport holders resident abroad the number is greatly reduced to approximately 3 million but that does not mean one would have 3 million extra people voting. In the United Kingdom there are 27 million people resident abroad holding British passports who are eligible to vote but in 2013 only 23,000 of those had registered to vote in the British general election and only a proportion of that number cast their vote. The numbers will fall when one considers the requirement to register. That is an important point.

There are also other practical points about how one can keep costs down in terms of how one operates the vote. It could be done by post. We have seen other systems used, for example, where people have to vote in person at their national embassy. Relatively recently I was very moved one Sunday when I passed by an embassy in Dublin which had a long queue outside. From recollection it was the Romanian embassy. The people were Romanians resident in this country who still held their own passports and they were queuing up to be able to exercise their right to vote. All of us have friends resident in Ireland who are American citizens and who are able to exercise their right to vote despite living here in Ireland. There are very active groups in Ireland such as Democrats Abroad which organised events to ensure that people resident here holding an American passport would still be engaged in the US election process.

The logistical and practical arguments against the extension of voting rights can be easily overcome. Political will is what is required to declare an intention to endorse this motion. I am disappointed the Government has tabled an amendment because it would have been nice for the Seanad to be able to come together and support a motion in broad brush terms to support the idea that we would extend voting rights to the diaspora while recognising that there have to be restrictions and limitations placed on that, but that could be done through legislation. All that is required is a facilitative amendment to the Constitution to enable the Oireachtas to pass the legislation. President Michael D. Higgins, former President Mary Robinson and others have reminded us just how important it is that we recognise and acknowledge the diaspora and this gives us a meaningful way in which to do that.

Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney): There seems to be an assumption because we have tabled an alternative motion that I, Fine Gael and the Government are somehow against extending voting rights to Irish citizens living outside of Ireland. I have direct and extended family living in Washington, the UK, Riyadh in Saudi Arabia, Toronto, Vancouver, Victoria and other places. Lots of other people in this House could say the same. There are many Irish people who consider themselves just as Irish as we do who are living in different parts of the world. It is almost an Irish tribe spread across every continent, whether they are working on the missions, running a business or something in between.

I have long advocated that we should find a way to extend voting rights for presidential elections beyond these shores and I am still committed to that. When Fine Gael was in opposition I produced a very detailed paper on the issue. From what I can remember, it was put together by the Brussels branch of Fine Gael which had a vested interest in the issue. We are going to do this and as the Minister with direct responsibility for the issue, I am personally committed to doing it but I cannot and will not agree to a motion which is pinning us down on some of the issues that need and deserve consideration.

That is the only issue I have with the motion which proposes the implementation of the recommendation by the Constitutional Convention to give citizens resident outside the State the right to vote in a presidential election, which is pretty definitive, and that we would indicate the timeframe envisaged for holding any such referendum. We do not even know how it is going to work yet. I can only answer for my own tenure in this Department and I can tell the Senators that the section of the Department dealing with this issue now is not a lazy section of my Department. It will have an options paper ready for me before the end of the year and we are going to make decisions on this early in the new year. If the Seanad or the Dáil is going to make a statement that we are going to extend the right to vote in presidential elections to citizens who live outside Ireland, then we need to make damn sure we have answers for them when they ask how it will work, where they will register, whether they qualify, what is the distinction between who should and who should not qualify, whether there are thresholds, whether they must have lived in Ireland, whether there is a time limit with regard to when they left Ireland, whether they vote by post or show up at an embassy and what is to happen in countries where there is no Irish embassy. These are valid questions. Until I have the answers to these questions I would be foolish to announce that we are going to proceed with this in 2019. We would be leading some people up the garden path and as Minister I am not willing to do that. I am committed in principle to extending the franchise of the presidential elections but before we confirm that by voting in the Oireachtas, and are therefore committed to achieving it, I would like to know how we are going to do it and how long it would take us to put in place a proper, robust system we can trust to make sure we deal any with issues of voter fraud or mistakes that may genuinely be made. We need to know the potential costs and the resources required in embassies to deal with these issues. That is what our amendment is about. We are calling on the Government to expedite its consideration of the recommendations of the report of the Constitutional Convention giving the right to vote in presidential elections to citizens who are resident outside the State. We are committed to progressing this issue. I am committed to doing it, along with a whole load of other things going on in my Department at the moment. It is being prioritised along with the other issues. I would say that we will be in a position, within the next quarter or so, to actually have a much more detailed proposal for decision and consideration. That is where we are coming from.

There are some issues that are party political and some issues that are driven by ideology, but we need to understand the complexity of the issue to make decisions and to come to a consensus so we can all agree on a way forward to extend the franchise. It is the most fundamental thing one can do in a democracy. We ask for a little time. If Senators come back to me at the end of the first quarter of next year and we do not have something then they would have fair cause for concern and criticism. This is the first time I have spoken on this issue in either House. I give a commitment that we are going to progress it as a priority but I need a little bit of time, regardless of what has happened to date. I was in Government and I accept responsibility for previous Government decisions, but with regard to this Department and the prioritisation of this issue I can only take responsibility for my own tenure.

I have a speech here, some of which might be helpful to read into the record, but I would rather talk straight on this issue rather than giving a long dissertation on what the Constitutional Convention said or did. On our commitment to progressing it, the Taoiseach has also made a number of statements or commitments in that regard. I know the Taoiseach is taking it seriously because he has asked for a briefing. He has set a timeframe around my delivery of an options paper to him and to Government. This issue is moving forward. I am not yet ready to support the motion put down by Senators which commits to a timeframe and to implementing the recommendations of the Constitutional Convention as is. We may bring forward a variant of that, having done some of the work the Constitutional Convention may not have been able to do. For example, it is my understanding that the Constitutional Convention recommended that we should extend voting rights in presidential elections to Irish citizens outside the State, but it also recommended that in order to qualify people would have had to have resided in the State at some point. That is my memory of what the convention said. We need to understand that and tease it out. Obviously, there is a special relationship and situation in the context of citizenship in Northern Ireland. This also needs to be teased out and understood to respect the people who have Irish citizenship, and who want Irish citizenship, and their qualification rights around extending the franchise.

I have sensed the impatience here and I can understand some of that. Some people are operating under the motto that, “We need to be radical or redundant”. Radical is one thing, but one must have an implementation plan in order to be credible. We do not have that now. For us to pretend that we have the answers and to give a commitment on which we cannot supply details would, in my view, be irresponsible. That is why we propose the alternative motion.

I ask Senators to give us a little time to come forward with some of the practical arrangements needed to turn an idea and a commitment into reality, along with the timeframe for doing it. If I am honest, it is very difficult to envisage this being done for 2019. This is the information I am getting back from our team in the Department. It does not mean it cannot be committed to long before then, with a view to getting it right the first time the franchise is extended after 2019. I will have a lot more detail on it and the evidence to back it up, which is the important thing, in the not too distant future. That is the basis of the approach on which we hope to get agreement from a majority in the House when the vote takes place later on.

Acting Chairman (Senator Gerry Horkan): I thank the Minister. Senators Gavan and Mac Lochlainn have both indicated to speak. I do not mind in what order. They are each entitled to eight minutes and then Senator Ó Donnghaile will conclude.

Senator Paul Gavan: The Minister is welcome, as always, to the House. Where do I start at this point in time? I will start by welcoming the support from the Labour Party, from the Civil Engagement group and even Senator McDowell. I will address the points the Minister has just made. He is committing to come back to us by the end of the first quarter of 2017, clearly with something substantial and not just with vague wording or a vague idea of what he is going to do, in which case, there is absolutely nothing in our motion that prevents him from supporting it. I will read it out for the Minister just to be clear: “Seanad Éireann calls on the Government to implement the recommendation of the Constitutional Convention to give citizens resident outside the State the right to vote in Presidential elections”. The Minister has already told us he is committed to that so there is nothing there to prevent him from supporting the motion. The motion goes on to state “...and to indicate the time frame it envisages for the holding of any related referendum”. The Minister can do that, and nothing would stop him from doing that in terms of this motion. This is hugely disappointing. It is really disappointing that the message

will go out to our emigrants across the world, and from my accent the Minister can tell that I am one of them, that once again the Government is going to kick the can down the road on this issue. To be frank, I believe that the Department is entirely opposed to this idea and that the Minister knows this. We need to have a frank and honest conversation. The Minister is a nice guy, and in fairness, there is a bit of toing and froing now and again but he needs to have a bit more of an honest conversation around what is happening here. We know what is happening here. We know the Minister is kicking the can down the road and that he has no intention - and I am putting this on the record - of going further. I would be delighted to be proven wrong.

Deputy Simon Coveney: The Senator sees a conspiracy around every corner.

Senator Paul Gavan: It is not a conspiracy; it is just a political position.

Deputy Simon Coveney: There is a process in train. We just need to get it going.

Senator Paul Gavan: There is no sign of the train at the minute. I also want to put on the record that I received a phone call on Friday evening from our colleague, Senator Billy Lawless. I was really appreciative of the call. He rang me from the United States, on Thanksgiving weekend, to ask me to state in the Chamber today that he supports our motion and he calls on all his colleagues here to support the motion.

Senator Mark Daly: Hear, hear.

Senator Paul Gavan: I hope Billy is watching this debate today but I cannot imagine how he feels right now. It is hugely disappointing. The Taoiseach appointed Senator Lawless to deal with this and the Minister has let him down today. It is a huge, huge disappointment. I am also struck by the fact that - with regard to Senator McDowell - Seanad reform is dead and gone. The pretence is up on that also. Seanad reform is going nowhere. We suspected as much but now it is absolutely clear. The wording in the amendments is weak and only offers further consideration. Senator Daly put it very well. This brings me to Fianna Fáil's position, which is the most disappointing of all. I had an e-mail back from Senator Daly last week telling me that he would be delighted to support the motion today yet I regret to say that we seem to be getting indications, and maybe Senator Gallagher will dissuade me of this, that Fianna Fáil will not be supporting our motion on emigrant voting rights. What a sad day that is. If Fianna Fáil is not going to support the motion when it is in so-called opposition, then there is absolutely no chance of it doing anything on it in government.

Senator Trevor Ó Clochartaigh: Hear, hear.

Senator Paul Gavan: We have called out, again, the two conservative parties in power, Fine Gael being deeply conservative. They are not going to move the motion forward. I particularly welcome Senator McDowell's comment because, let us be honest, we do not agree too often. Today he put it very well. We know what is going on here. It is pretence. I think of the emigrant families and I think of my own family in the US and in Britain - and all of us can say this - are going to be hugely disappointed with what has gone on here today. It is pretence and it is a game and to borrow the words of St. Augustine, "give me emigrant voting, but not yet", let us push it out and kick the can down the road. It marks so much of this Government. As the Minister knows, Sinn Féin is committed to supporting emigrant voting rights in presidential elections. It can be done. There are 28 countries in Africa, 16 countries in the Americas, 41 countries in Europe, ten countries in Oceania and 20 countries in Asia that have voting rights. There are no practical impediments. Of course a structure must be worked out but we can do

that. I am putting on the record that it is quite evident that the political will is not here. Some 300,000 people have had to leave our shores in the last number of years.

Senator Máire Devine: It was more than that. More than 220,000 people were aged under 24.

Senator Paul Gavan: The parties have turned their backs on those people. I believe I am correct in saying that all but two decades since our Independence have been marked by mass emigration. It has been said that we have all been marked by that. To not stand up is a betrayal of those people. The answer by our Leader, that just because the Constitutional Convention has suggested that we can do this does not mean we have to, says we are not bothered. This issue will be reported on much more abroad, I suspect, than at home. What a sad message to be sent out to our own people. I am hugely disappointed in Fianna Fáil. It makes a great play when it is in opposition but has never done anything about it while in government - and this was also a valid criticism made by the Leader. Fianna Fáil has never done anything about it while in government but when it has an opportunity to support even a simple motion it will not even do that. Fianna Fáil knows how this is going to resonate, particularly in the Six Counties. What a poor show. When our colleagues in the Labour Party, the Civil Engagement group and the Independents can support this motion there is no reason given in what the Minister has said to us, and I have pointed this out to him, why he could not support this motion, apart from the fact that he and his Department are absolutely terrified of having to actually commit to doing anything on this issue. It is a sad day.

Senator Pádraig Mac Lochlainn: A lifetime ago I, like many other Irish people, headed off to Chicago. I was not even 21 years of age and I was very excited. I thought I was a bit of a trailblazer setting foot in Chicago. Within a few days I saw the reality of life. I went to a bar and almost everyone in the bar was not just from Donegal but from the Inishowen Peninsula. Everyone. You could have taken a bar in my home town of Buncrana or anywhere on the Inishowen Peninsula and planted it there in southside Chicago. People had just followed the trail for work. Ireland is the only country in the world where our population is lower today than it was in the 1800s. It is the history of emigration. There was a book by Raymond Crotty in the mid-1980s called *Ireland in Crisis*. In the book he said that since the foundation of the State, up until that point in the mid-1980s which was about 65 years, half of the children who had survived childhood - not just those who had been born - had been forced to emigrate. That is the history and the Minister knows it. He refers to his own family living in various parts of the world.

Gabriel Byrne, the actor, nailed this issue a few years ago when we set up the Global Irish initiative in response to the crisis. We once again reached out to the diaspora to act as agents and facilitators for investment into the State to help us through the crisis. Gabriel Byrne said that the Irish people overseas were tired of the hat being passed around for the old sod. They need to see more than the pats on the back, the shamrocks and the St. Patrick's Day visits to march down the road and do walkabouts. They need something tangible and they need to have a real relationship with the country that they love. The Minister knows this. He has been abroad and he has met the Irish abroad. They have a closer sense of their Irishness than many of us here because they do not take it for granted. They hold onto their music, their song and their identity with a passion that is inspirational. We can see this in Canada, Australia, the United States, Europe, Britain and everywhere the Irish are. There is a huge connection. Today we are talking about the vote in the presidential election. I agree with Senator McDowell in his assessment of the role of the President within the Constitution. The President certainly does not

have all of the executive powers. The vote is not for a Government or TDs; the vote would be for a President who articulates the views of the Irish. Consider Mary McAleese, Mary Robinson or Michael D. Higgins. I am proud of all three, they have done our State proud and they have been real ambassadors for our nation. Imagine if we had a president who was directly elected. Imagine the connection with the diaspora who love their country and who have passed the hat around for the old sod again and again. I was trying to pull my thoughts together and Gabriel Byrne's words were burned into my mind. I looked back to my young self at the age of 21 in Chicago among all of those Irish people. My first encounter was with the people from Inishowen and the west of Ireland.

In recent times the emigration train has set off again. We know from the CSO figures that Donegal was one of only three counties in which the population actually declined over the last period. There are villages and towns all over my county like this. It is heartbreaking. People are on Skype talking to their children and their grandchildren. In many cases they will not see each other for years. This motion offers a practical opportunity. I am not going to get into the fight with the Minister today. I agree with Senator Gavan that the Minister is a good man who sets out to do things. So do it and grapple with the situation.

Deputy Simon Coveney: We are going to do it.

Senator Pádraig Mac Lochlainn: Do it. The Minister should not say he does not think we can do this by 2019. He should gather his departmental officials around him and say that we need to sort this out for the reasons he outlined at the start of today's debate. This is a priority. This was agreed by the Constitutional Convention. It is the desire of the people. I have no doubt the overwhelming majority of Irish people across the State want it.

I accept there are issues that need to be sorted out. Senator McDowell in his expert analysis outlined some of them and the Minister has outlined others. I accept what they say, but there is no reason to vote against the motion. If that happens and we get an amended motion would the Minister please go to his officials and say that while he appreciates they have a lot on their plate with water and housing that this should be as important a priority? That is the case in terms of the real connectivity, value and signal it will send to Irish people throughout the world.

Senator Rose Conway-Walsh: I thank the Minister for being present. I will not use any of my notes. I left Mayo at a very young age when I was forced to emigrate. I know what it is like to be one of the diaspora. I apologise for not being present earlier for the debate but I had to attend a very tragic funeral in Bray. I know what it was like to be forced to leave home in the first place and then what it was like to be told that one's opinion did not matter and that one had no say whatsoever in the running of one's country. That was in the 1980s when everything was happening here. I was an Irish citizen abroad without a vote or a voice and I had to make my own way, which I did.

I go abroad quite a lot. I go to England and America and I hear the same story over and over again. People want to have a say. They do not want to be patted on the back or told that people care about the diaspora. Not everybody wants to have a say but there are many who do. I come from a family of nine and my brother who spent time in America but came home could vote in the recent US presidential election, but somebody from Ireland living abroad cannot vote here. There is no longer any excuse for people abroad not to be given a vote. If the motion is defeated I do not know how the message that would go out today from Fine Gael and Fianna Fáil could be explained to the diaspora. I do not know how after all those years they could say to those

people that they must wait another while before they have a say in the running of their country. I appeal to both parties to see sense on the issue and to do something once and for all to show that we really respect Irish citizens who are part of the diaspora no matter where they live.

Senator Paudie Coffey: I apologise also as I was not present for the earlier part of the debate but I listened to much of it. There is no family that is not touched by emigration in this country and no party or politician for that matter has a monopoly on the views of the diaspora. We should give credit where it is due. The Taoiseach appointed a Minister of State with responsibility for the diaspora who is working extremely hard and reaching out to emigrants not only in the United States but all over the world as well. However, he went further than that; he gave the diaspora a voice in the House of Parliament for the first time ever through Senator Billy Lawless. To be fair, that has been acknowledged. They are major steps in Irish parliamentary appointments by An Taoiseach and at the very least it should be acknowledged. It is incorrect to say that the diaspora has no say, as has just been said in the previous contribution because it has been recognised at the highest level of the Government through the appointment of a Minister to represent and engage with the diaspora all over the world. Senator Billy Lawless is someone who resides in the United States of America, who has championed emigrants' rights for many years, and who continues to work with all of us to try to advance their rights, be they voting rights or residency rights in the United States or other rights. We must give credit where it is due.

I have often heard criticism and condemnation of Ministers who travel around the world on St. Patrick's weekend. I was one of those Ministers of State. In 2015 I fulfilled 70 engagements over three days with the diaspora in two cities in the United States. I was working from morning until night reaching out to the diaspora. At the same time I was aware of criticism expressed in some media back in Ireland. It was not an easy trip. It was packed with real engagement with the diaspora all over the world. I reject the criticism that the Government is giving the diaspora no say because the actions of An Taoiseach and those of Ministers and other representatives to date reflects a different picture.

I welcome what the Minister, Deputy Coveney, has put on the record of the House today. He has given a real commitment that he wants to extend the franchise to emigrants around the world but he has been very frank and honest in saying that one cannot do so unless one has the proper mechanisms in place. There are legitimate questions on qualification, registration, how the voting process would happen and how votes are counted among other issues. That is the case with any electoral process and we must work through it to ensure that it stands up to scrutiny, that it is constitutional and that we can provide for it in every technical and legal aspect. What the Minister is asking for is time to bring forward proposals that have been thought through so that when the measure is announced we can answer the questions of emigrants all over the world on where they can register, how they qualify and how and where they can vote. They are the very basics of any system of franchise.

I repeat - no politician or political party has a monopoly on the aspirations of the diaspora because they belong to all of us. Members of all of our families have emigrated throughout the years. Emigration is an unfortunate aspect of the history of this island nation that has experienced hard times over many generations but while some go, the good news is that others come back and as the economy recovers more are coming back, as shown by the CSO statistics. I support what the Minister put on the record today. He has appealed to Senators to give him more time. He has committed on the record to doing what has been sought. He proposes to introduce strong detailed proposals by the end of the first quarter of next year. I am willing to

give him the space to do that and I urge others to do the same.

Senator Máire Devine: I wish to put to bed the contradiction in what Senator Coffey said. He mentioned Senator Billy Lawless, who is the Taoiseach's nominee, but Senator Lawless has pleaded with this House for cross-party support of the motion without the dilution of an amendment. That is all that needs to be said about Senator Coffey's contribution and others.

Many of us have lived as emigrants. Possibly up to 50% of Members of this House emigrated at some stage in their lives. The majority of us were all members of the diaspora. We followed the arguments at home when we were abroad. We heard the promises that we would be allowed to be involved and to have a say in this country while we were abroad to seek employment and opportunities we could not find in this country. The improvement in communications in the 1980s allowed the Irish community to keep informed of events at home. In the 1990s the British Government led by John Major confirmed to the Government that Irish citizens would not lose their vote in Britain if they were to receive a vote in Irish elections. There were promises, reports and then an acceptance that the issue would have to be solved but nothing ever happened.

At one stage 22 Fianna Fáil Deputies backed the campaign of Glór an Deoraí who tried to apply political pressure on the issue in this country but the then Taoiseach, Albert Reynolds, kicked it to touch with a remark that a vote for emigrants just did not seem practical. Practical for whom? There are suspicions that the establishment does not want votes for citizens abroad as it would upset the *status quo* of the two dominant parties, but that is well on its way to being dismantled anyway. The other concern expressed is that it might give voice to subversive elements. The vital role played by the diaspora in the success of the peace process shows what nonsense that concern is. In the darkest days of the conflict there were those such as Ken Livingstone, Jeremy Corbyn and Tony Benn, who along with Irish emigrant groups in Britain worked to forge the peace process. British citizens can vote in Ireland for up to 30 years after being non-resident. In the current climate I believe it is more important that Irish citizens in Britain have a vote in their home country. We are a member of the European Union. We have all the knowledge and reviews, but it is time to stop all the delaying tactics and put the knowledge and the reviews into action. I call for action on this motion today. Go raibh maith agat.

Acting Chairman (Senator Gerry Horkan): As no other Senators are offering, I ask Senator Ó Donnghaile to conclude. The Senator has five minutes.

Senator Niall Ó Donnghaile: I take this opportunity to thank all the Members who have contributed to the debate and I thank the Minister for coming to the House for this important discussion.

I will not be able to reflect all of the contributions but I welcome the broad and comprehensive contributions, which have been very personal, given the nature of the debate. It is equally personal for me. I am not an immigrant. I live in Ireland's second city and I am glad the Minister acknowledged the unique and special status that exists for the North in this regard. If people think they have been waiting a long time from the time of the recommendations of the Constitutional Convention, then we have been waiting even longer, given the Good Friday Agreement 18 years ago conferred Irish citizenship as a birthright on people like me. That is not partial citizenship or second-class citizenship but full Irish citizenship. I should be entitled to the same rights and qualifications as everybody else in Ireland in that regard.

I regret that the Minister, Deputy Coveney, missed my opening remarks because I was very conscious that I did not want this to be a divisive issue, I did not want to go back and forward. I respect the Minister being present in the Chamber and making a contribution. Of course, I take issue with some of the Minister's remarks.

In his opening statement the Minister stated that he was committed to doing this and that he would do it. He then told us that he could not support the motion because it is too definitive in asking simply for it to be done. All we are asking for is a timeframe. We are asking that the Minister will make a commitment as Minister that he will not allow this not to be done by a date in the future because people should not have to wait to enjoy the equality, rights and entitlements of Irish citizens. Nobody is denying that logistical problems will arise for the Minister and his departmental officials. We appreciate that and what we want to try to do is to light a fire under people's negligence in regard to this matter thus far.

I wish to refer again to a quotation from the former Minister of State with responsibility for the diaspora, Jimmy Deenihan, who wrote to the Taoiseach:

However, against this, and now that the conversation has begun, a decision by the Government not to take forward the recommendation of the Constitutional Convention would have a disproportionately negative impact.

The issue of voting rights is of enormous importance to many Irish citizens abroad. [...] If I spend much of that time defending a Government decision not to respond positively to the recommendation of the Constitutional Convention, I will be working with one hand tied behind my back.

In terms of Diaspora policy, it is my strong view that it would be seen as a major step forward to put this issue to a referendum.

So much like the former Minister of State, Jimmy Deenihan, indicated to the Taoiseach, we are merely asking to give people their say. They had their say in respect of the Good Friday Agreement and they voted overwhelmingly in favour of recognising the rights and entitlements as fellow Irish citizens in that regard.

I am not reflecting on all aspects of the contributions. I took heart from much of what fellow Senators said. We have had issues around the Constitutional Convention. In fact, the Leader of the Seanad told me a few weeks ago that this matter was not binding; that the Executive did not have to do anything, that it was just a recommendation. I do not know that politicians would take such a definitive approach to such a broad recommendation from the Constitutional Convention which overwhelmingly supported extending the franchise to all Irish citizens. I do not think it would take that approach to the issue of marriage equality. Of course, the Constitutional Convention paved the way for that and rightly so because we all recognise that was an issue of equality, rights and entitlement. We certainly did not take it or delay it in relation to the abolition of the Seanad and a referendum on that matter went to the public very quickly. There was no such long fingering, or need to tease it out. It is almost 20 years since the Good Friday Agreement and this issue has not been rectified.

The Minister made a point on ideology. My ideology is Irish republican and Irish republicanism is about extending rights and equality to people. This is not a party political argument, this is an argument which stretches as the Constitutional Convention identified right across the political spectrum, particularly in the North and when parties go overseas to the diaspora, as

Senator Coffey outlined, they tell them that they will stand up for the diaspora and wrap the green flag around them because we have their backs. However, when they have the opportunity to do something for the diaspora, they fall at the first hurdle.

At least the Fine Gael Party has outlined its position. It has stated its position and we must respect it. I am immeasurably disappointed at the decision from the Fianna Fáil Party not to support this motion because it is 100% in line with Fianna Fáil Party policy. I need to get it clear in my head just what exactly the trajectory here has been. I will offer an imaginative one, did the Minister phone Deputy Barry Cowen, did Deputy Cowen then phone Deputy Michael Martin and did Deputy Martin then phone the Seanad team and tell them not to vote for this Sinn Féin motion? If that is not making party politics out of this issue, I do not know what is.

Amendment put:

The Seanad divided: Tá, 23; Níl, 14.	
Tá	Níl
Burke, Colm.	Bacik, Ivana.
Burke, Paddy.	Black, Frances.
Butler, Ray.	Conway-Walsh, Rose.
Buttimer, Jerry.	Craughwell, Gerard P.
Byrne, Maria.	Devine, Máire.
Clifford-Lee, Lorraine.	Gavan, Paul.
Coffey, Paudie.	Kelleher, Colette.
Coghlan, Paul.	Mac Lochlainn, Pádraig.
Conway, Martin.	McDowell, Michael.
Daly, Mark.	Ó Clochartaigh, Trevor.
Davitt, Aidan.	Ó Donnghaile, Niall.
Feighan, Frank.	O'Sullivan, Grace
Gallagher, Robbie.	Ruane, Lynn.
Horkan, Gerry.	Warfield, Fintan.
McFadden, Gabrielle.	
Mulherin, Michelle.	
Noone, Catherine.	
O'Donnell, Kieran.	
O'Donnell, Marie-Louise.	
O'Reilly, Joe.	
O'Sullivan, Ned.	
Reilly, James.	
Swanick, Keith.	

Tellers: Tá, Senators Paudie. Coffey and Gabrielle. McFadden; Níl, Senators Paul. Gavan and Niall. Ó Donnghaile.

Amendment declared carried.

Question, “That the motion, as amended, be agreed to”, put and declared carried.

Senator Trevor Ó Clochartaigh: On a point of order, I would like to have it recorded in the official record that the Sinn Féin Members abstained from this vote because we do not agree with the procedure coming from the Government.

An Cathaoirleach: Unfortunately there is no procedure for recording abstentions.

Sitting suspended at 2.55 p.m. and resumed at 3 p.m.

Criminal Justice (Suspended Sentences of Imprisonment) Bill 2016: Committee and Remaining Stages

Sections 1 to 4, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister of State at the Department of Justice and Equality (Deputy David Stanton): On behalf of my colleague, the Tánaiste and Minister for Justice and Equality, Deputy Fitzgerald, who regrets that she is unable to be present, I thank the House for giving its time and consideration to this Bill. As the Tánaiste outlined on Second Stage, although this is a relatively short and technical Bill, it is important legislation and I thank Senators for their general support for it.

The Bill specifically addresses the High Court finding of unconstitutionality in respect of certain provisions of section 99 of the Criminal Justice Act 2006 relating to the revocation of suspended prison sentences. It does this by explicitly ensuring that there is an opportunity for an appeal against conviction or sentence for a triggering offence prior to consideration of the revocation of a suspended sentence. The Bill also makes a number of procedural changes to related elements of the suspended sentencing regime in order to enhance its operation and effectiveness.

The overall effect of this amending legislation is to ensure that procedural and sequencing aspects of the suspended sentencing system can operate correctly in the interests of the courts system and those who come before it. The suspended sentencing regime is an important tool in the judicial system and its intended rehabilitative effect is significant for the benefit of the offender concerned and, by extension, society in general. The system allows the convicted person a second chance by effectively entering into a contract of good behaviour and undergoing a period of probation instead of serving a period of imprisonment.

Suspended sentences are, however, meaningless unless they can be enforced. Their effectiveness depends on this. Section 99 of the 2006 Act provides two mechanisms to activate a suspended sentence. One relies on a proactive approach from the authorities concerned, such as the Garda, in the event that a condition of the suspended sentence is breached. This process effectively operates on a case-by-case basis. The other mechanism is court driven and some-

what automatic and allows the court to revoke a suspended sentence where a person has been convicted of a subsequent triggering offence.

It is important to replace the impugned provisions - subsections 99(9) and (10) - that allow the automatic court-driven process to operate, subject to specific provision for an appeal of the triggering conviction or sentence that this amending legislation builds into the procedure. Restoring this mechanism will ensure that the courts system can properly and efficiently operate the suspended sentencing regime, which it is ultimately responsible for implementing, in a self-contained manner. The Bill also ensures that the court that originally gave the suspended sentence will decide on its revocation following any appeals process in respect of the triggering conviction or the related sentence. In this way, the court will have the full and final picture when considering the revocation or part revocation of a suspended sentence.

The amending legislation before us will serve to correct the deficiency identified by the High Court as regards section 99 of the 2006 Act and will improve the overall operation of the suspended sentencing regime. I am pleased to commend the Bill to the House.

Senator Ivana Bacik: I welcome the Minister of State to the House. I also welcome the passage of the Bill, which received widespread welcome on Second Stage. No one has tabled an amendment to it. We all recognised the importance of its passage in order to ensure the effective implementation of suspended sentences.

Senator Martin Conway: This is a technical Bill. As we were in the last term when the Cathaoirleach was just a spokesperson on the other side of the House, the Seanad is happy to facilitate the passing of legislation. I encourage the Minister of State and the Tánaiste to initiate Bills in this House. We would be delighted to debate and legislate in respect of such Bills. Seanad Éireann has a proud record of raising issues that, although they might not necessarily get headlines, are important to many communities.

I wish the Minister of State well in his endeavours to improve the plight of people in direct provision. As a policy, direct provision should be abandoned, but we are a long way off that. While the Minister of State was Chairman of the Joint Committee on Justice, Defence and Equality, he initiated 19 significant reports. Some were ground breaking. He is now in a position to implement a number of them. Last night, I spoke with a former Minister of State, Senator Ó Ríordáin, about a couple of issues. There was a meeting today on Traveller ethnicity. These are important issues on which I had the privilege to work with the Cathaoirleach and the Minister of State, Deputy Stanton, as part of the justice committee. It would be wonderful if some of those policy positions became a reality during this Government's term, and it would be fantastic if it were this Minister of State driving them.

An Cathaoirleach: The Senator was starting to meander a small bit.

Senator Martin Conway: Only a small bit? It was a big bit.

Senator Niall Ó Donnghaile: It is as well that we have the Cathaoirleach for when we meander. I promise that I will not. Sinn Féin supports the Bill.

I wish to reference a matter that we have discussed at length, namely, section 15(4)(a) of the Judicial Appointments Commission Bill 2016 on gender and cultural diversity. In terms of judicial appointments, judges would be empowered as a result of being a broader representation of society.

30 November 2016

Senator Lorraine Clifford-Lee: I thank the Minister of State for attending the House. Fianna Fáil is happy to support the Bill. As a practising lawyer, I welcome that it will come into effect. It will help all involved in the criminal justice system.

I will briefly meander, if the Cathaoirleach will allow, and echo the sentiments expressed by Senator Conway on the direct provision system. I will raise this matter with the Minister of State shortly in terms of the bifurcated system of subsidiary protection and asylum and ask for an update. I will correspond with him about that.

An Cathaoirleach: I thank Senators for their co-operation. I also thank the Minister of State.

Question put and agreed to.

Sitting suspended at 3.10 p.m. and resumed at 3.30 p.m.

Knowledge Development Box (Certification of Inventions) Bill 2016: Order for Second Stage

Bill entitled an Act to provide for the issue, by the Controller of Patents, Designs and Trade Marks, to a relevant company of a knowledge development box certificate in respect of an invention by that company which is novel, non-obvious and useful, as specified in the definition of “intellectual property for small companies” in section 769R of the Taxes Consolidation Act 1997, in order to enable the company to use the certificate to obtain a tax benefit under the Taxes Consolidation Act 1997; to amend the Patents Act 1992 to ensure that Irish patents granted on or after 1 January 2017 can fall within paragraph (a) of the definition of “qualifying patent” in section 769G of the Taxes Consolidation Act 1997 given that only Irish patents granted prior to that date can fall within paragraph (b) of that definition; and to provide for related matters.

Senator James Reilly: I move: “That Second Stage be taken today.”

Question put and agreed to.

Knowledge Development Box (Certification of Inventions) Bill 2016: Second Stage

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

Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O’Connor): I am pleased to present the Knowledge Development Box (Certification of Inventions) Bill 2016 to this House for its consideration. The main purpose of this Bill is to establish a certification scheme to allow small and medium-sized companies to avail of the knowledge development box. This Bill, when implemented, will allow companies with intellectual property assets that are non-obvious, useful and novel to qualify for the knowledge development box. The Bill will establish a certification scheme to be administered by the Controller of Patents, Designs and Trade Marks. The controller will issue certificates to companies if applications under the scheme meet the criteria of being non-obvious, useful and novel.

The knowledge development box, KDB, was introduced in the Finance Act 2015 as a tax incentive to encourage innovation and boost research and development. Under this initiative, a

corporate tax rate of 6.25% will apply to profits on intellectual property assets that result from research and development carried out in Ireland. The Finance Act provides that three distinct categories of intellectual property qualify for the KDB. These are patents, copyrighted software and inventions that share the characteristics of patents in that they are novel, non-obvious and useful. It is the third category of intellectual property assets that the current Bill is concerned with and for which a new certification scheme is proposed. The KDB is already operational for the first two categories, patents and copyrighted software since 1 January 2016. This third category of assets is targeted at small and medium-sized companies with a view to ensuring that they too can qualify for the KDB. The Finance Act imposes certain financial limitations on the definition of companies that qualify in this category. The limitations are for companies with income arising from intellectual property of less than €7.5 million and with global income of less than €50 million. This legislation will, when enacted, be of direct benefit to companies of a relatively smaller economic scale. Ireland has almost 2,000 companies performing research and development activities in Ireland with turnover under €50 million and they will be able to access the KDB through this proposed new scheme.

A secondary purpose of the Bill is to reintroduce in legislation substantive patent examination for Irish patents. Under the Patents Act 1992, the activity of substantive patent examination was discontinued at the Irish Patents Office. The Finance Act provides that in order for patents to qualify for the KDB they must be granted only after following a process of substantive patent examination. This is designed to ensure that only high-quality patents qualify for the KDB. The amendments in the Bill have the effect of reintroducing substantive patent examination in Ireland. This will result in higher-quality Irish patents in line with best international practice. Moreover, the intention is to ensure that Irish patents will continue to qualify for the KDB. Evidence shows that investment in research and development increases economic productivity, competitiveness and improves health, social and environmental outcomes. Firms with a persistent research and development strategy outperform those with an irregular or no research and development investment program. Research and development is crucial for creating and maintaining high-value jobs and for attracting new business. It is the case, however, that depending on the product or process, research and development can be very expensive and not all research and development is successful. A company may experience many failed attempts before it sees results from investment of time, money and resources. These costs can be considerable. The extension of the KDB to indigenous small and medium-sized companies is expected to incentivise greater levels of creativity, through which I hope to see increased job creation, a key concern for me in my role as Minister for Jobs, Enterprise and Innovation. By way of background, I should say that the KDB was introduced in response to the OECD's consideration of harmful tax practices. Ireland claims to have the first fully compliant knowledge development box that meets the new OECD guidelines.

I will now turn to the specifics of the Bill and I shall set out what each section of the Bill is intended to do. As I have already said, the intention of the Bill is to introduce a certification scheme for SMEs in respect of their intellectual property assets in the nature of inventions. This scheme involves the Controller of Patent, Designs and Trade Marks as the designated State authority to certify the assets as being novel, non-obvious and useful. When examining applications under the scheme, the controller will apply the same criteria used to establish novelty and inventiveness as those which currently apply to patents. Unlike patent holders, companies granted a KDB certificate will not have to publicly disclose the nature of their invention. Nor will they have a monopoly or market exclusivity rights for that asset. The certificate will qualify the company to apply for the application of the lower rate of corporate tax of 6.25% on profits

arising from the intellectual property asset. This is half the normal corporate tax rate of 12.5%. To be clear, the KDB certificate will not of itself automatically mean a company qualifies for the tax relief. The Revenue Commissioners will be entitled to carry out their own assessments to ensure that a valid basis exists for the company to claim the lower rate of corporate tax. This practice already exists in the context of the research and development tax credit scheme where Revenue can randomly undertake assessments or audits. Companies that can qualify for this certification scheme are those with income of less than €7.5 million arising from intellectual property. Their global turnover from intellectual property must be less than €50 million. The profits must result from research and development activities carried out in Ireland.

The second purpose of the Bill is to amend the Patents Act 1992 by requiring that in the future all Irish patents granted will be on the basis of substantive patent examination only. Under the current system, it is possible to grant Irish patent on the strength of evidence of novelty in the form of a search report. These amendments will ensure that all Irish patents granted after this Bill is enacted will be of a high quality in line with best international practice. Moreover, it will ensure that all patents granted by the Irish Patents Office will continue to qualify for the KDB scheme. I propose in this Bill to introduce a substantive patent examination regime for Irish patents. These changes will take effect as soon as this Bill is enacted. The changes signal a change in the manner in which the Patents Office will examine patent applications in the future. The Irish Patents Office has a long-standing arrangement with the UK Intellectual Property Office to provide evidence of novelty in the form of a search report. When the Bill is enacted, a search report alone will no longer satisfy the evidence-of-novelty requirements but will, in addition, require a written opinion as to patentability. This additional service is also being acquired from the UK office.

Turning to the detail of the Bill, I note that Part 1 includes sections 1 to 3, which are standard legislative provisions relating to Title, citation, definitions and expenses. Section 1 also contains commencement provisions. I intend to table technical amendments to sections 1 and 26 on Committee Stage in this House. These amendments will reflect the fact that I do not expect the Bill to be enacted by year end. Therefore Part 6 cannot come into operation on 1 January 2017 as provided for in the Bill as published. Part 2 contains sections 4 to 6, inclusive, and sets out the mandatory criteria that applications for inventions under the scheme must meet. This Part sets out also the mandatory exceptions and these are common also to the exceptions that apply in patent law. Section 4 sets out the criteria that an invention must meet in order to qualify for a KDB certificate. Put simply, the invention must be novel, non-obvious and useful. This section also lists those inventions that are not considered to be inventions for the purposes of KDB. For example, the invention cannot be granted a certificate if it is a discovery or a scientific theory. Section 5 defines specific inventions that are excluded for reasons such as that the commercial exploitation of the invention would be contrary to public order or morality or that the invention is a plant or animal variety derived from a biological process. Section 6 provides that a KDB certificate will typically issue for one distinct invention.

Part 3, containing sections 7 to 15, deals with the specific and detailed application requirements under the scheme, including an outline of the controller's decision-making and review process. Section 7 sets out the qualifying criteria and financial limits for companies that can apply under the KDB certification scheme and establishes the information requirements for applications under the scheme. Essentially, an application will have to contain the title and a clear, concise detailed description of the invention; the date on which the invention began to be used, produced or marketed; the novel features or improvements of the invention that did not

previously exist along with a description of its advantageous effects; and be accompanied by an opinion from a patent agent attesting that the invention is novel, non-obvious and useful. Section 8 deals with applications that are submitted but do not initially meet all the requirements laid out in section 7. The controller can write to the applicant identifying the requirements that were not met. The controller can defer consideration of the application until the revised application is submitted. If no response is made to the controller's notice, the application will be deemed to be withdrawn after a period of time.

Section 9 provides for the treatment of applications in respect of two or more inventions. A certificate can, typically, be issued in respect of a single invention only. Under section 9, the controller can invite the applicant to choose which element of the invention should be considered for certification purposes. The applicant can make a separate application or applications for the other inventive elements of the application. Section 10 allows the applicant to withdraw an application at any time before the issue of a KDB certificate. Section 11 provides that an applicant who initially withdrew an application is not prevented from lodging the same application again. Section 12 provides that the controller can issue a KDB certificate if he or she is satisfied that the invention meets all requirements set out in Part 2. It also outlines the particulars that will be included on the KDB certificate.

Section 13 outlines the procedures to be adhered to if the controller refuses to issue a KDB certificate. In this situation, the controller must clearly set out the reasons in writing for the refusal. Section 14 offers the applicant a review of the original decision. This involves an internal appeals process in which the reviewer will be of a grade senior to the original deciding officer. The reviewer will confirm or cancel the original decision. Under section 15, an application containing new information may be made in respect of an invention for which a certificate has been refused.

Part 4, containing sections 16 to 24, deals with the administration of the KDB certification scheme. Section 16 allows the controller to authorise officers of the Patents Office to carry out functions under this Bill on his or her behalf. This is typically to allow the patent examiners at the office to examine applications under the scheme. Section 17 deals with the confidential nature of KDB certification applications. As applications will contain commercially-sensitive information, it is essential that they be kept confidential. The controller will not disclose the invention publicly or advertise it in any way. This section also provides that anyone dealing with an application on behalf of the controller will be guilty of an offence if he or she discloses any information submitted in support of the application.

Section 18 provides for an annual report containing statistical information to be provided for the Minister for Jobs, Enterprise and Innovation.

Section 19 is a standard indemnity provision protecting the controller and his staff from legal proceedings as long as they have acted in good faith in the course of their official duties.

Part 5 contains sections 20 to 24, inclusive. Section 20 creates an offence for the forging and use of forged documentation under the Bill. Section 21 enables the Minister to make rules providing for fees and time periods referred to in the Bill. Section 22 creates an offence, whereby an officer of a corporate body that commits an offence is also guilty of that offence. Section 23 is the standard provision concerning the disposal of fees to the Exchequer. Section 24 enables the controller to specify the form of any document referred to in the Bill.

Part 6, containing sections 25 to 30, inclusive, amends a small number of provisions in the Patents Act 1992. The amendments have the effect of reintroducing a substantive patent examination for Irish patent applications. A substantive examination involves the detailed examination of a patent application to assess novelty and the inventive step.

Section 26 is a transitional provision intended to cover the position of patent applications filed under the Patents Act 1992 but before the coming into effect of the amended provisions in the Bill. It clarifies that the new regime will apply to patent applications made after the Bill is enacted. Applications made prior to this date will continue to be processed under the provisions of the Patents Act 1992.

Section 27 amends section 29 of the Patents Act which requires that a report and a written opinion on patentability must be filed with the Patents Office. It is against this evidence that the office will substantially examine the application.

Section 28 which amends section 30 of the Patents Act enables the submission of similar evidence of novelty from a foreign patents office. Section 29 allows the controller to consider observations from third parties on the issue of patentability of an invention.

Section 30 amends section 31 of the Patents Act. It empowers the controller to refuse a patent application that does not comply with the requirements as to novelty, inventive step and industrial application.

I am pleased to commend this Bill to the House. I look forward with interest to the contributions of Members on this and subsequent Stages of the Bill.

Senator Aidan Davitt: I thank the Minister for coming to the House to discuss this very important Bill which Fianna Fáil is happy to support, as I indicated to my counterpart across the floor. It is a step forward and, as we know, will enable small and medium enterprises which employ approximately 800,000 people throughout the country to avail of knowledge development box taxation schemes for profits from research and development activities. A reduced corporation tax rate of 6.25%, half of the existing rate, is welcome, if used in the right spirit. I do, however, have a couple of queries.

The main tranche of the knowledge development box was announced in October 2014. It has taken a while to get this far, perhaps because the Bill is quite heavy legislation. I am sure there are many loopholes and bits and pieces that will have to be tidied up, including the certification process. Fianna Fáil believes the Bill is aimed mainly at multinationals operating in Ireland. As I said, we have discussed multinationals and their tax arrangements have been well aired throughout the country and globally. There is a strict certification process. Is the Minister happy that there are enough safeguards to cover projects in which they are engaged or cases where they piggyback on an existing scheme that has been modified slightly in order to avail of the lower tax rate? I would like to know what protocols are in place to tackle such issues, if the Minister considers that there is a problem in that regard.

Some Irish enterprises have had brilliant ideas in recent times. Business owners may have ideas on which they are working and which may be blockbusters in terms of intellectual property or new developments that could lead to great things. Is there a retrospective qualifying date included in the Bill? Do people have to have some of the work on a project done already? Is there a specific process in order to qualify? If not, I am fearful that somebody who is ready for the off, with a blockbuster-type company in the offing, is holding back in order to reduce his or

her tax rate by half.

In principle, a lot of work has been done on the Bill which we are happy with, but, as I said, we have some queries.

Senator Pádraig Mac Lochlainn: The Bill is technical in nature. Its primary aim is to amend sections of the Patents Act 1992 to allow for the introduction of a substantive examination of patent applications and facilitate the issuing of long-term patents, with a certification scheme for the knowledge development box which will allow small companies to qualify. Once certified, SMEs involved in research activities will be able to avail of a reduced corporation tax rate of 6.25%. As explained in the Bill, an SME is a company with no more than 250 employees, intellectual property assets of less than €7.5 million and global turnover of less than €50 million. We have to measure this description against that of very small community businesses that are crippled by rates, rents and various taxes, practically none of which they can avoid or on none of which they can get deals.

My party believes it is well past time for an honest debate on corporation tax. In the past my party's finance spokesperson, Deputy Pearse Doherty, dared to mention the name of a particular company, Apple, but he was shouted down by Fine Gael Deputies, including the
4 o'clock Minister of State at the Department of Foreign Affairs and Trade, Deputy Dara Murphy. That is the level of maturity this and previous Governments have shown when it comes to a discussion about our corporation tax regime. That this remains the position, even in the face of the recent EU ruling against Apple, is simply not good enough. Sinn Féin supports having an open, transparent and competitive all-Ireland corporation tax rate which does not allow-----

Senator James Reilly: It is a wee bit different from telling them nothing, is it not?

An Cathaoirleach: Senator Pádraig Mac Lochlainn to proceed, without interruption, please.

Senator Pádraig Mac Lochlainn: Does it allow large multinationals off the hook in respect of their tax responsibilities? It is said the knowledge development box is the first such scheme in the world to comply with the terms of the OECD project on base erosion and profit shifting, BEPS, to minimise corporations' efforts to minimise their tax liabilities. It is also said it is to encourage investment specifically in research and development activities by reducing the tax companies pay on earnings. We are all for indigenous Irish companies that can grow and employ significant numbers. One hopes these companies will be much more loyal to the country than those which up and leave overnight once economic conditions deteriorate, as we saw happen post-2008. That said, this measure needs to be seen for what it is, a further tax avoidance measure of which the ordinary Joe Public simply cannot avail. Companies with a turnover up to €50 million will be allowed to pay half the tax they are due to pay, which is wrong.

There is also uncertainty about how the scheme will be monitored in obtaining a knowledge development box, KDB, certificate. The invention by the company will have to be novel, non-obvious and useful. The terminology is extremely ambiguous; therefore, who will determine which companies will meet the conditions laid down? Will it the Patents Office on its own?

It is also unclear how much tax will be forgone following the introduction of the KDB certificate. How does the Minister expect Members to support the legislation when we do not know what liability the State will take on in introducing it? This is happening during the worst housing crisis ever seen in the State and at a time when public services have been squeezed to

the bone.

It is also unclear how many SMEs will even make investments in research and development activities to avail of this measure. We all know well that it is the big corporations, not SMEs, that love using these loopholes.

It is stated in the roadmap for Ireland's tax competitiveness that it needs to place itself in the best possible position to become the country of choice for mobile foreign direct investment in a post-BEPS environment. Do we really want to introduce further loopholes to attract companies because of a cheap tax regime, while we hammer our own citizens with a litany of unfair taxes? The Bill and the implementation of the KDB scheme will also require changes to the current patent process. It is unclear if the KDB certificate process will be any cheaper than the patent process. I would like the Minister to address that issue.

The changes in the patent process will allow third parties to make observations on a patent application in writing to the controller before a patent is granted. Who are these third parties? It is startling that the Irish Patents Office relies on the UK Patents Office to provide a patent search report in deciding if an Irish patent should be granted. That is unbelievable. Will the Minister explain exactly why that is the case? This scenario will surely have to be looked at in the light of Brexit. When the Bill was drafted and the concept of a knowledge box introduced, Brexit had not happened. Where does this leave us? It is also unclear whether the changes proposed in the Bill will have implications for the cost of a new patent. When will this be made clear?

We are sceptical about introducing further tax avoidance schemes. Again, in the roadmap mentioned reputation is regarded as a key pillar. Let me make the point that that reputation was damaged considerably by the double Irish, which was aptly named. In 2013 the Minister for Finance announced that we did not operate a tax haven, yet one year later he closed down the double Irish. I do not want our reputation to be damaged further by introducing a replacement scheme. Political parties and elected officials across the spectrum should in the interests of the people they represent ensure hugely profitable companies will be tax responsible and pay at the appropriate tax rate of 12.5% in a transparent manner.

There are two pillars, rates and regimes. I have said we support the 12.5% corporation tax rate once tax is paid at that rate. We would welcome this even more on an all-Ireland basis. In the past our regime has been probed in the USA, Australia and Britain and most recently by the European Commission. It is important to note that knowledge development boxes introduced in other jurisdictions are being examined, questioned and probed by other authorities. Sinn Féin believes we urgently need to have a real and mature debate on our corporation tax regime and reputation. We want Ireland to be a responsible member of the international community, with no clouds hanging over our tax reputation. The right of the Government to set its own tax rates, including the corporation tax rate, is one Sinn Féin has always defended, particularly in Brussels; however, the introduction of a research and development loophole and a knowledge development box with a tax rate as low as 6% to 6.5% will introduce another cloud. To date, the evidence is that knowledge development boxes have been used internationally as a tax avoidance tool. This legislation will only entrench such a negative perception. There are fairer ways of encouraging investment in research and development than introducing a measure that will undoubtedly be used by some corporations to avoid paying taxes.

We are holding our position on this legislation and will consider introducing amendments on Committee and further Stages. I would like the Minister to address the points I have raised.

Sinn Féin is doing this in the interests of restoring our reputation and ensuring we will create a fair and equal society for all, particularly for all businesses.

Senator James Reilly: Déanaim comhghairdeachas leis an Aire as ucht an Bille seo a thosnú sa Seanad. I welcome the Minister for Jobs, Enterprise and Innovation, Deputy Mary Mitchell O'Connor, and congratulate her on initiating the Bill in the Seanad. We have been calling for more legislation to be initiated in the Seanad and I am delighted to see the Minister taking advantage of the Seanad as the place in which to initiate Bills and iron out unforeseen problems in order that their passage through the Dáil can be smoother and more speedy.

Figures taken from the Internet show that 919,985 people are employed in SMEs, whereas one in five is employed by a multinational, which equates to a figure of approximately 400,000. The SME sector is, therefore, of significant importance and many of the enterprises involved are self-starters, which we want to encourage. I welcome the Bill which sends a strong message of help and opportunities for SMEs to avail of a lower corporation tax rate and encourage entrepreneurs. We have many entrepreneurs, some of whom come through multinational foreign direct investment companies who set up spin off enterprises on their own. The greatest examples I can think of are the companies that sprung up when Digital closed in Galway which has become the acknowledged centre of medical device innovation, for both self-starters, for example, Creganna Medical, as well as foreign direct investment companies which bring not just good jobs with good incomes but also major training opportunities which allow people to start their own companies, which I really want to encourage.

I hope a very strong message will be sent following the passage of the Bill on Second Stage that there is an opportunity for small and medium enterprises. There is a large group of secondary school students in the Visitors Gallery who are very welcome. I have always been struck from the time I was Minister for Children and Youth Affairs by the level of energy, innovation and imagination of young people. It reminds me of the old maxim - if you imagine it, you can make it. Therein lies our strength as Irish people. We have tremendous imagination and have been great inventors through the years. There are now opportunities to encourage people to take advantage of their ability and open small and medium enterprises and avail of the corporation tax rate of which bigger corporations avail which other Senators have mentioned.

I thought eight minutes would be far too long because the Bill self-evidently is so positive in what it seeks to achieve and did not think I would speak for too long. The Cathaoirleach said at the start off the discussion on the Bill that it had a quare title. My retort, although he is no longer present to hear it, is it is a quare name but great stuff, just like the advertisement for Cheno Uinction all those years ago, for those of us who are old enough to remember it.

May I comment on one or two of the views expressed? Senator Davitt is quite correct that there has been in the pharmaceutical industry a tendency towards "me too" drugs, which require a company to change just one molecule. I do not want to mention particular drugs but I can think of one, a proton pump inhibitor for one's tummy. The leader was a particular drug and then the company got a new patent for another drug just by tweaking one molecule of the original. What is proposed obviates the necessity for that sort of carry-on. I can reassure the Senator in this regard. The Bill states very clearly that the product must be novel. Tweaking a molecule will not make it novel. It must also be non-obvious. Obviously, tweaking a molecule is kind of obvious. The Bill states that all the applications from January until it becomes law will be retrospectively examined under the same criteria so they will not suffer. There is no need to delay product development from that point of view.

I am disappointed with Senator Mac Lochlainn's approach to this Bill. He wants to talk about every social ill we have rather than address the Bill itself. With regard to what he was talking about, we have exempted half a million people from the universal social charge. We have raised the threshold for income tax before people must pay at the higher rate. We have increased the minimum wage on two occasions. We have increased the number employed to over 2 million for the first time since 2008. The unemployment rate is down this week to 7.3%. Therefore, much of the rhetoric describes problems as opposed to dealing with the Bill itself, which is to offer an opportunity to indigenous small and medium enterprises, entrepreneurs and people who might be thinking of an idea that will involve a struggle to make it work but which will involve a greater reward at the end. This is what tax considerations and concessions for research and development are all about. We need to encourage people to put money into researching new and novel techniques. We have been doing it with patents and we have done so with software. Now the focus is on other areas of novel innovation. These are the areas in which Irish people excel. I hope a strong message will be sent from the Seanad today that these measures are for every Irish man, woman and every young person who believes he or she has an idea that could work, will add value and is non-obvious and novel. I hope that message goes out loud and clear. I commend the Bill to the House.

Senator Alice-Mary Higgins: I welcome the Minister back to the House. I thank her for bringing this Bill through the House. The Bill proposes to expand access to the preferential tax rate for income generated on intellectual property and patents under the premise of nurturing innovation, encouraging companies to locate high-value jobs in Ireland, and promoting economic growth. I accept that the development of indigenous business and the attraction of foreign direct investment are important for economic growth and job creation in Ireland. I recognise the appeal of putting in place a competitive offering for knowledge-based investment related to research and development and innovation at a time when growth in OECD economies is driven increasingly by investment in the development of new products and technologies.

I have some concerns, however, about the knowledge development box. They relate largely to the context in which it fits. I refer to the substantial research and development tax credits that Ireland already provides, which credits cover a wide range of eligible expenditures and offer the same rates to all types of companies. I am concerned that the already-existing generous tax credit regime, combined with the knowledge development box, may have the potential to undermine Ireland's delivery of the other aspect of the OECD, which relates to the standards. I welcome the fact that this legislation is an attempt to comply with the base erosion and profit-sharing directives of the OECD. I am looking more to the wider context in which it fits, however. Since Ireland had considerable reputational damage in the past, it is crucial that we maintain and strengthen our reputation in this area. There are some concerns associated with the rate of 6.25%. I would be much happier about this measure if we were also delivering on an effective corporate tax rate. We are still seeing headlines about companies and corporations that are paying tax at almost minimal levels. To my mind, while I can absolutely imagine scenarios in which companies would benefit from the proposed measures and use them for development, I believe that if they are also using a wide range of other tax measures to avoid taxation, we need to monitor very carefully what is occurring. We could be facing scenarios in which we again see the kinds of figures associated with companies paying tax at an effective rate of almost 0% or 2%, 3% or 4%. I recognise it is a completely different sector.

We have advocated in the past for the enforcement of an effective tax rate in Ireland. That would give greater credibility to this suite of measures. I would like to see movement on that. It

would make it much easier to work with these specific or targeted measures. At present, we see companies putting together a combination of measures to reduce their tax bill to extraordinarily low levels, unfortunately. It is hollowing out our national resources. We must ask whether we can afford it and that is why I am asking whether the Department has evaluated the cost, the distributive impact and appropriateness of the knowledge development box proposal. If this information were available for Committee Stage, it would be really useful.

I would like to see a cost-benefit analysis of the knowledge box proposal. I am sure many of my colleagues would like to have it in an informed debate on the Bill. We need to recognise that this measure will have a cost in terms of tax revenue. The Minister highlighted some of the potential benefits for companies and also highlighted her hope in regard to job creation but my concern is that the benefits are not nailed down as clearly as they might be. At present in Ireland, we rightly invest in the creativity of companies and in the development of enterprise in companies. We also have very favourable tax measures for those who are selling their companies. I am concerned that we might see circumstances in which companies will be sold after we invest in them and after we deliver enterprise and innovation grants and allow companies to use measures such as the knowledge development box to ensure they do not pay high tax during their research and development period. When sold, we do not get tax revenue. I am concerned that we will see products developed and nurtured here and supported by what is in the end public moneys forgone without any guarantee that the final benefits will stay in Ireland or translate into job creation. In fact, due to our measure on the sale of companies, there is quite an incentive to sell to international actors, who may well choose to have the final product of the research and development produced elsewhere in the world. That is the context.

Many of my concerns do not relate specifically to the Bill but I would like to hear more from the Minister on how she sees it fitting in to the journey these companies are taking and how we can be sure of the benefits to society in terms of employment and the tax take at some point. This is the overall picture on which I would love more clarity and information.

I have two small points. Corporate tax incentives are not the primary driver of the development of competitive business in the industry sector. Investment in infrastructure, education and skills development, together with appropriate business regulations, is also a key driver of business and economic growth. It is notable that neither Finland, Japan, Sweden, Denmark, Switzerland nor Germany, which have very high business expenditure on research and development but relatively low total government support in this area as a percentage of GDP, have research and development tax incentives. They are obviously doing other things that are driving research and development. When we talk about the cost benefits, I would like to see why we are choosing the tax route as our driver rather than greater emphasis on infrastructure and educational development, for example.

We focus here on private research and knowledge development. How does the Minister see public research and development fitting into this? We know that the masters of the technical colleges spoke very eloquently recently at a meeting of the education committee and highlighted a very strange and anomalous situation. Despite the leading work they are doing in research and development, there is no public funding whatsoever for research in technical colleges. We must ensure that public research is not falling by the wayside while we focus on these measures to drive private research. It is public research that is often in the best position to deliver long-term public dividends, companies, innovations and products that stay within our country.

I have a very small technical question about the operation of this. My colleagues across the

House have asked about safeguards. I am concerned that the controller in this context has a considerable responsibility in terms of privacy. It is a very different role to the one it had previously. Senator Mac Lochlainn highlighted concerns about accountability and the resources it would have. I am concerned about who the controller will be accountable to in respect of these privacy aspects. Can we ensure they will not be interested parties in any way? This is not a reflection on the office currently. I am thinking of the future.

Senator Maria Byrne: I welcome the Minister to the Chamber and commend her on this very worthy Bill. Having served on an enterprise board for 15 years, having dealt with many small companies and coming from a small business background, I am very aware that it is very important to incentivise and encourage development, especially in the research and development sector. I served on the board of Limerick Institute of Technology for 11 years. I know the Minister visited it recently and met some people who were starting up their own businesses. People are always coming up with novel ideas. I like the fact that the Bill states that inventions must be novel, non-obvious and useful, three very important aspects. There are so many people with so many good ideas that it is very important to have some kind of incentive to encourage them to go forward with that. If they were paying the higher rate of tax, it might be a disincentive to go forward with development or research relating to their products. In respect of patents, one feature of the Bill I like is that it must be produced in Ireland. This is very important in terms of development and employment.

A number of Senators have raised the question of who will certify or keep an eye on things. The Bill mentions several times that there can be unannounced audits and that there will be continuous audits, which is very important in making sure people are complying with the criteria laid out in the Bill. It involves encouraging indigenous industry to engage in greater levels of research and development. We are the first country in the world with this type of development box to comply with the OECD's new standards, for which I commend the Minister. I commend the Bill to the House.

Senator Kieran O'Donnell: How much time do I have?

An Leas-Chathaoirleach: Five minutes.

Senator Kieran O'Donnell: I welcome the Minister to the House and I commend this Bill. I have a few questions for the Minister. We continually talk about multinationals coming to Ireland, how there should be a large element of research and development, how we should promote that and how we have historically done so in terms of ensuring that they maintain a presence here. We must give the same advantage to SMEs. Contrary to belief, they provide the bulk of the jobs in the Irish economy. Multinationals provide a huge amount of jobs but when it goes down to the basics, the SME sector is enormous. I would have worked with it for many years as a self-employed chartered accountant. I know what is involved and about its investment in research and development.

When will section 1 of the Bill come into effect? The Minister referred to the fact that she will be bringing forward technical amendments on Committee Stage to reflect the fact that she does not expect the Bill to be enacted by year end, which means that Part 6 cannot come into operation on 1 January. When does she expect it to come into operation? Could she give an overview as to why it is being deferred beyond that date? As she probably appreciates, year end for most SMEs is 31 December. They work on a calendar year basis and it therefore make sense for this aspect to commence on 1 January.

The Bill stipulates that the inventions must be novel, non-obvious and useful. When they are being assessed by the Controller of Patents, Designs and Trade Marks, does the controller look at the commercial and employment elements because they are extremely important? What we really want to know is whether this particular measure will lead to the creation of sustainable jobs. Could the Minister give us an overview of this?

The Bill stipulates that someone applies to the Controller of Patents, Designs and Trade Marks for the knowledge development box but it would then be up to a review by the Revenue Commissioners as to whether they qualify for the 6.25% rate. In the past, the one thing someone who was investing heavily in research and development needed was certainty. It is important that if people are applying for the knowledge development box, there is a link-up with Revenue at that stage. If I had a client in that situation, I would get them to apply for the knowledge development box but I would also look for a ruling from Revenue at the time as a matter of course. Someone might invest strongly, in many cases using money they had to borrow. I would like to know whether they were able to borrow and invest. The risks are enormous. The one thing to ensure is that this will qualify for the 6.25% rate.

I have seen how this has operated in the past. Before the 12.5% rate came in, there was a 10% rate for manufacturing. Many companies would have effectively deemed themselves to be manufacturing companies. At some stage, Revenue would visit them and, in some cases, the company did not qualify. I would always have made it a rule that if a company was a borderline case it always sought a ruling from Revenue.

It is hugely important that we encourage companies to invest in research and development. The multinationals come in here and provide jobs. This knowledge development box within the SME sector should be a major catalyst to create our own multinational sector out of SMEs. We are doing it already. Many of our companies, such as the large co-operatives, already operate across the world. I do not wish to name companies but we have many.

The Minister might clarify whether there is a limit on the number of staff. If a person is operating on their own or with one or two employees, will they qualify? We must provide a system and avenue for people to invest in research and development, which the Minister has done and which I very much welcome, but the key thing we need is certainty around the measure. Could the Minister address that?

Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor)
(Deputy Mary Mitchell O'Connor): I thank all the Senators who spoke about the Bill for their very useful contributions and I have taken note of their questions. I remind Senators that the knowledge development box supports and encourages investment in research and development in Ireland. This is particularly important for SMEs and businesses dealing with them. The knowledge development box will support our smaller companies to be inventive and, therefore, competitive. This will in turn lead to job creation. There must be an add-on for SMEs if we are to compete in light of Brexit. Equally, it is very important our legislation and practice keeps pace with international developments in the area of patents. Patents are important business assets in world economies. By amending our patents legislation to introduce substantive examination, Irish patents will be granted in line with international best practice. Irish patents granted after the enactment of the Bill will be able to access the KDB. The Bill will place Ireland at the forefront of developments to build a strong base for innovation. It also will act as a stimulus for business and will send a signal that the Government recognises the value of intellectual property and is committed to providing a supportive environment for its development.

Senator Alice-Mary Higgins asked about the cost-benefit analysis of the scheme. The Minister for Finance, Deputy Michael Noonan, proposed and introduced the KDB scheme. The Department of Finance carried out an extensive consultation, including on the costs and benefits of the scheme. It is available from the Department. I am responsible only for implementing the scheme for SMEs.

Senator Aidan Davitt mentioned the safeguards in place for multinationals. All applications for the KDB are subject to Revenue audits. The certification scheme provided for in the Bill applies only to SMEs. The KDB applies automatically for patents and copyright software from 1 January 2016. These assets do not require certification from the controller.

Senator Aidan Davitt: Could I ask for a clarification? Is that okay?

An Leas-Chathaoirleach: Not really. You can have a chat afterwards.

Deputy Mary Mitchell O'Connor: Senator Pádraig Mac Lochlainn asked about the relevance of the Patents Office. The Patents Office has traditionally used the UK office for patent expertise for a long time. It is an issue of scale. The UK office has a huge number of patent examiners. The Irish office has four. It is a much more efficient use of resources, and under the Bill, the office will be able to refuse patent applications. There are no Brexit implications for this arrangement. Senator Mac Lochlainn also asked about the estimated cost to the Exchequer. The Minister for Finance has estimated the cost to the Exchequer of the KDB at €50 million in a full year. This figure is in respect of all aspects covered by KDB, not just the assets which require certification. The Senator also asked about whether it is a tax avoidance tool. It is absolutely not a tax avoidance tool. The KDB has been examined by the OECD committees on harmful tax practices and has, on first examination, been found to be within the OECD guidelines. The Patents Office will rigorously examine applications under the scheme. The Revenue will be able to conduct tax audits on a random basis, as normal.

Senator Alice-Mary Higgins asked about the role of the controller. The Department and the Patents Office are aware of the additional requirements the Bill will impose. The Patents Office is satisfied that it can, at the outset, deal with the level of applications. The certificate allows only for a company to claim reduced tax rates. It does not affect the activities of the office otherwise.

In response to Senator Kieran O'Donnell, section 1 of the Bill will come into effect as soon as possible. It must be amended, given that the Bill will not be enacted by the end of the year. It is just a technical detail. We mentioned the end of 2016, and it will not happen. The Patents Office will not be involved in proofing applications for employment or economic benefit. It will rule on an application in terms of whether it is novel, non-obvious and useful.

Senator Aidan Davitt: On a point of clarification-----

An Leas-Chathaoirleach: Unfortunately, there is no mechanism for that. The Senator will be able to table an amendment on Committee Stage or discuss it with the Minister outside the Chamber.

Question put and agreed to.

An Leas-Chathaoirleach: When is it proposed to take Committee Stage?

Senator James Reilly: Next Tuesday.

Committee Stage ordered for Tuesday, 6 December 2016.

Sitting suspended at 4.35 p.m. and resumed at 5 p.m.

Ireland Palestine Solidarity Campaign: Motion

Acting Chairman (Senator Paudie Coffey): I ask Senator Norris to move the motion.

Senator David Norris: There is no Minister present.

Acting Chairman (Senator Paudie Coffey): It has been agreed by the group leaders this will be taken as a Seanad debate and I ask the Senator to proceed.

Senator David Norris: How much speaking time do we have?

Acting Chairman (Senator Paudie Coffey): Five minutes each.

Senator David Norris: I move:

That Seanad Éireann strongly condemns the Bank of Ireland for its arbitrary and undemocratic decision to close the accounts of the Ireland Palestine Solidarity Campaign and requests that they immediately reverse this decision.

This motion is about a move by the Israeli Government to close the bank resources of the Ireland Palestine Solidarity Campaign, IPSC. I was contacted by it to let me know its bank accounts had been arbitrarily closed down by Bank of Ireland. I received the message on 4 October, which stated the IPSC had its accounts closed the previous week by Bank of Ireland without any proper explanation. It looks as if this move was as a result of pressure from the Israeli Government to interfere in the domestic affairs of an independent friendly country. I then wrote to Mr. Boucher, the head of Bank of Ireland, to tell him I was contacted by the IPSC because its bank account with Bank of Ireland was closed. According to the IPSC no explanation was given and a request for an extension until December 2016 to allow it to transfer to another banking institution was denied. As far as I know, none of these bank accounts were ever used illegally in any way. This is a peaceful democratic movement and the attempt to interfere with it and hamper its operations is a clear attack on free speech.

The reply I received from Mr. Richie Boucher was that Bank of Ireland is a diversified financial services group which adheres to all applicable legislative and regulatory requirements in all countries in which it operates. He included a long list of all of the requirements. He then stated that as a matter of course the group is obliged to monitor and keep under active review all the national and international regulatory and legislative requirements. This is just reciting and parroting out a lot of rubbish about statutory requirements. Nowhere in his letter does Mr. Richie Boucher allege the IPSC has breached a single one of these regulations, nor does he state it was involved in any suspicious activity.

Acting Chairman (Senator Paudie Coffey): I remind the Senator not to name individuals who are not in the House.

Senator David Norris: Right, okay but I hope I get this in injury time. This is the reply I received. He is the head of Bank of Ireland and a public official. I see no problem whatever about naming him. He signed the letter after all. May I point out his bank was rescued by the

people of Ireland and now he acts in this appallingly undemocratic way.

This is a worldwide phenomenon. A German bank recently closed the accounts of a German Jewish organisation, Jewish Voice for a Just Peace in the Middle East, at the instigation of the Israeli Government. Here is another case of the infringement of people's freedom of speech and solidarity with the people of Palestine.

In July 2016, the IPSC received a series of inquiries from Bank of Ireland. These accounts had been in place without the slightest suggestion of any difficulty for 15 years and suddenly, under the impulse of moves from the Israelis, this difficulty arises. The first question asked was what the funds in the account were used for. The IPSC answered honestly and openly the funds were used for campaigning for the human rights of all Palestinians and that it rents an office, employs a co-ordinator, holds public meetings, hosts visiting speakers and prints leaflets.

The second question was what was source of funds in the accounts. It answered that primarily the organisation is funded by membership subscriptions and donations but it also organises fundraising events and gave the example that last year a member organised an amateur boxing night in Croke Park which raised €6,500, a sponsored walk raised €1,169 and a Christmas lunch raised €1,350. It stated it also has a small margin from the sale of solidarity items such as football shirts and Palestinians scarves.

The third question was whether it transfers funds to Palestine and if so to whom. The answer was the only transfer is to the Hirbawi textile factory in Palestine in payment for Palestinian scarves, and that in March this year it transferred \$1,209 in payment for a delivery of Palestinian scarves.

The fourth question was whether it transferred any money to political organisations and, if so, to whom and where are they based. The reply was that it was not affiliated to any political organisation and does not transfer money to any political organisations.

These were four clear questions with four clear answers, and nothing for the IPSC to answer. It has done nothing. It is a campaigning organisation. It does, of course, campaign on the basis of the boycott, divestment and sanction motion, which suggests items that come from the settlers and invaded areas of Palestine should be boycotted, there should be divestment of investment in these areas and there should be sanctions. This is a perfectly legitimate campaigning issue. Nobody can quarrel with this. It is precisely the type of thing we did in South Africa. Have people forgotten apartheid? Have people forgotten the way in which the Dunnes Stores workers stood out in solidarity with the people of South Africa? Of course it is correct for people to be able to campaign.

Acting Chairman (Senator Paudie Coffey): I must ask the Senator to conclude.

Senator David Norris: The Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, has said he is deeply concerned about wider attempts to pressure NGOs and human rights defenders through legislation and other means to hinder their important work. He stated he has raised this at EU level and directly with the Israeli authorities. He also stated the boycott divestment and sanction policy was a legitimate campaigning objective. What we have here is a clear attack on a civil society organisation in an attempt to muzzle it and stop it doing the work that it is democratically entitled to do in this Republic of Ireland.

Senator Pádraig Mac Lochlainn: I commend Senator Norris on taking the initiative. I am

very happy to second his motion. This is a stunning situation. The Ireland Palestine Solidarity Campaign, IPSC, is 15 years in existence and it has had a bank account in the Bank of Ireland for all of those years, during which time there was no problem. The group is immensely respected by all of us in these Houses who care about the plight of the Palestinian people. I am the secretary of the Oireachtas Friends of Palestine group and we testify to the integrity and decency of everybody involved in the Ireland Palestine Solidarity Campaign and their adherence to human rights and democracy. That is why I am shocked about this development. What I have learned is that the Bank of Ireland is not unique. Banks right across Europe have been closing down Palestine solidarity campaigns. The Oireachtas Friends of Palestine group wrote to the bank asking for an explanation. As Senator Norris pointed out, the bank rhymed off a list of regulations. We again asked for the specific legislation or directive to which Bank of Ireland was adhering in closing down the account. At that point the bank ended the communication on the pretext that it could not discuss individual accounts. That is utter nonsense. Bank of Ireland received a significant amount of taxpayers' money and it is acting completely against the interests of the overwhelming majority of Irish people who support the cause of justice for the Palestinian people.

What I hope will come from this motion today is not just condemnation of the Bank of Ireland but that serious questions will be put to the bank by the Minister for Finance and the Government as to whether it is acting on foot of a campaign which is being orchestrated openly by the Israeli Government to shut down organisations internationally who support the democratic campaign, Boycott, Divestment, Sanctions, BDS. We had courageous people in this country who took a stand against apartheid – the workers in Dunnes Stores. We applaud them. These days we salute them. It is the democratic right of citizens in this country if they wish to engage in and support the Boycott, Divestment, Sanctions campaign that operates internationally. Is the IPSC being punished?

We received from the IPSC clarification that the EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini, said the rights of citizens across Europe and globally who partake in the BDS campaign have a right to do so and their rights must be protected. I urge the Government to follow up on what I hope will be a successful motion passed in these Houses today and make sure that the Bank of Ireland, and all banks in this State - especially those who were bailed out by taxpayers - are aware of their responsibilities to protect democracy and those who engage in human rights defence and to make sure they are not implementing the policy of a state that is repudiated by most countries in the world because of its failure to implement United Nations Security Council resolutions. Let us be very clear, we do not just need the motion to be passed today, although I am delighted Senator Norris has taken this initiative, but we need the Government to make a clear statement that what has happened does not comply with any legislation or directive of which we are aware but it is implementing by stealth the agenda of the Israeli Government, which is to silence critics of its policy and those who stand by the Boycott, Divestment, Sanctions campaign. It is an outrageous attack on democracy and it cannot be accepted by anybody in these Houses or by anybody who believes in human rights in this State. I hope the Government follows up on what I believe will be a successful motion here today, does what is right by the people and confronts those in the banks who are peddling this agenda.

Senator David Norris: Hear, hear.

Senator Paul Gavan: Well done to Senator Mac Lochlainn.

Senator Mark Daly: I move amendment No. 1:

To delete all words after “That Seanad Éireann” and substitute:

“calls on the Bank of Ireland to meet immediately with the Ireland Palestine Solidarity Campaign to discuss the closure of their bank accounts with a view to rectifying this situation as a matter of urgency.”

The actions of the Bank of Ireland, which was saved from extinction by the Irish taxpayer, are unfortunately not isolated. From information received from other businesses in Ireland it appears in some instances that it has to do with anybody who has any dealings in the Middle East. I spoke with a company today that had to move nearly 250,000 customers from their accounts with Ulster Bank because 40% of the company was owned by a consortium in Jordan. It had nothing to do with Israel or the Middle East.

Senator David Norris: Were they Israelis?

Senator Mark Daly: No. All of the banks around Ireland and Europe are arbitrarily closing accounts that have anything to do with the Middle East. The company in question has nothing to do with the West Bank or the Gaza Strip but it had to move 250,000 customers in six weeks from Ulster Bank to another bank just because the company was partly owned by an organisation in Jordan. The company had to spend an amount of time, effort and energy on that. There is no doubt this is happening to anybody who has any whiff of association with the Middle East. To put it mildly, people are being put to inconvenience.

It is very important that Senator Norris raised the issue and I do not think it should rest here. These actions across Europe in connection with Palestine are far more sinister in terms of businesses that are partly owned by or have partners in the Middle East. Actions are being carried out in an orchestrated and co-ordinated way in order to silence those who oppose the settlers and the occupation of the West Bank. As we have seen in Israel itself, draconian South African-type measures are used to shut down dissent and anybody who opposes the occupation. When Ronald Reagan was elected President of the United States nearly 40 years ago there were only 30,000 to 40,000 illegal settlers in the West Bank and today there are more than 500,000 and growing. The actions of Israel, unfortunately supported by the United States of America, are exacerbating the problem for future generations of Israelis and Palestinians. General Petraeus, and other senior US army officers, have said that the US policy of supporting unconditionally Israel’s actions in the West Bank and Gaza Strip is killing US soldiers in the Middle East. If a country’s policy is killing its own soldiers, one would imagine it would change direction. Capitol Hill, which I visit from time to time, is often called Israeli-occupied territory as well because the grip of the American Israel Public Affairs Committee, AIPAC, on that piece of ground is overwhelming.

I am drifting from the motion, which I welcome. It deserves a hearing before the finance committee. Perhaps Senator Norris would raise the issue. We are talking to ourselves as we cannot even get the Minister to come in to talk to us. A motion could be tabled for the finance committee.

Senator David Norris: We could write to it from the Seanad.

Senator Mark Daly: Yes. Its purpose would be to bring in the bank. It is not a case of condemning it or predicating the outcome but I suggest that were a motion put before the finance committee to the effect that the bank would be brought in to explain itself and were that voted on and passed by all members, then-----

Senator David Norris: That is a very good idea.

Senator Mark Daly: -----without anyone having a view on it, the bank could be held to account. The bank could refuse to show up – God love it if it did – but I am sure Senator Norris would let it know that not showing up would be detrimental to its public relations. Regardless of the fact that we saved the bank from extinction – for good or ill – no organisation should be beyond the scrutiny of the Oireachtas for its political actions, which can be judged to be such when one sees what is happening. This is not isolated instance in Ireland. Members of the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach should table a motion. If the motion is passed then we can hear what Members have to say. A meeting might only take half an hour and the Friends of Palestine group can be invited to attend. The committee has a huge workload in terms of the budget. I am concerned about the principle behind the motion and not the relatively small amount of money involved.

My party has tabled an amendment. The reason we have not condemned the Senator's motion is because we do not have all of the facts. It would be good if the committee could hear all of the facts. A meeting would allow everyone to hear what the Bank of Ireland had to say for itself and whether it can justify its actions. I am pretty sure that it cannot.

Senator David Norris: Perhaps Senator Mark Daly will not press his amendment.

Senator Mark Daly: A meeting would allow the situation to be clarified. It would put the Bank of Ireland under pressure. It would also put pressure back on financial institutions or other organisations that might follow a similar route. The risk of being brought before an Oireachtas committee could act as a deterrent.

There is not a lot between the two motions. I like outcomes and the best outcome for us all would be a public questioning of the Bank of Ireland by the Oireachtas committee rather than us all e-mailing, etc. A meeting might get us the answers that none of us can get at present.

Senator Kieran O'Donnell: My party agrees with the sentiments expressed by Senator Norris. A first step would be a meeting with the Bank of Ireland and, therefore, we second the Fianna Fáil amendment.

Acting Chairman (Senator Paudie Coffey): Is the Senator seconding the Fianna Fáil amendment?

Senator Kieran O'Donnell: Yes. I support Senator Mark Daly's suggestion for the Bank of Ireland to attend before the Oireachtas committee.

I do not know a huge amount about this matter. I have carried out some research and discovered that a bank account has existed since 2001. Any person who has a bank account for 16 years would find it extraordinary to have it closed without notice or an explanation. The Bank of Ireland needs to give an explanation. I agree with the sentiments expressed by Senator Daly calling on the Bank of Ireland to attend before the Oireachtas committee of which I am a member. AIB has opened a bank account in the organisation's name. It seems unusual that one institution has closed an account while a similar institution has opened one.

Senator Norris holds this matter dear to his heart. My party agrees with the sentiments expressed in his motion. We would like to hear Bank of Ireland give a valid explanation even though the matter may be inexplicable. Nevertheless, I take the point made about taxpayers.

I do not like to call them taxpayers and prefer another term of Irish residents. They have supported Bank of Ireland through very difficult times and continue to do so. We need clarity about the matter. We want Bank of Ireland to meet the Ireland Palestine Solidarity Campaign group. A natural extension of that is an appearance before the Oireachtas committee with a view to rectifying the situation, as a matter of urgency. We second the Fianna Fáil amendment.

Senator Frances Black: As chairperson of the Friends of Palestine cross-party Oireachtas group, I support the motion tabled by Senator Norris. I also support the fantastic Ireland Palestine Solidarity Campaign group that was set up to highlight the struggle of the Palestinian people. It is totally unacceptable that Bank of Ireland has closed the bank account of the IPSC and refused to comment on the reason for this action.

I would like to make my position clear from the outset. I believe that all violence is wrong and I am sure that we all hope for a lasting peace in the Middle East. I will refer to the great work done by the Ireland Palestine Solidarity Campaign group. Yesterday I attended its presentation in the AV Room and what I heard was most upsetting. The presentation was delivered by Ayed Abu Qtaish who is the accountability director for an organisation called the Defence for Children International Palestine. I was shocked to hear details of the arrest, detention and ill treatment of Palestinian children by the Israeli Defence Forces. All of this makes it highly unlikely that peace will be achieved in the near future. A children's rights NGO has recorded around 50 deaths of Palestinian children at the hands of Israeli forces since last October that roughly marked the onset of the third Palestinian uprising. The Defence for Children International Palestine organisation reported the fatalities. It said that the absence of transparent and neutral investigation into such incidents had turned the killing of Palestinian children into normality. Ayed Abu Qtaish complained that international agencies and the United Nations had failed to meet their responsibilities in defending the rights of Palestinian children.

The IPSC has worked tirelessly on this issue and provides great support to the Defence for Children International Palestine. The IPSC was set up by a group of established Irish human rights and community activists, academics and journalists who were deeply concerned about the situation in the Occupied Territories. The IPSC works in partnership with Palestinians now living in Ireland. It was originally formed to provide a voice for Palestine in Ireland. The IPSC is an independent, non-party political organisation that is run by volunteers who are all committed to a just and sustainable peace in the Middle East. The IPSC is a member-based organisation that is funded by their members' annual fees, standing orders and donations.

I will outline some facts that the IPSC tirelessly highlights. As many as 11,700 Palestinians are currently imprisoned. The Israeli unemployment rate is 9% while the Palestinian rate of unemployment is estimated at 40%. The US gives more than \$7 million per day to the Israeli Government and military. Since 1967, Israel has demolished 18,147 Palestinian homes that has left over 100,000 people without shelter. Israel has been targeted by at least 65 UN resolutions while the Palestinians have not been targeted. All of this shows that the work done by the IPSC is vital and so must be commended.

It is essential that human rights violations are highlighted and that oppressed peoples are supported by us. We have a duty to speak out against the ill treatment of children no matter who is responsible. Again, it is unacceptable that Bank of Ireland has closed the bank account of the IPSC and refused to comment on the reason for doing so. The closure of the bank account is believed to be due to the Israeli Government exerting pressure on banks to close the accounts of organisations that advocate the boycott of Israeli goods similar to the boycott of South African

goods during the apartheid era. If this is the case then the closure of the account is interference by Israel in the business affairs of a sovereign country and needs to be challenged. Banks should not have the power to threaten the very existence of organisations unless there is concrete evidence that the organisation has been involved in illegal transactions and then there is an onus on the bank to report these activities to the Garda.

Senator David Norris: Hear, hear.

Senator Frances Black: I strongly condemn Bank of Ireland for its undemocratic decision to close the accounts of the IPSC. I believe that the bank should reverse its decision. As my colleague, Senator Mac Lochlainn has said, the action is an outrageous attack on democracy.

Senator Máire Devine: Well done.

Acting Chairman (Senator Gerry Horkan): I thank Senator Black. The next speaker is Senator Ivana Bacik and she has five minutes.

Senator Ivana Bacik: I commend Senator Norris on taking the initiative to propose the motion. It has been my pleasure to co-sign his motion as leader of the Labour Party group. I strongly support the motion. It is good to see cross-party support for the principle behind the motion that is to condemn Bank of Ireland for its arbitrary and undemocratic decision to close the accounts of the Ireland Palestine Solidarity Campaign group.

Like Senator Black I condemn all violence in the Middle East, particularly the targeting of civilians. I have been a longstanding supporter of the Palestinian cause and the Ireland Palestine Solidarity Campaign. Other Senators have already explained the reasons Senator Norris's motion deserves support. It is of real concern that the account of an organisation and NGO with a long track record of campaigning here in Ireland, is well established and supported by many people here, should have its accounts closed unilaterally in this way. I echo the words of those many writers and others who wrote to the newspapers on 5 November condemning Bank of Ireland's unilateral closure of the accounts and setting out the reasons why this action of the bank should be condemned. They pointed out that the bank has thus far refused to offer any reason for the closure except to say that the IPSC, which had banked with the Bank of Ireland for 15 years, no longer met the bank's risk appetite. As others have said, that is not good enough as an explanation.

The Ireland Palestine Solidarity Campaign is a voluntarily-run group. It advocates for Palestinian human rights within international law and is in fact in keeping with UN resolutions which have condemned actions of the Israeli Defence Forces in particular and breaches of the human rights of Palestinians. The IPSC is a legally constituted, fully-audited and transparent organisation and it is widely respected in Ireland as a civil society body. The signatories of the letter of 5 November included authors like Dervla Murphy and Seamus Deane, academics like Ronit Lentin, solicitor Michael Farrell, Ruairí McKiernan, Honor Heffernan, Donal Lunny, Betty Purcell, Robert Ballagh and many others. We are going to have cross-party support. I hope we can unite on this motion.

Senator David Norris: They will not.

Senator Ivana Bacik: It is unfortunate that we see an amendment. I do not see its purpose and would like to support the motion, which we have co-signed with Senator Norris. It is good to see so much support for it and for the principle it embodies. I do not see the amendment as

adding anything.

Senator David Norris: It diminishes it.

Senator Ivana Bacik: Yes, it diminishes it.

Senator Paul Gavan: It is shameful.

Senator Ivana Bacik: I do not see the need to put the amendment given that, in principle, we are all in agreement on the point.

Senator Lynn Ruane: I wish to share time with Senator Alice Mary Higgins.

Acting Chairman (Senator Gerry Horkan): Is that agreed? Agreed.

Senator Lynn Ruane: I support this motion wholeheartedly. The purpose of the amendment confuses me. It asks the bank to explain why it has closed a bank account, which is something it has already refused to do. It did not meet the campaign group in question when it wanted to shut its account down. It is a worrying sign that one of our national financial institutions has judged that it has the power to cut off its services to a group engaged in worthwhile advocacy work on an issue of vital importance to the people of Palestine and all those who support the Palestinian people here in Ireland.

Anyone who has ever run a campaign or been involved in advocacy knows the crucial role that adequate and accessible funding plays in determining the successful achievement of goals. One must be able to create a clear route of access to the financial contributions of supporters, a secure place to store funds and an easily accessible method to disperse those funds as required by the financial necessities of the campaign one is running. As soon as this cycle of activity is disrupted, irreparable damage may be caused to the practical activities of the organisation and to organisational reputation. Bills and invoices go unpaid, donations and contributions go unreturned and work comes to a standstill.

This is what the Bank of Ireland has done to the Ireland Palestinian Solidarity Campaign. With scant notice, the bank cut off all possible financing to the campaign without even allowing it enough time to make alternative financial arrangements or to notify supporters of the need to change the destination of regular donations. This is unacceptable. I note media reports that the Bank of Ireland's decision was rooted in the view that the campaign's activities did not fit with the bank's appetite for risk due to its designation of Palestine as a high risk country. This was despite the fact that the majority of the campaign's funding is spent domestically here in Ireland to raise awareness. The only money the campaign sent to Palestine was to a factory in the West Bank to buy clothing as a show of solidarity, not to fund directly any activities there at all. That none of this was taken into consideration by Bank of Ireland further underlines the arbitrary and ill-thought-out nature of the decision.

I fully support the motion and I question the motive of Fianna Fáil in putting down an amendment.

Senator Alice-Mary Higgins: In respect of Fianna Fáil's amendment, if there is a desire to put forward a motion at the finance committee, I urge the party to do that in addition to supporting the very necessary motion put forward by Senator Norris.

Senator Pádraig Mac Lochlainn: Hear, hear.

Senator Alice-Mary Higgins: That would be an addition we could support. In terms of the question of Bank of Ireland not showing up and that we would respond at that point, I note that it has already not shown up because it has failed to provide any satisfactory explanation for the closure of the bank account. We have already arrived at the point where it has failed to account notwithstanding that it has had the opportunity to do so. It has chosen not to respond and that is why we need to send a message of condemnation. I urge everyone across the House to send that message. They have the opportunity to do it today.

In the absence of any explanation from Bank of Ireland, we must agree with the Irish Palestinian Solidarity Campaign's conclusion that its firm support for boycott, divestment and sanctions in respect of Israel is the reason for the closure of the account. It is hard to escape this conclusion given the trend across Europe whereby banks have closed the accounts of organisations supporting boycott, divestment and sanctions. Groups in Germany, France, Austria and the UK have faced similar closures. *The Jerusalem Post* has reported on the banks that maintain the groups. Several Israeli Government members and officials have spoken about that intent. Amnesty International has noted that senior Israeli Ministers, whom I will not name, have called for Israel to engage in targeted civil-----

Acting Chairman (Senator Gerry Horkan): One minute.

Senator Alice-Mary Higgins: Okay. I will not elaborate on that aspect. The key point here is that we are talking about the open work of campaigning on boycott, divestment and sanctions. Boycotting has a strong origin here in Ireland. The IPSC is not only a peaceful organisation, but one with a long-standing record of street stands. There could not be a more open organisation. It has been visible, clear and authentic in its demands and its campaigning. This contrasts with the stealth of the campaign to close accounts.

Senator David Norris: Hear, hear.

Senator Alice-Mary Higgins: It is not like other campaigns which ask banks to divest, but is rather a campaign which is operating by stealth and which is not making itself accountable. It is a deep contrast. While the boycott, divestment and sanctions campaign is completely legal, as asserted by the EU, the unjustified measures we are seeing now are deeply undemocratic. They raise very serious concerns for all of us, even those who are not passionate about Palestine in the way many of us here today are. Those of us concerned about any aspect of civil society should worry. This comes in concert with other serious constraints that have been imposed in other areas, such as the academic area, which we might discuss in the future.

Senator Paul Gavan: I welcome the motion put down by Senator Norris, which is a very important one. I also welcome the fact that time has been given to debate it today. Those of us who have been to Palestine have seen at first hand the horrors of an apartheid state. It is generally accepted now that Israel is an apartheid state. There is horrific humiliation, imprisonment without trial, torture and death squads. It is horrendous. We should be as clear on Israel as we were in later years on South Africa. Apartheid can never be justified in any way.

What has happened with Bank of Ireland is very sinister. We have a foreign apartheid state interfering directly to pressurise a bank that was bailed out by our taxpayers to close an account to try to undermine this organisation. Let us be clear that this is not a party political issue, or at least should not be. I know many colleagues in the Irish Palestinian Solidarity Campaign and they belong to all parties and none. That is why it was so important that it was an independent

Senator who brought the motion forward so that it could not be used as a political football of any particular party. That is why I am gutted that Fianna Fáil has put down an amendment.

Senator David Norris: Absolutely.

Senator Paul Gavan: What are we afraid of? Why are we afraid to condemn Bank of Ireland strongly for what we know it has done wrong, in particular when the all-party Palestine support group within the Oireachtas has written on a number of occasions to the bank, which has completely ruled out the meeting the amendment calls for? We should be better than this. We have different politics but we should have shared values on this issue. If this has to go to a vote and we cannot rally behind Senator Norris's proposal, that in itself will weaken the stance that we should take.

Senator Pádraig Mac Lochlainn: Hear, hear.

Senator Paul Gavan: I have not heard one good reason to explain why Fianna Fáil and Fine Gael cannot support the Independent Senators' motion, which rightly calls on the Seanad to condemn Bank of Ireland and ask the bank to reverse its decision. The IPSC account is now with AIB, but I have it on good authority that AIB is coming under pressure to close the account.

Senator David Norris: Of course it is. If we do not stand up, it will give in.

Senator Paul Gavan: Despite that, Fianna Fáil chooses to weaken what should be an all-party motion. I appeal to our shared values. No one has a monopoly on morality on issues like this. We know what is happening in Palestine. I spoke to Senator Colm Burke, who was particularly passionate about Palestine, a number of weeks ago. This issue does not belong to Sinn Féin, the Labour Party or the civic engagement group. It belongs to all of us. We should do better in this Chamber than to step back and have divisive votes when there is nothing in this motion, which was drafted in good faith by Senator Norris, to which any of us could object. If we cannot stand united on this gross interference with a peaceful campaigning organisation and avoid a walk-through vote, shame on us. That is all that I have to say.

Senator David Norris: Well said.

Acting Chairman (Senator Gerry Horkan): As no other Senators are indicating, I will ask Senator Norris to conclude.

Senator David Norris: I am sad that there have not been more contributors. To take the positive first, Senator Mark Daly's suggestion that we contact the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach was worthwhile, although Bank of Ireland will not turn up. In correspondence from the IPSC, I was told that the bad news was that it had heard nothing from Bank of Ireland despite having written to it twice. The bank will not listen. This is causing disruption to the IPSC's financial operation and is distracting it from its main work, which is lobbying.

As to Fianna Fáil, were former Senators Labhrás Ó Murchú and Mick Lanigan still in the House, that disgraceful amendment would not have been moved. I have been a Senator for 30 years. Not once do I remember Government time being given to a motion from an Independent Member only for the motion to be amended. It has never happened. It is lamentable. It shows us to be gutless, weak, equivocating and mercenary. Consider the motion and what it says. Let us put it on the record to the shame of those two parties. That is, unless at the last minute

they are prepared not to force a vote. If they force a vote on this, they can never call themselves friends of Palestine again. My motion reads:

That Seanad Éireann strongly condemns the Bank of Ireland for its arbitrary and undemocratic decision to close the accounts of the Ireland Palestine Solidarity Campaign and requests that they immediately reverse this decision.

It has a number of elements, the first of which is condemning Bank of Ireland. Are the parties afraid to do that? Why would they not condemn it? If we allow it to get away with this, it can do it to any of us. Do the parties realise that? My accounts that I have had for nearly 70 years in Bank of Ireland could have been closed because I stood up for the Palestinians, East Timor or Tibet when the Chinese behaved as they did. Be careful with the amendment, which merely “calls on the Bank of Ireland to meet immediately with the Ireland Palestine Solidarity Campaign to discuss the closure”. How pathetic is that? The parties will not be forgiven if they force a vote on this.

The Government gave time and we have had a good suggestion and a reasonable debate, but I cannot for the life of me understand why Fianna Fáil will facilitate the Government in running away from this issue. This is nothing other than running away from it. Fianna Fáil can talk until the cows come home about bringing the matter to the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach but that has nothing to do with the motion. This motion condemns the interference with an Irish bank by the Israeli Government. It will get away with it unless the parties stand in solidarity with us and vote for the motion as tabled. Otherwise, it is indescribably weak, wretched, miserable and contemptible and a reproach to the decent people in Fine Gael and Fianna Fáil. I referred to Mick Lanigan and Labhrás Ó Murchú. I did not always agree with the latter, but he was a man passionately committed to human rights. Even Fine Gael’s Minister for Foreign Affairs and Trade, Deputy Flanagan, who God knows is no friend to Palestine, said that he was gravely concerned. The Government is not concerned. It just wants to have a “meeting”.

The suggestion about the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach is a worthwhile one. Let us go forward. I appeal to the parties not to call a vote. In my 30 years in Seanad Éireann, never has this kind of amendment been tabled to a motion for which the Government gave time. I will leave it at that.

Amendment put:

The Seanad divided: Tá, 23; Níl, 17.	
Tá	Níl
Burke, Colm.	Bacik, Ivana.
Burke, Paddy.	Black, Frances.
Butler, Ray.	Conway-Walsh, Rose.
Buttimer, Jerry.	Craughwell, Gerard P.
Byrne, Maria.	Devine, Máire.
Clifford-Lee, Lorraine.	Gavan, Paul.
Coffey, Paudie.	Higgins, Alice-Mary.
Coghlan, Paul.	Humphreys, Kevin.
Conway, Martin.	Kelleher, Colette.

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Daly, Mark.	Mac Lochlainn, Pádraig.
Davitt, Aidan.	Nash, Gerald.
Feighan, Frank.	Norris, David.
Gallagher, Robbie.	Ó Céidigh, Pádraig.
Horkan, Gerry.	Ó Clochartaigh, Trevor.
McFadden, Gabrielle.	Ó Donnghaile, Niall.
Mulherin, Michelle.	Ruane, Lynn.
Noone, Catherine.	Warfield, Fintan.
O'Donnell, Kieran.	
O'Donnell, Marie-Louise.	
O'Reilly, Joe.	
O'Sullivan, Ned.	
Reilly, James.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Mark Daly and Robbie Gallagher; Níl, Senators Pádraig Mac Lochlainn and David Norris..

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Seanad divided: Tá, 24; Níl, 15.	
Tá	Níl
Burke, Colm.	Bacik, Ivana.
Burke, Paddy.	Black, Frances.
Butler, Ray.	Conway-Walsh, Rose.
Buttimer, Jerry.	Craughwell, Gerard P.
Byrne, Maria.	Devine, Máire.
Clifford-Lee, Lorraine.	Gavan, Paul.
Coffey, Paudie.	Humphreys, Kevin.
Coghlan, Paul.	Kelleher, Colette.
Conway, Martin.	Mac Lochlainn, Pádraig.
Daly, Mark.	Nash, Gerald.
Davitt, Aidan.	Norris, David.
Feighan, Frank.	Ó Clochartaigh, Trevor.
Gallagher, Robbie.	Ó Donnghaile, Niall.
Horkan, Gerry.	Ruane, Lynn.
McDowell, Michael.	Warfield, Fintan.
McFadden, Gabrielle.	
Mulherin, Michelle.	

Seanad Éireann

Noone, Catherine.	
O'Donnell, Kieran.	
O'Donnell, Marie-Louise.	
O'Reilly, Joe.	
O'Sullivan, Ned.	
Reilly, James.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Mark Daly and Robbie Gallagher; Níl, Senators Pádraig Mac Lochlainn and David Norris.

Question declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Jerry Buttimer: Ar 10.30 maidin amarach.

The Seanad adjourned at 6.15 p.m. until 10.30 a.m. on Thursday, 1 December 2016.