



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

Business of Seanad . . . . .	171
Commencement Matters . . . . .	172
Undocumented Irish in the USA . . . . .	172
Institutes of Technology . . . . .	175
Ambulance Service Accommodation . . . . .	179
National Drugs Strategy . . . . .	181
Order of Business . . . . .	184
Mental Health (Amendment) Bill 2016: First Stage . . . . .	199
Social Welfare Bill 2016: Report Stage . . . . .	200
Social Welfare Bill 2016: Fifth Stage . . . . .	210

## SEANAD ÉIREANN

*Dé Máirt, 13 Nollaig 2016*

*Tuesday, 13 December 2016*

Chuaigh an i gceannas ar 14.30 p.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Business of Seanad**

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

The need for the Minister of State with responsibility for the diaspora and international development at the Department of the Taoiseach and the Department of Foreign Affairs and Trade to set out the plan for advancing the cause of the undocumented Irish and improving links with the diaspora under the new Administration and Congress in the United States.

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

The need for the Minister for Education and Skills to outline how third level education will be funded to ensure the survival and growth of campuses such as the Mayo campus attached to the Galway-Mayo Institute of Technology.

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

The need for the Minister for Health to advise on the current status of the building in which Carlow paramedics and ambulance services are located in view of the fact that it was condemned as not fit for purpose and to state if a suitable alternative location will be provided as a matter of urgency.

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

The need for the Minister of State with responsibility for communities and the national drugs strategy to discuss the inclusion of a community pillar in the new national drugs and alcohol strategy.

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

The need for the Minister for Transport, Tourism and Sport to increase funding for re-

gional and local roads in County Monaghan and throughout rural Ireland to a level commensurate with maintaining roads at an acceptable level.

I have also received notice from Senator Tim Lombard of the following matter:

The need for the Minister for Transport, Tourism and Sport to make funding available for the completion of the Bandon bypass.

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

The need for the Minister for Health to sanction the appointment of additional emergency consultants for Mercy University Hospital, County Cork in view of the large number of people attending the emergency department in the hospital.

I regard the matters raised by the Senators as suitable for discussion. I have selected the matters raised by Senators Billy Lawless, Paddy Burke, Jennifer Murnane O'Connor and Lynn Ruane and they will be taken now. Senators Robbie Gallagher, Tim Lombard and Colm Burke may give notice on another day of the matters they wish to raise.

## **Commencement Matters**

### **Undocumented Irish in the USA**

**An Cathaoirleach:** I welcome the Minister of State, Deputy Joe McHugh.

**Senator Billy Lawless:** I thank the Cathaoirleach for selecting this Commencement matter and welcome the Minister of State, Deputy Joe McHugh, to discuss this important issue. These past few months have proved that we do indeed live in very uncertain times as witnessed by the Brexit result in the United Kingdom, the election of President Donald Trump in the United States and the recent referendum loss for the Italian Prime Minister. They have shown that a groundswell of popular discontent is brewing across the western world. In fact, some even see these wins as a turning point in western democracy and a rejection of so-called globalism, with a return to isolationism and nationalism. The world appears more divided today. Marginal communities, be they immigrants, refugees, Muslims, LGBTQ or people of colour, are feeling unsafe and more afraid in many countries.

On this island we unfortunately understand only too well the dangers of a divided society. We live in a land that has witnessed centuries of bloodshed, social exclusion and emigration, yet today we constantly rank as one of the best places in which to live. I argue that this is in no small measure due to the outward looking and welcoming nature of Irish people and our renewed desire to embrace and respect diversity. In recent times our ability to absorb and integrate so many new immigrants so quickly into the State has been unprecedented in the modern era. It is reflective of our society's inclusive nature. Unfortunately, however, many of the 150,000 Irish immigrants living in the United States do not feel that same sense of welcome of late, especially the 50,000 undocumented Irish.

The issue of immigration was front and centre in the recent controversial US presidential

election campaign. The President-elect even called for mass deportations and a wall on the southern US border. America is a nation of immigrants and home to 40 million Irish Americans, representing all shades of diversity and political opinion. The American people have spoken and Donald Trump will assume office next month as the 45th President of the United States. I can only hope the great strides made in recent years to make the United States a more welcoming country for immigrants will be built on, not undone.

In my adopted home city of Chicago, Illinois, we have passed pro-immigrant legislation that protects families and reaffirms the contributions of all immigrants. The majority of the American people of all political persuasions have consistently shown in poll after poll that they support common sense immigration reform. The Taoiseach has raised the issue of the undocumented Irish and immigration reform with President-elect Trump and Vice President-elect Pence. I welcome the Government's commitment to keeping this issue to the fore with the new administration.

I am also aware that our ambassador to the United States, Ms Anne Anderson, will host a meeting with Irish groups in Washington DC in mid-January to develop a comprehensive united strategy for the undocumented Irish. I ask the Minister of State what the Government's plans are concerning the undocumented Irish in the USA. I would like him to share with this House the Government's strategy to support Irish American community groups on the ground, as well as the plans to engage with Irish America in this new era.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe McHugh):** Cuirim fáilte roimh an gceist seo atá thar a bheith tábhachtach. Bhí mé i mo Sheanadóir ó 2002 go dtí 2007 agus gabhaim mo bhuíochas leis na Seanadóirí as an bhfáilte go dtí an Teach inniu. I thank the Senator for placing this important topic on the agenda. The roles occupied by him and me bear testament to the strong commitment of the Government and the Taoiseach, in particular, to the diaspora. I have had the privilege of serving as the State's second Minister of State with responsibility for the diaspora, following former Deputy Jimmy Deenihan. The role was created by the Taoiseach in 2014. The Senator was nominated to this House by the Taoiseach in recognition of his strong record in advocating for Irish immigrants abroad, particularly in the United States.

I welcome the opportunity to brief the House on our approach to immigration reform in the United States and work to further develop links with the Irish community in that country. This topic is particularly relevant and timely given the recent presidential and congressional elections in the United States. As Senators will be aware, the new President will be inaugurated on 20 January 2017. Members of the House will appreciate the relationship between Ireland and the United States is complex and multi-layered. It is based on shared values, as well as our deep political and economic ties. These links are reinforced by the close family links between our two countries which go back many generations and have been sustained by migratory flows across the Atlantic. The Government is acutely conscious of the issue of immigration reform in the United States. The Taoiseach, the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, other members of the Government and I have regular engagement with the diaspora whenever we travel. Our embassy network also does great work in maintaining links between the diaspora and Ireland, with recent arrivals and those whose forebears left Ireland many generations ago. In my capacity as the Minister of State with responsibility for the diaspora, it is my job to connect with and support Irish communities abroad. I am charged with the implementation of our diaspora strategy and committed to our emigrant support programme. I have seen the benefits of that programme first hand when meeting Irish communities and their repre-

sentatives in cities, including Boston, San Francisco and New York. I acknowledge the Senator's role in part of the visit to Boston where he introduced me to a number of people he knows and in introducing me to the nuances of issues in dealing with those who are undocumented.

I take the opportunity to pay tribute to the immigration centres that carry out important work and ensure the Government is kept apprised of challenges facing the community. That contact is vital and I look forward to further engagement with the professional and committed staff who work on a daily basis with Irish immigrants in the United States, including those who are undocumented. The Government has adopted a two-pronged approach to immigration reform in the United States. We are seeking to regularise the status of those who are undocumented and also pursuing a dedicated quota for legal immigration from Ireland. We have and will continue to press for a solution for the undocumented Irish. The support of politicians in the United States is essential and during my recent visit to Boston, I had the opportunity to meet Governor Baker of Massachusetts, Mayor Marty Walsh of Boston and representatives of local organisations. While a new US Administration and a new Congress will take time to settle in, nevertheless, the Government will continue to pursue this issue in our contacts with the new Administration and congressional leaders and to encourage and promote viable prospects for a solution to the plight of those who are undocumented.

The Government continues to strongly advocate on the issue of immigration reform in the United States at every appropriate opportunity with our contacts in the United States, including at the highest level. The Taoiseach has raised the subject with President Obama on a number of occasions and more recently we are aware that President-elect Trump has made some public comments on his planned policies around immigration. The Taoiseach raised the matter of immigration reform with both President-elect Trump and Vice President-elect Pence last month. Furthermore, the Minister, Deputy Charles Flanagan, raised the matter with Speaker Paul Ryan on 23 November last. Speaker Ryan, a proud Irish-American with a keen understanding of the importance the Government attaches to this issue, indicated that he was hopeful of progress on this issue in the new Congress.

I acknowledge the work of our embassy in Washington DC and our consulates across the United States which continue to set out Ireland's position on immigration reform at every opportunity. I note that Ambassador Anderson will host a meeting with key stakeholders in the Irish-American community, including the Coalition of Irish Immigration Centres, on the issue of immigration reform at the Embassy of Ireland, in Washington DC on 12 January next.

Engagements by the Taoiseach, the Minister and other members of the Government in the United States in mid-March on the occasion of St. Patrick's Day will afford us an early opportunity to engage with the new US Administration at the highest level on issues of concern to Ireland, in particular immigration reform.

**Senator Billy Lawless:** I thank the Minister of State for his response. I am delighted that the Government is looking for a dedicated quota for Ireland, but, unfortunately, we lost 17,500 visas in 1965 and never recovered them. This is one issue I would like to pursue also. Lest I forget, three years ago I lobbied for the Bill that was passed in the Senate. It was a full and comprehensive Bill that had bipartisan support and provision for 10,500 visas in perpetuity for Ireland, but, unfortunately, it never went to the House. The President-elect has threatened that he will rescind President Obama's order for deferred action for childhood arrivals, DACA. More than 740,000 applicants acquired DACA a couple of years ago, a small number of whom were Irish. The President-elect has also threatened to withdraw federal funding for the sanc-

tuary cities, which include Chicago, Boston, New York, Seattle and San Francisco. In those cities, law enforcement officials do not co-operate with the US Immigration and Customs Enforcement, ICE.

It is a worrying time, but the Minister of State is aware of that and I thank him for his response. I will have to keep the pressure on the Government. To be fair to the Minister of State, when he does come, the lobbying is direct, but let us get back to where we were in 1965 by seeking the 17,000 visas we had.

**Deputy Joe McHugh:** I again thank the Senator. I will point to the very real human stories behind the issue. The Senator knows them at a personal level in Chicago and other places. I met someone who had been in the United States since 1986. To put the matter into perspective, that was the year I did what was not the junior certificate but the intermediate certificate examinations at the time. That man has remained undocumented since 1986, which demonstrates the real human impact. Another person told me that he had put his two teenagers on a plane to Ireland, although he could not join them. The Senator knows the stories and has heard the anecdotes too.

The clear message I get from the undocumented Irish in America is that there has to be a solution. There is always a solution. I think that is part of the Irish psyche. Our backs have been against the wall many times. I spoke about the tradition of migratory flows on the other side of the Atlantic, but they have not been just to America directly; they have also been through Canada, as well as to the United Kingdom, in the main, and the rest of the world. It is when their backs are against the wall that Irish people deliver. That is when they try to figure things out. The consistent request that has been made of me in my role is for the Government to sustain the pressure. We are doing it at the highest level. I am open to suggestion from this House and continuing the relationship with the Senator, whose position offers a vital foothold into American communities. We have to keep this issue high on the agenda. I am prepared to return to the United States early in the new year to meet communities there again and keep the issue live.

On a final note and in agreement with the Senator's first remarks, we do live in a different world. It is a world where perhaps minds are dominated by fear, retreat and isolationism. However, the Irish are global in their outlook and confident in facing the worst of adversity. We also are pragmatic and able to come up with common-sense solutions. Given the 36 million to 37 million people who claim Irish ancestry and the massive amount of business conducted on an east-west basis through foreign direct investment in this country and *vice versa*, we have a concrete relationship with the United States. There is hope. We have a duty to figure this out and find a solution.

### **Institutes of Technology**

**Senator Paddy Burke:** I thank the Cathaoirleach for selecting this Commencement matter and welcome the Minister for Education and Skills. I thank him for taking this serious matter related to the Mayo campus of the Galway-Mayo Institute of Technology. It disappoints me greatly to have to discuss what has happened on the Mayo campus of the Galway-Mayo Institute of Technology. The Mayo campus was established following a long and hard fought campaign dating back to the mid-1980s. The case was fought vigorously by chambers of commerce and educational interests. Mr. Paddy McGuinness ran as a candidate in a by-election in County Mayo in 1994. There had been various commitments given by various Governments

over many years, including by the late former Taoiseach Dr. Garret FitzGerald. There was a realisation there was a need for a Mayo regional technical college, as such colleges were known at the time, because Mayo was, geographically, the third largest county in Ireland and a high percentage of students from the county went on to third level education, more than from any other county at the time. Great sacrifices were made by the parents of students from the county. Free secondary school education was introduced in the late 1960s. Parents fought to send their children to third level institutions, with the result that a case could be made to have a regional technical college in Castlebar. It was eventually rolled out, in association with Galway Regional Technical College. It was felt the best possible thing to do was to have a Mayo campus as part of Galway Regional Technical College, as it was known at the time. This approach was accepted and it was expected courses would be established and linked with a major regional technical college.

The Higher Education Authority was the funding model used for regional technical colleges and various outreach campuses throughout the country, but the Mayo campus involves more than just funding. There is a need for a root and branch review of the Galway-Mayo Institute of Technology and the Castlebar campus, not just in terms of money but also from the point of view of governance.

Some people are afraid to speak out, but they should do so. I have received a large amount of correspondence about what is taking place in Castlebar. Part of a letter I received from a woman reads:

Our campus is particularly angry at this sectarian language that is being used because as far as we are concerned we are part of the same reserves/resources. While we would welcome ring-fenced funding and recognise the financial issues with sustaining the campus, this language of “them and us” is actually an issue that has been a feature of the Mayo campus reality for many years.

Recent letters from the Higher Education Authority have referred to such matters. The letter continues:

The Mayo campus has a vibrant, dynamic community of staff that are utterly dedicated to what we do. We have, over the years, come up with multitudes of solutions to the issues we have faced. I am so frustrated by the fact that we want to do our jobs, we want to fulfil our remit to the region, but unfortunately we have been subjected to a sustained attack and cannibalism of our intellectual property by the Galway Campus.

Whenever resources are mentioned, Mayo have to do everything under existing resources (on the Mayo campus), whereas Mayo Campus resources are considered a “pool of resources” to be shared with Galway. In other words, “what’s ours is ours and what’s yours is yours.” We have been subjected to ridiculous levels of scrutiny, way above and beyond what happens on the Galway Campus or other Institutes when it comes to course validation.

That suggests that when the Mayo campus comes up with a course it wants to run, it is subject to undue validation compared to other institutions throughout the country.

The letter continues:

We also know that enquiries for our courses that go to Galway are often met with apathy, misinformation and deliberate attempts to get them on a course in Galway.

When students in Galway inquire about courses taking place in Castlebar and if a similar course is taking place in Galway, people in Galway push them to go to Galway where everything is much better. Of course, we know this well from the health board previously; Galway wants everything at the expense of Roscommon, Mayo and other counties.

As I have said previously in the House, the Mayo campus has been bullied by the Galway campus for many years and strict action is needed. The Minister needs to investigate the matter. The Mayo campus needs to be looked at in detail. It is much more than a funding issue. I ask the Minister to establish a team of investigation to see what is taking place.

**Minister for Education and Skills (Deputy Richard Bruton):** I will deal with the general issue first. I believe regional institutions will be crucial to our long-term competitiveness and ability to ensure the regions can compete and build a genuine sustainable competitive advantage. Everyone recognises that one of the key priorities is not only to build on the 200,000 jobs we have delivered with another 200,000 in the coming period but also to ensure a regional spread. The institutes of education will be crucial in that regard.

We recognise that the entire higher education sector has been under sustained funding pressure. These institutes do not have the same funding model applied elsewhere, with pupil-teacher ratios at primary and second level protecting investment. They have been managing exceptionally well against a background of diminishing resources and rising student numbers.

We are reviewing higher education funding. As the Senator will be aware, this year I received a commitment from the Government to invest €36 million. I have also received a commitment that for the next three years there will be an escalator in order that with, rising student enrolments, there will be an increased commitment worth €160 million. I have also agreed to work with the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, to develop an Exchequer employer investment mechanism. Beyond this, the Oireachtas Joint Committee on Education and Skills is examining the report by Mr. Peter Cassells on long-term funding sources.

A recent HEA report indicated the financial pressure that was emerging in institutes of technology. The HEA met GMIT as one of the bodies experiencing financial difficulties. The HEA has a policy framework in place for engaging with vulnerable institutes of technology which has been triggered in this case. It requires institutes of technology to submit a three-year plan to return them to a balanced budget. If an institute is unable to demonstrate how a return to a balanced budget can be achieved within this timeframe or if actual performance deviates significantly from the plan, the HEA will seek the appointment of an independent financial expert to work with the governing body and the executive management team to agree a revised plan and programme of remedial action.

The first of what is expected to be a series of meetings was held last week between the GMIT executive and the HEA to discuss a number of issues related to the financial position of the institute, including those specific to the Castlebar campus. A financial management plan has been submitted to the governing authority of GMIT and it is expected this plan will be further discussed at the next meeting in January. In the meantime the HEA is continuing to work with GMIT management to address the issues at the institute.

The HEA has reiterated its commitment to multi-campus provision, as supported by the national strategy for higher education. I share that commitment. The HEA has also stated plans



for the future of GMIT must support the sustainable development of all campuses, including the Castlebar campus. The HEA states it is committed to examining the issue of the funding of regional campuses as part of its review of the funding model which is under way.

I am not aware of the evidence supporting the case the Senator made that there has been sectarian language from the HEA. If he wants to bring it to my attention, I will certainly pursue the matter. With allegations of the poaching of students, etc., it appears that feelings are running high.

If we are to develop a successful model to ensure the long-term path for GMIT, including Castlebar, there are issues that need to be overcome. I am not going to establish some special review body in respect of something of this nature.

Clearly, if issues are brought to my attention, I will ensure the HEA investigates them. Having said that, the HEA is developing a relationship with GMIT in the context of the financial difficulties. That is the best route through which these issues can surface and be addressed. We are determined to get a strong institute of technology network for the long term. It is our view that we should see stronger integration of such institutions within a technological university concept. As such, it is our desire to see the merger of various institutions, while preserving the multiple campus locations which are key to regional diversity.

If the Senator wishes to bring forward concerns that need to be addressed in the review, I will be happy to do so. If there is evidence supporting the various matters raised in the emails from which he read, we will happily examine it. However, I am not going to set up a sort of star chamber review of activity. We need to develop a governance model that can ensure the viability of this institution with all of its campuses. That is where our attention will be devoted.

**Senator Paddy Burke:** I thank the Minister for the reply. I have no doubt that he is fully committed to institutes of technology which are required to link with industry. However, I note for the Minister that the Mayo campus has no head. All departments now report to the Galway campus, which is a significant downgrading. The person has handed in her notice. She was put on a one-year contract and left for quite a long period before the contract was eventually handed out to her for this year. She has now resigned. As such, the Minister's Department has to ask why she has tendered her resignation. The Minister said he did not know about these issues and I have no doubt that he did not. They would not have been brought to his attention. As I said, the campus in Castlebar has been bullied by the campus in Galway, which is not good enough. I still ask the Minister at this stage to get some official in his Department to investigate what is going on.

**Deputy Richard Bruton:** Any matter that is brought to our attention will be examined by the HEA in the context of the development of the viability plan. The plan is going to the board which will have an opportunity to consider it. I have to recognise that where an institution is in financial difficulty, there will be higher levels of accountability and scrutiny expected of all parts of it. Demanding higher levels of accountability and scrutiny in the current climate is not necessarily an indication of a vindictive attitude.

I am not familiar with the reason the head of campus has resigned. Of course, that is a decision a person will make, but we will seek to ensure there is proper leadership in the Castlebar campus in order that it can be a full part of the planned development. The key is to ensure this strong institute with a very strong tradition can be protected in a period where there is financial

pressure on the institutes generally. As I say, the wider context is that we are increasing investment in this area and that will be available to all institutions for which they can compete in order that they can deliver improved services.

### **Ambulance Service Accommodation**

**Senator Jennifer Murnane O'Connor:** As this is my second time addressing the Minister of State on this issue, I will just go over why I have called her back for some answers today. Following the health and safety audit of the building in which Carlow ambulance and paramedic services were located, the building was condemned as it was deemed to be not fit for purpose. In the light of this, I asked the Minister for Health for an alternative suitable location. As the Minister of State will appreciate, the ambulance and paramedic staff are a vital asset to Carlow and the south east and give great support to the community, particularly in times of illness and tragedy. The ambulance service in Carlow consists of 18 staff - four women and 14 men - and is based in two prefabs with no hot water, a leaking roof and a sewerage problem. The stores are located in a different building and, as the Minister of State can imagine, having to cross over to a different building during winter evenings is not ideal and puts staff in a very vulnerable position.

On 20 October 2016, I addressed the health and safety audit carried out on the current building. The reply I received from the Minister of State in the Seanad was that works were planned to rectify the issues relating to the shower and the changing room facilities and that the depot was fully operational. It is welcome that the depot in Carlow is still operational, for which I thank the ambulance and paramedic service because it is providing a great service. The Minister of State's reply referred to removing the 15-year old portakabin installed as a temporary measure 15 years ago, fixing the sewerage problem and replacing the portakabin with a new one. I told the Minister of State that something more permanent could be made available to the service. The ambulance and paramedic service in Carlow is located on the campus of St. Dymphna's Hospital and in the past used the old day hospital in this complex as a temporary measure. Renovating this section of the building would be a far more suitable solution where not only the shower and changing room facilities would be addressed but a kitchen area and lockers could be provided. As the Minister of State is aware, the storage area is in a different building; therefore, this would mean a lot. Surely investing money in a new portakabin is not the long-term solution. All things considered, it would be a far wiser and more long-term investment to renovate this old building.

I also contacted the office of the Minister for Housing, Planning, Community and Local Government several times, including on 18 November when I looked for further clarification. Meetings with the paramedics and management have taken place and they have come together to address some of the concerns. My understanding is the old prefab is being done up. That is unacceptable. I do not think that in 2016, 18 ambulance drivers and paramedics should be left in a prefab that is 15 years old. When I originally addressed the Minister of State, she mentioned a new prefab, but I believe there is no word of it. My understanding is that work is ongoing on the old prefab. The reason I called the Minister of State back to the House is I need confirmation about what is happening. I again compliment the paramedic staff because they do trojan work and are located in a building that is unfit for purpose.

**Minister of State at the Department of Health (Deputy Catherine Byrne):** I am taking

this matter on behalf of the Minister for Health. I thank the Senator for raising the issue and giving me the opportunity to update the House on the ambulance base in Carlow.

The National Ambulance Service has experienced ongoing difficulties with a prefabricated building that forms part of the station facilities at Carlow ambulance base in the grounds of St. Dymphna's Hospital. In response to concerns identified by staff and following a review undertaken as part of a health and safety audit, some deficiencies were identified. I understand urgent remedial works were carried out to ensure the immediate safety of the ambulance base. While the base is functional, the National Ambulance Service has engaged with HSE estates in order to explore a number of options with regard to the Carlow base for the longer term, taking into consideration operational and staff requirements and associated costs of options considered. One of the options under consideration is remaining on the St. Dymphna's campus but in a different location. Depending on the length of time it will take to progress the permanent option, it may be necessary for the National Ambulance Service to rent a modern prefabricated structure as an interim solution. However, I am advised that management is engaged on a continuous basis with the staff at Carlow ambulance base. I have also been assured by the ambulance service that there will be no disruption to the provision of emergency ambulance services for the people of Carlow. The House is aware the National Ambulance Service has undergone a significant process of modernisation in recent years and a number of important innovations and developments have taken place. We have established a national emergency operation centre and provided important technology to improve response times. We have developed the intermediate care service to provide lower acute hospital transfers, which frees up emergency ambulances for more urgent calls. We have also established the permanent emergency aeromedical support service to provide more timely responses for people living in rural areas. We are looking at an alternative to the current model of care which requires every patient to be brought to an emergency department. The options under consideration include hear and treat, whereby clinical advice is provided over the telephone for callers who can then, if appropriate, be referred to other care pathways.

The ambulance reform programme is taking place against the backdrop of the HIQA review of the ambulance service published in 2014 and the National Ambulance Service capacity review published earlier this year. The review was undertaken by Lightfoot Solutions. The UK-based consultant firm examined overall ambulance resource levels and distribution against demands and activities. Implementation of the recommendations made in the capacity review will require a multiannual programme of phased investment in ambulance manpower, vehicles and technology. To this end, increased funding will be available to the National Ambulance Service for 2017. The details of the improvement will be provided in the HSE's 2017 national service plan which will be published shortly.

**Senator Jennifer Murnane O'Connor:** I thank the Minister of State for her reply which is the same as the one I received more than a month ago. My real anger is with the HSE and the lack of information I receive from the Minister, Deputy Simon Harris. I am constantly emailing, but I am still none the wiser. Is the new prefab temporary? The Minister of State has said a different area of the St. Dymphna's Hospital campus is being considered, but there is no clarification. I know that small works have been done, which I welcome, but I am asking whether a new prefab will be put in place. Will the service be kept on the campus at St. Dymphna's Hospital in the long term? What is the long-term plan? I have no answers for the people I represent. This is the same answer I received previously, apart from the reference to the small works which have been done. Will the Minister of State clarify the position for me?

**Deputy Catherine Byrne:** There are some similarities in the reply, but a different location is being looked at on the campus. A temporary new prefab is also being considered because of the structural work that must be done. I am not familiar with the campus or the building being considered. It is very clear to me consultation has been taking place with the staff and services in Carlow. I will bring the Senator's remarks to the Minister and hope she will receive a more comprehensive reply.

**Senator Jennifer Murnane O'Connor:** That would be appreciated.

**Deputy Catherine Byrne:** I will relay to him that there does not seem to have been any definite decision in the reply. I certainly will come back to the Senator on this issue. I apologise again, but there are a number of indications that something is happening. On a long-term basis and with immediate effect, more decisions should be made more quickly. I will bring this issue back to the Minister.

### **National Drugs Strategy**

**Senator Lynn Ruane:** I thank the Minister of State for her time. Last week, as I was submitting this Commencement matter for debate, it struck me that what I wanted to discuss was how best the two briefs in the Minister of State's remit could be combined. It is no coincidence that responsibility for communities and the national drugs strategy was placed in the same portfolio, as it seems extraordinarily clear that there is a close and symbiotic relationship between the two issues.

The Health Research Board's report shows that in 2014, 697 drug-related deaths occurred, which represented a 62% increase since 2004. The community has a clear and vital role to play in how we formulate drug and alcohol policy. I call on the Minister of State to formally recognise this crucial role in the new national drugs strategy and include a community pillar. The inclusion of a new community pillar in the national response to drugs would place communities at the centre of the drugs strategy in a number of ways. The principal reason that there is a national drugs strategy in the first place is the actions of besieged and desperate communities in the 1980s. The slow State response to the heroin epidemic that ravaged communities in that period empowered them to apply upward pressure and force the State to respond in the form of the Rabbitte ministerial reports and the establishment of local drugs task forces. As a result, communities became responsible for the creation of a strategy and supporting it from the beginning, despite their role not formally being recognised. I am calling on the Minister of State to give it formal recognition, given the risk of problematic drug use being medicalised and overtly focused on the individual drug user, as well as the risk of a new drugs strategy operating without any reference to the social context in which drug use happens. Drug use is entrenched in communities and, as a result, community participation is central in addressing its multifaceted nature. The strategy's effectiveness would be amplified by unequivocal support for communities on the ground. Community development could be the methodology through which we built bridges between drug users, the wider community and the national strategy. If we do not do this but continue viewing drug use as an issue that only affects the individual, the socioeconomic origins of problematic drug use will not and cannot change.

I hope the call I am making is constructive. It could allow a new national drugs strategy to have a successful and long-term impact. Having a community pillar is a question of creating equality of conditions in people's lives. A new strategy needs to incorporate how we address

the inequalities that result in issues relating to drug use. If the Minister of State wishes the strategy to have a lasting and meaningful impact, we must recognise these inequalities and determine how to change the nature and patterns of drug use and the conditions in the lives of citizens that lead to them in the first place. There is a strong and clear relationship between drug use and inequality. A successful drugs strategy needs to recognise this.

The Department has just completed a public consultation on the strategy. While I welcomed the opportunity given to stakeholders to contribute to policy formulation, I was concerned that the relatively short six-week period might have meant that community organisations were unable to make sufficiently detailed and robust submissions. That is why I am raising this matter. The strategy is nearing completion and a community role would need some time to be developed at a policy level. I call on the Minister of State to include a reference to a community role that would allow her Department and stakeholders to work on the practicalities. I recognise the important work that the Department is doing and that there have been several thousand submissions. I wish the Minister of State well in that endeavour and look forward to working with her when the strategy is complete.

**Deputy Catherine Byrne:** The national drug-related deaths index was published this morning. The figures are shocking. There is a serious issue that needs to be addressed, not only within communities but also by the Government and the nation. I will not say we will continue monitoring the situation, as monitoring is not good enough. Through the national drugs strategy, we will identify why so many people are losing their lives due to addiction and poisoning.

I thank the Senator for raising this issue and giving me the opportunity to outline the development of the new national drugs strategy. The overall objective of the national drugs strategy 2009 to 2016 was to tackle the harm caused to individuals and society by the misuse of drugs. Concern focused on the pillars of supply reduction, prevention, treatment, rehabilitation and research. I am keenly aware from my work in my community that the drug problem is a complex and challenging issue that has damaging consequences for those who use drugs, their families, the wider community and society. The impact of drug-related intimidation and criminality threatens the safety and security of many communities. This has been particularly evident in the light of the recent events in Dublin's north inner city and other areas throughout the country.

Drug-related deaths are a stark reminder of the impact of the drug problem in communities. The latest figures published by the Health Research Board today indicate that almost two people died each day in 2014 as a result of poisoning, trauma or medical causes linked with drug misuse. More than 690 people died in 2014, similar to the number reported in 2013. Many of those tragic deaths were premature, with half of all the deaths in 2004 among those aged 39 years or younger. This illustrates the need for a strategic approach to deliver better outcomes for those affected by addiction.

As the House will be aware, a steering committee has been established to advise me on a new national drugs strategy. The committee has been mandated to develop an integrated public health approach to substance misuse in line with the commitment in the programme for Government to support a health-led approach to drug use.

I am aware that the Senator led calls for the inclusion of a community pillar in the new strategy in the course of the recent public consultation process. While the structure of the new strategy has not yet been agreed by the steering committee, I agree that it is important to maintain the focus on communities, whether it is achieved by having a dedicated community pillar

or through other means.

The Senator is correct in identifying the fact that we received a substantial number of contributions during the public consultation process, but we also had more than 2,000 questionnaires returned. More than 350 submissions were received, with many telephone calls. For the first time there was a real opportunity for communities to participate not only by telephone and through community groups but also by means of a questionnaire. We are processing all of the contributions received. The process will take some time to complete, but we are moving in the right direction.

The Department of Health is developing a performance measurement framework for drug and alcohol task forces which will provide an objective way of targeting funding allocations having regard to the drugs problem and demographic factors in task force areas. This work will feed into the new strategy and help to ensure resources will be directed towards the communities which are facing a higher risk of substance misuse. I understand the steering committee is continuing its deliberations. I look forward to receiving its final report on the new national drugs strategy early in the new year.

**Senator Lynn Ruane:** I wish to make two brief comments. I thank the Minister of State for her contribution. I reiterate how vital the community pillar is, even in underpinning the existing pillars. The vast number of contributions the Minister of State has received shows the level of community participation that is necessary. I urge the Minister of State to include it, notwithstanding any reference in the submissions to the need for a community pillar. The fact that the community sector engaged shows the need for a community pillar, even if it did not have the ability to overtly call for such a pillar. I hope the Minister of State will take this into account when the submissions are being reviewed.

**Deputy Catherine Byrne:** I very much appreciate the Senator's contribution to and participation in the public consultation process. As she is aware, I come from a community-oriented background and know and understand the difficulties and the work being done in communities. This morning I was in Tallaght visiting various groups and was taken aback by the work being done on the ground. If we intend to tackle the drugs problem, the work must begin in the community. It cannot be started in the Taoiseach's office or anywhere else. Actions can only take place if support comes from the top down, but the people who know what is best are working on the ground and living in the communities they represent. They deal on a daily basis with the individuals, including young people, who are being used for criminal activity. They also include older people who for whatever reason have been dragged into addiction problems and find themselves in their late 50s and 60s still very much engaged in substance abuse.

When I have the draft report on my desk, I intend to make sure I will be very happy with the content. All I can tell the Senator is that nothing has been ruled out. I give her a commitment that if I feel something is missing, I will make it very clear to the Department and the Minister for Health that without specific pillars being identified in the report, it will not work. We must bring communities with us as part of the national drugs strategy. They are the ones who on a daily basis try to involve others to have some normality in their lives. I again thank the Senator for raising this very important matter.

*Sitting suspended at 3.25 p.m. and resumed at 3.30 p.m.*

*Seanad Éireann*  
**Order of Business**

**Senator Jerry Buttimer:** The Order of Business is No. 1, Social Welfare Bill 2016 - Report and Final Stages, to be taken at 4.45 p.m.

**Senator Catherine Ardagh:** I refer to the lack of protection for private defined benefit pension schemes, particularly the Independent News & Media, INM, pension scheme dispute. Last week the Minister for Social Protection, Deputy Leo Varadkar, sought legal advice from the Attorney General in an effort to intervene in the dispute. It was a very admirable move by the Minister who said: "I have asked the Attorney General if I can intervene on behalf of the public interest in this case to essentially ask the courts to do what was done previously in relation to Aer Lingus, for example, where the company would have to engage and negotiate with the trustees before going ahead with this." Today I ask the Minister to be a super-hero again in this House where he will actually have an opportunity to bring forward legislation to protect defined benefit pension schemes. Senator Alice-Mary Higgins has tabled an amendment to the Social Welfare Bill which was previously tabled by Fianna Fáil in the Dáil and the Seanad to prohibit the closure of a defined benefit pension scheme, except where it has reached a minimum funding figure of 90%. The amendment has been ruled out of order. However, I call on the Minister to support a Bill that will be tabled by Fianna Fáil very early in the new year which will reflect the body of that motion. I ask him to make a very firm commitment that he will support the Bill which will deal with the protection of defined benefit pension schemes before any more are closed. This is a matter which needs to be addressed promptly.

**Senator Joan Freeman:** I propose an amendment to the Order of Business that No. 15, Mental Health (Amendment) 2016, be taken before No. 1.

**Senator Trevor Ó Clochartaigh:** Ba mhaith liom dea-scéal a chéiliúradh i dtosach báire. I welcome the announcement yesterday and the information that followed it that Kleber Silva Medeiros, for whom we had campaigned in the Houses, was to be allowed to return home after the deportation order against him had been revoked. I thank the Members of the Houses and the Leader for intervening, as well as the Minister for allowing and making this happen. At a further date, we can examine why it happened, but today it is great news for him and his wife, Harriet Bruce. Itinerary permitting, it is hoped he will be able to travel home for Christmas.

We have been proved right that we were being sold a pig in a poke when we debated the issue of rent certainty in the House in recent weeks. There was an awful lot of talk and we were told to wait to see the rental strategy as it was going to solve all the problems and that the Government would tackle all the issues in the rental sector. We argued vehemently that we did not have faith in it and, on an initial reading of the strategy for the rental sector, I am afraid my fears have been realised. Rather than putting a brake on rent increases, the document will allow landlords to increase rents by 4% every year for the next three years. At the core of the strategy is a guaranteed rent increase of 12% over three years. That will continue to heap more pressure on struggling renters and lock low income families and single people out of the rental market. Thanks to the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, a family renting an average home in Dublin at €1,500 a month will pay an additional €4,500 in rent in the next three years. In Cork city families will be out of pocket by an extra €3,200 over the same period. For those living outside these so-called rent pressure zones, rents will continue to rise. As I have constantly intimated to the Minister, the latest quarterly rental report for *daft.ie* shows that tenants in Galway city face an average annual

rent increase of 10.9%. In Limerick it was even higher, at 13.2%. The rental strategy will do nothing for those in Galway who are struggling with their rents. When debating legislation on the matter recently, Fianna Fáil stated it would revisit the issue if the Minister did not deal with it in a meaningful way. It will be time to do so if the legislation to enable the rental strategy is brought before the Houses in the next week or so. I hope Fianna Fáil will be on side with us. We need to discuss these issues with all parties and groupings across the Houses to ensure proper rent certainty is introduced.

I welcome the efforts made by the Minister for Children and Youth Affairs, Deputy Katharine Zappone, for the refugee children being brought here. However, she also has a crisis on her own doorstep in the context of the child care regulations to be introduced in January, but she is burying her head in the sand. I have been inundated with calls from centres that may well have to close down because they will not be able to comply with the regulations within the time specified. Workers who have been working in services for years may have to relinquish their jobs because they do not have FETAC level 5 qualifications, which will be required. It is totally and utterly impractical to expect this measure to be implemented in January. In Gaeltacht areas it is even more difficult because they are looking for people with Irish to fill positions. Furthermore, wages in the sector are one of the reasons it is so difficult to find staff as it is. We need an urgent response from the Minister. She needs to rethink what she wants to impose from January onwards because it simply will not work. It will put people out of business and close down services.

**Senator Colette Kelleher:** I welcome today's announcement of the rental strategy and commend the Minister for Housing, Planning, Community and Local Government for delivering it before the end of the fourth quarter, as promised. As referenced by Senator Trevor Ó Clochartaigh, we all know that it is a really important strategy. One in five now lives in rented accommodation and depends on us, legislators, to regulate and manage the sector effectively. I look forward to examining how the proposals included in the strategy measure up in terms of rent certainty, security of tenure, supply, standards, services, the new rent pressure zones and how they will work, the tenancy *in situ* arrangements, the increased number of inspections and the commitment to create longer tenancies with the end goal of creating tenancies of indefinite duration. Like most things, the devil will be in the detail. I would welcome an opportunity to have a debate on the detail of the rental strategy as soon as possible. In particular, I would like to cross-reference the strategy against submissions made by civil society groups such as Threshold, Simon Communities, Uplift and others. I would be grateful to the Leader if he were to invite the Minister to the House for such a debate.

**Senator Ivana Bacik:** I call on the Leader to arrange a debate on the issue of fossil fuel divestment. One year on from the historic Paris agreement on climate change I am delighted to say yesterday Trinity College Dublin became the first university in Ireland to sign up to fossil fuel divestments following a 15-month student campaign, Fossil Free TCD, and that the college will now sell up to €6 million worth of investments in oil companies as part of a global movement for divestments in fossil fuels. Some 677 institutions have pledged to divest from fossil fuels as part of a major global divest-invest campaign. I was delighted to join some of the students from the Fossil Free TCD campaign and the students' union earlier today outside Leinster House to highlight the campaign. We had a debate on climate change last week and will have a series of statements on climate change, but I would like us to examine fossil fuel divestment which can play a major part in resolving issues surrounding climate change. I commend Trinity College Dublin and all of those involved in the campaign for signing up to this. It is to be hoped



other universities and institutions throughout the country will follow.

I also welcome the publication of the House of Lords' report yesterday on UK-Irish relations after Brexit. It is worthwhile and welcome to see it placing such a priority on the need to ensure preservation of the Good Friday Agreement and the peace process and making the key point that Northern Ireland must not be relegated to a mere bargaining chip in tough negotiations between Britain and the European Union. It is a very welcome report which makes some sensible proposals about how best to ensure a soft border will be maintained on the island after Brexit. I had the pleasure earlier of meeting Hilary Benn, MP, who is the chairperson of the Exiting the European Union Select Committee and will speak at a Labour Party seminar today as part of an ongoing process of an examination of and discussion on Brexit. We will discuss the matter with the Committee on Procedure and Privileges. I would welcome a debate and discussion at the Committee on Procedure and Privileges on how the Seanad could best play a role in the negotiations on Brexit and have an input into the process.

I note the appalling situation in eastern Aleppo. There are reports of brutalities and at least 82 civilians have been killed. Some 11 women and 13 children were shot as they tried to flee from a brutal Syrian and Russian Government bombardment of eastern Aleppo. The United Nations has called it a complete meltdown of humanity. I have called many times for a debate on the situation in Aleppo and Syria and the House unanimously passed a motion condemning the bombardment of Aleppo, with which I went to the Russian ambassador. We questioned the Russian ambassador and pro-Syrian regime representatives who came before the Joint Committee on Foreign Affairs and Trade. The latest carnage we are seeing in eastern Aleppo is appalling. We may see an endgame, where the moderate secular opposition will be entirely wiped out in Syria. It is distressing to see what is happening. I ask that we have a debate on the matter in early course.

**Senator Maria Byrne:** I welcome the announcement yesterday by the Minister for Tourism, Transport and Sport, Deputy Shane Ross, on the Shannon Estuary drive following calls from me for the inclusion of Limerick in the Wild Atlantic Way. I am glad that the Minister has announced the initiative. It will be a touring route and a pilot scheme will be run in conjunction with Fáilte Ireland. It will involve an inland visitor experience. It is linked from Foynes which is already on the Wild Atlantic Way to Killimer, County Clare. It will benefit small businesses and the hospitality and tourism industry. The initiative also ties in with the timely announcement by Paul O'Connell of rugby fame on his appointment to head the new interactive rugby museum on the main street in Limerick. Limerick is synonymous with sport and tourism. That these initiatives have been announced at the same time is very positive. I welcome both and hope they will work together in attracting tourists to our streets.

**Senator Robbie Gallagher:** I would like the Leader to ask the Minister for Education and Skills, Deputy Richard Bruton, to address the shortage of substitute primary teachers in primary schools. School principals are reporting that they are finding it increasingly difficult to get substitute teachers on a short or long-term basis. Last week a number of principals highlighted that, in seeking maternity leave cover, some 25 texts had been sent, but, apparently, only one reply was received. Another principal said that when a request was sent for maternity leave cover, no one responded to the advertisement. Last summer a firm recruiting teaching staff for Dubai recruited 50 primary schoolteachers in one hour. They were offered lucrative contracts in Dubai for two years, including paying for rent. That is what we are competing against. It is a serious issue that we need to address. I ask the Leader to raise with the Minister for Education and Skills the number of substitute teachers available. There are indications that the figure

could be as low as 50. What plans, if any, does the Minister have to address the issue in order that it will not become a serious problem?

**Senator Gerard P. Craughwell:** I join Senator Ivana Bacik in congratulating the British House of Lords on an excellent report on Brexit and UK-Irish relations which makes some excellent suggestions. For those who have not read the report, I recommend that they do. I was somewhat disappointed as I felt more people would have been interested in meeting the delegation from the House of Lords. I understand they had bilateral meetings with political parties yesterday. I was delighted to be with Senators Neale Richmond and Paul Coghlan in meeting Lord Jay. What the House of Lords has done is extremely important. It has put itself out front and centre, showing concern for the relationship between our two islands, which is vital. That matter needs to be followed up rapidly. They would probably welcome some more interaction between this House and the House of Lords, something we should consider in the not too distant future.

Senator Ivana Bacik also referred to the situation in Aleppo. Every few days or weeks we hear something about Aleppo. When we go home and switch on the television, we look at rubble, which is all that is left of that city, and talk about the horror of it. Does anybody really give a continental damn? It seems to be caught in the middle of a political argument between the great powers and nobody seems to care. When I look at what is there, one would not put children out to play in it. However, children have to be brought up and educated in it and hospitals are trying to run in it. I agree with Senator Ivana Bacik that we should have a debate in this House, but I would invite the Russian ambassador to sit in on it as a guest in the House to hear what is being said because clearly he is not listening. We might also get the US ambassador to sit beside him and get them all to listen to what is being said. Somewhere along the line the message is falling on deaf ears.

**Senator Ray Butler:** I welcome last week's report from the Department of Communications, Climate Action and Environment on the impact of a potential nuclear accident at the Sellafield plant. The report outlined four scenarios, with an estimated loss to this country of between €4 billion to €161 billion. In the worst case scenario the impacts would extend to 60 years, although the most substantial economic impacts would arise in the first 30 years. Four new plants are set to come on stream in Britain. I have done some homework on them and if any of the Senators is interested, I have maps showing where they will be located. The development at Hinkley Point on the Celtic Sea has been given planning permission. There is one in Oldbury, one in Wales, Heysham and Sellafield. Chinese investors and French companies are involved in a €16 billion investment. The British taxpayer is looking for cheap electricity. It looks like Montgomery Burns in Britain because it is all about the shareholder, not the people. We need the Minister to come to the House for a debate on what the Government is doing. Is it monitoring the position, including the security issues? The British Government has failed to come up to scratch when it comes to the Sellafield plant and in the process is badly letting down the Irish people. We have a huge issue with four new plants coming on stream. There are seven new nuclear plants in France, four of which are up and running, with the other three to come online in the near future. They are in our back garden and there they are for everybody to see. What are we doing about it? We have to go over and see what is going on and have our input. As far as I can see, we are doing nothing about it. The problem is being hidden away. Do we start to go back and issue iodine tablets again? We have seen the destruction the Sellafield plant has wreaked on the Irish Sea. Certain areas were decimated when all of that poison was leaked into the Irish Sea. Let us not make the same mistakes again. Let us go and see what is going on.

**Senator Máire Devine:** Ireland's reputation as a country that facilitated - yes, I use the dreaded words - tax avoidance on a grand scale over successive decades was brought back to the fore in recent days with the publication of a report by Oxfam. We have to get real on this issue. The poverty rates and inequality we have allowed to develop in our society can never be addressed as long as we continue to allow companies to avoid tax on such a grand scale. The Government, through the Minister for Finance, Deputy Michael Noonan, has totally rejected these findings, as has the Department of Finance. They have stated that, as a country, we did not meet any of the international standards to be considered a tax haven and that our corporation tax rate and incentives do not make the country a tax haven. That is fine and we would expect nothing else. However, it does not mean that we have to agree with such sentiments. We certainly and absolutely do not agree with them. Sinn Féin has questioned the tax collection methods for corporation tax for years. The so-called double Irish was closed because of massive pressure internationally, in particular from the European Union. We were then able to come up with a replacement scheme in the knowledge box. We should be charging the applicable rate of corporation tax in its entirety and ending poverty in this country. I can anticipate the response from the Leader. He will say we are ruining Ireland's reputation, are anti-jobs and always negative. I will write the script for him.

**Senator Jerry Buttimer:** I thank the Senator very much. I will not bother to reply to her.

**Senator Máire Devine:** There have been too many question marks surrounding tax collection for years, most recently in the case of Apple. Sometimes, one just has to call a spade a spade. I am calling for a debate on the findings of the Oxfam report and how we can go about collecting the effective rate of corporation tax, with zero reductions. Citizens deserve it.

**Senator Alice-Mary Higgins:** I want to highlight two issues quickly, but before doing so, I note that I was disappointed our amendment to the Social Welfare Bill which we will discuss later was ruled out of order. It is a missed opportunity. I urge the Leader to engage with the Minister for Social Protection to ensure he is proposing some solid and meaningful alternative way to take action in the case of Independent News & Media on the specific issue of its pension funds. While I know that we will have the opportunity to debate that issue properly later, an opportunity has been missed and we will certainly be expecting a very solid and clear message from the Minister when he attends the House later.

I was very happy to be part of the fossil-free divestment moment outside the Houses of the Oireachtas today. It is becoming a burning issue and very important. While Trinity College Dublin has moved ahead with divestment, I am happy to see that NUIG has also made a commitment to divest from over €3 million in stocks it holds in fossil fuels. I commend the fossil-free NUIG campaign for driving it.

On the question of the environment and climate change, when the Minister for Transport, Tourism and Sport, Deputy Shane Ross, attended the House a few weeks ago, he was asked about his plans for cycling in Dublin and the national cycling strategy. We now know that Dublin has won the opportunity to host Velo-city, the largest international conference globally on cycling. It is a key opportunity. Therefore, I urge the Leader to ensure that when the Minister for Transport, Tourism and Sport comes to talk to the House about his commitments related to climate change, he will make sure cycling is specifically addressed.

With the Cathaoirleach's permission-----

13 December 2016

**An Cathaoirleach:** I will let the Senator in, but-----

**Senator Alice-Mary Higgins:** It is simply one sentence.

**An Cathaoirleach:** When a Member other than the leader of a group stands up, he or she can only raise one issue. Senators frequently break that rule and go on about other issues. The Senator spent one minute talking about debate and ran out of time. If she is very brief, I will let her in, but in the future, I cannot do so. She should remember that she cannot be the second speaker and the leader at the same time. I must have rules.

**Senator David Norris:** On a point of order, when was the rule that a Senator could only raise one topic introduced?

**An Cathaoirleach:** It has always been in place.

**Senator David Norris:** No, it has not.

**An Cathaoirleach:** The Committee on Procedure and Privileges passed it the last time and my predecessor enforced it.

**Senator Alice-Mary Higgins:** I will be very brief. It is a matter of some urgency. I am simply asking that in reflection of the motion on the situation in Aleppo that was passed unanimously in this House, the Leader remind the Government of the motion and urge it to take immediate action to press for a ceasefire. I know that we have talked about a debate. We have seen those on the ground who called for a three-day ceasefire now call for a three-hour ceasefire to ensure extraordinarily vulnerable citizens will have an opportunity to get out and access safety. The issue is urgent. I would love it if the Leader reported back - perhaps even tomorrow - on whether the Government had been able to reflect the motion by pressing for a ceasefire wherever possible.

**Senator Frank Feighan:** I also welcome the report by the House of Lords on the implications of Brexit. It is fascinating that it was announced simultaneously in Dublin and the United Kingdom. It argues that the British political establishment misunderstands the nature of free trade and overstates the negotiating position of the United Kingdom. It also argues that it is a huge challenge for Ireland, the peace process and the special nature of UK-Irish relations. We must welcome the report and thank the committee for being as generous as it was. It has looked for bilateral talks with the Irish Government. I do not think this can be done on a formal basis, but they certainly need to be agreed to by the European Union. We have come a long way in the past 40 years and can now have open debate, dialogue and conversations. I agree with Senator Gerard P. Craughwell. This House should do a lot more in forging relationships with all of the parliaments on the islands of Ireland and Great Britain because we have done so through the British-Irish Parliamentary Assembly. It is generous, open and the way forward. Once again, we must ensure there is a special solution for the special nature of UK-Irish relations.

**Senator David Norris:** Will the Leader consider arranging debates on non-Government motions Nos. 9 and 11? They concern the massacre of people in Iran in 1988. I think there was general agreement in the House that this was an important issue.

I return to the issue raised by Senator Máire Devine, namely, the Oxfam report released yesterday. It is a devastating report because it exposes the world's worst tax havens. Ireland is at No. 6, which is staggering. When one considers that developing countries lose out on \$100

billion annually, it is pretty serious. Countries like Ireland provide incentives and loopholes for multinational corporations in a way that is extremely damaging. There are two main reasons Ireland is on the list. First, it facilitates large-scale corporate tax avoidance and, second, it has not implemented effective rules to prevent this from happening. The allowance of inward profit sharing by US multinational corporations is worth an estimated €93 billion in excess profits.

That is an extraordinary figure and we are allowing this issue to go on under the guise of silence. In addition, Ireland has produced no data or research to demonstrate it has made any effective attempt to address this situation. It has also failed to support country by country reporting through the European Union. That would make a huge difference because multinational corporations produce a global account system that does not indicate the countries in which the profits are actually generated. They are then chiselled out of their due rights. I put this in the context of the statement made by the Taoiseach on 7 September this year that we are a strong supporter of tax transparency, that administrative co-operation is a key factor in tackling the global problems of tax avoidance and aggressive tax planning and that the core principle underpinning this work is that tax should be paid where economic activity takes place. I agree absolutely, but let us see some action on it. These are fine words, but the behaviour of the Government contradicts them. If we are cleaner than clean, why is it that Brazil has ruled that Ireland is a very low tax or no-tax country? This effectively adds us to those countries on its tax haven black list. This is a very important matter that deserves discussion in Seanad Éireann.

**Senator Victor Boyhan:** I know that the Leader has a motion on Thursday, but we are coming to the end of our session and I want to know when the next Stage of the Planning and Development (Housing) and Residential Tenancies Bill will be taken. I understand time has been set aside until midnight for the meeting of the select committee of the Dáil, which is not a matter for us and it is ongoing. More than 180 amendments have been tabled. There is a very tight timeframe for how we will do our business to complete the process next week. The Bill is due to come back to the Seanad next Tuesday. Will the Leader tease out what will happen? I am led to believe from my contacts that it will be very difficult to turn around the amendments and have a report ready for us for next Tuesday. There is a timeframe and it may mean that the Seanad will need to meet next Wednesday; I do not know. It would be helpful were the Leader to address these details tomorrow. There is an awful lot of work to be done. I understand the Department and the officials expect to come here and there will be further amendments. We need a passage of time to see how it will spin out in the coming days.

**Senator Colm Burke:** The documentary broadcast last night, “The Crossing”, did a very good job in showing how the Naval Service and the Defence Forces worked to save lives, as well as their dedication and commitment to their job. They work very much as a team to ensure the maximum number of people can be saved in their rescue missions in the Mediterranean. I also compliment the producers of the programme. It is a huge lesson for all of us about the difficulties of people who are forced to take very dangerous craft to try to get a better way of living and live in a safer jurisdiction. My compliments to everyone involved.

We have a major problem in the private nursing home sector. In the public sector the cost was allowed to increase by 13% over a five-year period, but in the private sector, an increase of 1.7% only has been allowed in the amount paid by the National Treatment Purchase Fund, NTPF. There is no right of appeal once the figure is set for a nursing home bed. There is also a major problem, whereby the HSE is recruiting people from private nursing homes and offering them packages the private sector cannot afford to pay. In the public sector HSE nursing homes

cost €1,700 per bed, whereas the NTPF is paying as little as €800 per week in the private sector. This major issue must be examined. Will the Leader bring it to the attention of the Minister and arrange for a debate on it?

**Senator Terry Leyden:** I second Senator Joan Freeman's proposed amendment to the Order of Business that the Mental Health (Amendment) Bill 2016 - First Stage be taken before No. 1

Will the Leader invite the Minister for Communications, Climate Change and Environment, Deputy Denis Naughten, to the House to discuss Coillte's discontinuation of the Compass Club afternoon courses? This issue was highlighted today by-----

**Senator Jerry Buttimer:** I am sorry, but will the Senator repeat what he said, please?

**Senator Terry Leyden:** The Compass Club afterschool courses. The matter was highlighted on Joe Duffy's "Liveline" programme today. It was a worthwhile exercise on the part of that show. The clubs which are organised by Coillte allow young people aged between six and 12 years to study nature, wildlife and forestry. An educational programme, it has been operated by experienced people after school. As and from the end of December, however, the Compass Club afterschool courses will be dropped. They give children a foundation in outdoor skills and activities, running one day per week over six weeks. Courses are available throughout the school year; therefore, if a child misses one, another will start. Someone from Killarney National Park spoke on today's programme. Senator Paul Coghlan might be aware of him. The man was 67 years of age and delighted to get the opportunity in September to work with and help young children, but he received a telephone call on Friday to tell him that the programme had been discontinued. We gave 600,000 ha of countryside to Coillte. It is a poor excuse to blame the programme's discontinuation on Brexit export issues. A PR company sent a message to "Liveline", but that company will get more money than the whole programme would have absorbed. This is a Scrooge-type operation ahead of Christmas. It is unfair. Coillte is a semi-State company that has our land. I call on the Leader to take up the issue on behalf of the young children of Ireland who are interested in the programme.

**Senator Paul Gavan:** I refer to the situation in Yemen where every ten minutes a child dies of starvation and 400,000 children are facing that stark fate in the coming months. Ten thousand people have been killed in the civil war. We are playing our part in that war. We helped to bring cluster bombs - imagine that - through Shannon Airport to Saudi Arabia in November 2014. The Government's information confirmed this in the reply to a freedom of information request. A total of 272 flights with various materiel, including bombs, were permitted to pass through Shannon Airport in 2014. I am glad to say the Government has since taken decisive action, in that it has decided not to release information now. Let us call a spade a spade. I concur with those who express concern about the situation in Aleppo. As for inviting the Russian ambassador to Leinster House, however, we are in no position to talk while we are supporting the bombing of men, women and children in Yemen on a daily basis through the use of Shannon Airport. Are we pretending it is not happening? I would like to hear from other Senators in the Chamber. It should not just be Sinn Féin raising this topic.

**Senator David Norris:** It is not. I have called for the establishment of an inquiry into the use of Shannon Airport.

**Senator Paul Gavan:** I apologise. The Senator has been strong on the issue.

**Senator Ivana Bacik:** It has been raised at the foreign affairs committee many times.

**Senator Paul Gavan:** Given that the Labour Party, in particular, recognised that there was a problem at Shannon Airport five years ago and had the issue incorporated in the programme for Government, I do not understand the silence on that front. During its five years in government there was silence on the use of Shannon Airport. It is time we all faced up to our responsibilities in that regard. We can have no credibility talking about the situation in Aleppo until we tackle the elephant in the room and confront the fact that, according to the Government's figures, cluster bombs were transferred through Shannon Airport. Therefore, I am calling for the Minister for Foreign Affairs and Trade to come to the House. I have been calling for that consistently week after week. I hope he will come in as soon as possible after Christmas in order that we can debate the issue and hear what everyone has to say.

**Senator Paul Coghlan:** I, too, add my voice of support in respect of the House of Lords European affairs committee's report, Brexit: UK-Irish Relations. I was delighted yesterday, with colleagues, to meet Lord Michael Jay and his colleagues and to have met Lord Tim Boswell, chairman of the committee, some time ago when he visited us. They also visited in the course of their talks in Northern Ireland in Belfast and consulted rather widely. They also consulted two former Taoisigh who I gather were very helpful to them. The key point is this is a useful and positive report. The committee has shown great interest and understanding, I might say, of our situation *vis-à-vis* the North and the various agreements and how we must protect all that is involved, which has also been embodied in European law. We are virtually on the same page as them, but it is also very important at this time and will be in the future because there will be many more developments and twists on the road before Article 50 is invoked by the British, not least the Supreme Court judgment to come in January. I am very much of the view offered previously by Senator Ivana Bacik. I appeal to the Leader to pursue this matter further at the Committee on Procedure and Privileges because it behoves us to have continuing contact with that committee - this House with that House - to advance matters further. I accept that lawfully, under standing agreements, we cannot negotiate separately or make arrangements bilaterally until the button has been pressed, that is, when Article 50 is invoked. However, there is nothing to prevent us from continuing to do good work behind the scenes in order that, I hope, when the time comes and we are formally engaged in negotiations, the European Union will be able to give its blessing, if not fully, then at least substantially, to what is in the best interests of Ireland and Britain, in particular the island of Ireland.

**Senator Ned O'Sullivan:** I note that over the weekend there was talk again about draining the River Shannon, which is wonderful, but I would like to have a debate in the new year about the Shannon Estuary. I seek a wide comprehensive debate on the estuary and its pivotal role in the infrastructure of the mid-west region and especially its key role in ensuring energy security in the country. I have raised this issue *ad nauseam*. Members are sick of me talking about it, but we have had some of the most successful industries along the estuary, including the Aughinish Alumina plant in Foynes, the Tarbert power station and the Moneypoint power station, but very little has happened in the past decade, apart from a lot of talk and political promises made on all sides. People are now fairly sick of it. There is a major project in the offing, of which the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, is very well aware. In fairness to him, he has taken a good interest in it and has received a number of delegations from the community, business interests and foreign investors on a liquified natural gas project which I mentioned previously in the House. I ask the Leader to investigate the possibility of moving the issue forward in the House. It is something that would be of in-

terest, in particular to Members from counties Galway, Clare, Kerry and Limerick - the entire mid-west. Something fruitful could emerge in the near future.

**Senator Jerry Buttimer:** I thank the 19 Senators who spoke for their contributions on the Order of Business. The opening contribution was from Senator Catherine Ardagh on the INM defined pension scheme. We are all united on the need to take a common approach to the issue and the events that have occurred which have left many of us aghast. The reality is that it is a private pension scheme, in which the Minister has no direct role, but he has asked the Attorney General for advice on the matter. He has also met the chairperson of the Pensions Authority to discuss defined benefit schemes. What is disappointing is that even if action can be taken, it cannot have retrospective effect, which is a worry. The standard model about which some have been speaking does not necessarily do what one wants it to do. Having spoken to the Minister for Social Protection, Deputy Leo Varadkar, and his departmental officials, I know that they are anxious to try to do something. It is a matter of whether it can be done.

I am sorry that Senator Alice-Mary Higgins is no longer present. I am disappointed that she has left the Chamber. To be fair, she should be here, like other Senators who raised matters on the Order of Business. The amendment to which she referred was not ruled out of order by the Leader. It was ruled out of order because it was not in order and the Senator was given the reason. It was not a decision taken by the Leader.

**Senator David Norris:** It was fairly specious.

**Senator Jerry Buttimer:** There are higher beings than us who make decisions.

**Senator David Norris:** There are no higher beings than Members of Seanad Éireann.

**Senator Jerry Buttimer:** Absolutely.

**Senator David Norris:** They are positively angelic.

*(Interruptions).*

**Senator David Norris:** Seraphims and Senators. It is in the Bible.

**An Cathaoirleach:** Le do thoil.

**Senator Jerry Buttimer:** It would be better if we left it in the hands of others. However, the amendment was not ruled out of order by me, although that impression was given. It was ruled out of order by others in authority. I respect and accept their decision. We should all work together to ensure we find a solution to the vexing issue, with which we are all unhappy and uncomfortable.

**Senator David Norris:** Without being rude to the Leader, I wish to raise a point of order.

**An Cathaoirleach:** I am interested in the point of order the Senator wishes to raise.

**Senator David Norris:** On this occasion, it is a point of order. Will the Chair remind the Leader that it is regarded as inappropriate to refer to the absence of a Senator which he did in a marked fashion? There may very well be a good reason such as having to take an emergency telephone call.

**An Cathaoirleach:** That is not a point of order.



**Senator Alice-Mary Higgins:** I would like it to be noted that I am now present in the Chamber.

**Senator David Norris:** The Senator is one of the Members who does not-----

**Senator Alice-Mary Higgins:** I left the Chamber for two minutes.

**Senator Jerry Buttimer:** It was not marked. It is a very important matter and to be fair, I was not singling anybody out. I do not mean to be pompous, but every day one sits through the Order of Business and may discover that some of the 19 Senators who have spoken have left. There can be genuine reasons, but if a Member raises a matter on the Order of Business, the least he or she can do is wait for the reply at the end of it.

**Senator Alice-Mary Higgins:** I was here for almost all of the Order of Business. I left the Chamber for two minutes.

**An Cathaoirleach:** Let us move on.

**Senator Alice-Mary Higgins:** I want the position to be clarified.

**Senator Jerry Buttimer:** Let me make it quite clear that I was not referring to anybody in particular, but the Senator raised the Independent News & Media issue.

**Senator David Norris:** Yes.

**An Cathaoirleach:** The Leader was entitled to mention it. He could have ignored it. There was a ruling by the last Leader of the House that if Senators raised an issue on the Order of Business and left, it would be ignored. The Leader did not say it in a defamatory way.

**Senator Jerry Buttimer:** I did not say it at all.

**Senator Alice-Mary Higgins:** My remarks were not in any way defamatory of the Leader. I was only acknowledging regret about the decision made, while not attributing it to the Leader.

**An Cathaoirleach:** The Senator has made her point.

**Senator Jerry Buttimer:** Senator Joan Freeman made a request. I will be happy to accept her amendment to the Order of Business, for which I thank her.

We all join Senator Trevor Ó Clochartaigh in congratulating the Medeiros family and welcoming the good news of Kleber's impending return. It shows the importance of highlighting the humanity of a story. It is a lesson for all of us that the people we meet in our constituency offices have genuine cases, although some may not. In this case, however, it was genuine, as the Minister, or whoever made the decision, recognised. I commend the Senator and the Minister for the decision taken.

On the rental strategy, this is an important day. The Minister for Housing, Planning, Community and Local Government will be back in the House with the Bill. The strategy to ensure rent certainty recognises that the rental market is not delivering, either for tenants or landlords. Therefore, we need a strong and viable rental market for those who want to rent and to provide landlords with a secure investment environment. The Minister's decision is based on a number of objectives, including the provision of security, ensuring greater tenure, rent certainty, supply, standards and services and broadening the remit of the Residential Tenancies Board. The

Minister has done a lot of good work, for which he should be commended.

As regards rent pressure zones in Dublin and Cork, annual increases have been above 7% in the past year or 18 months.

**Senator Trevor Ó Clochartaigh:** It is the same in Galway.

**Senator Jerry Buttimer:** Okay.

**Senator Trevor Ó Clochartaigh:** What is the Minister going to do in Galway?

**Senator Jerry Buttimer:** The Senator can make the case for Galway to the Minister when he comes into the House.

**Senator Trevor Ó Clochartaigh:** Will he be here before Christmas?

**An Cathaoirleach:** Please allow the Leader to respond.

**Senator Jerry Buttimer:** Sometimes I wonder if Members read schedules at all? The Senator knows full well that the Minister will be back before the House.

**Senator Trevor Ó Clochartaigh:** Good.

**Senator Jerry Buttimer:** Perhaps if the Senator attempted not to make snide remarks and play the political game, he might achieve better results, rather than going the old Sinn Féin way.

**Senator Paul Gavan:** Is that results for landlords?

**Senator Jerry Buttimer:** I know that the Senator does not want to go down the old ways of Sinn Féin and that he is trying to come to new ways.

**Senator Trevor Ó Clochartaigh:** The Leader is talking nonsense.

**Senator David Norris:** It is a chest infection.

**Senator Trevor Ó Clochartaigh:** He is diverting attention from the pig in a poke.

**Senator Jerry Buttimer:** Let us work together. There are many positives in the strategy.

**Senator Trevor Ó Clochartaigh:** Nonsense. The Minister has sold us a pig in a poke.

**Senator Jerry Buttimer:** The strategy deserves to be given a chance. There are many varying viewpoints, but the Senator always says everything the Government states is nonsense.

**Senator Trevor Ó Clochartaigh:** I do not; that it is not true.

**An Cathaoirleach:** We need to move on and not get bogged down.

**Senator Jerry Buttimer:** Reference was made to the Minister for Children and Youth Affairs, Deputy Katharine Zappone.

**Senator Trevor Ó Clochartaigh:** I do not always talk nonsense.

**Senator Jerry Buttimer:** I agree with the Senator that there is an issue to be discussed because there are child care provisions against which there is a serious question mark. I will be

happy to work with the Senator on the issue. I have already met the Minister in that regard. She is aware of the issue and I will be happy to have her come to the House to discuss it.

Senator Colette Kelleher welcomed the national strategy. To be fair to her, she has expertise in this matter. As Senator Trevor Ó Clochartaigh knows well, the Minister will be in the House again before Christmas.

Senator Ivana Bacik proposed we have a debate on the issue of fossil fuel divestment, as did Senator Alice-Mary Higgins. I congratulate the Trinity College Dublin Senators on being the first to raise the issue. It is part of a conversation the State needs to have.

On the situation in Aleppo, all Senators agree that there is a need for international action sooner rather than later because it has moved beyond what is acceptable. As Senator Gerard P. Craughwell said, the pictures and images are real life.

I join Senator Maria Byrne in welcoming the announcement made on the Shannon Estuary drive. I thank her for being an advocate for it, especially the area around Limerick and its inclusion in the Wild Atlantic Way. I also welcome the new rugby museum.

Senator Robbie Gallagher raised a very topical issue - the lack of substitute teachers. I will be happy for the Minister for Education and Skills to come to the House to discuss the issue.

Senators Gerard P. Craughwell, Frank Feighan and Paul Coghlan raised the issue of Brexit. The House of Lords report is a very fine tome which Members should read and reflect on during the holidays. There is a lot of very interesting commentary and observational analysis contained within it. It includes the line, “The implications of Brexit for Ireland are therefore more profound than they are for any other Member State”, which is correct. Another line that struck me was, “The implications of the 23 June referendum result for UK-Irish relations are often overlooked, at least on this side of the Irish Sea”, which is not an unfair comment.

**An Cathaoirleach:** The Leader should not quote too much from the report as he might spoil our Christmas reading.

**Senator Jerry Buttimer:** I will put it to one side. I will hide it from the Cathaoirleach in order that he will not see it. Brexit presents a huge challenge for us. As the Minister said yesterday, we will not have the ability to have a bilateral relationship between the United Kingdom and Ireland-----

**Senator Gerard P. Craughwell:** Not yet.

**Senator Jerry Buttimer:** -----but under the umbrella of the European Union, it is important that we all find common ground. Any negotiation must recognise the importance to this state of the North-South axis and the axis of the North and this island with England, Scotland and Wales. It is impressive that this is one of six reports that have been published. It is one that we will discuss at the Committee on Procedure and Privileges tomorrow. I hope the House can play an active role in that regard. There will be no objection from this side of the House to any of us being able to play a significant role in the matters to be discussed related to Brexit.

Senator Ray Butler spoke about the Sellafield plant. I will be happy to ask the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, to come to the House to discuss the matter, as well as the growth in the number of nuclear power plants in the United Kingdom. The Senator has raised the issue before in the House.

13 December 2016

Senators Máire Devine and David Norris spoke about the Oxfam report. I will remind the Senators of what is stated in it. I reject any allegation that Ireland is a tax haven because it is not. What the report actually states is-----

**Senator David Norris:** This is a corporate tax haven.

**Senator Jerry Buttimer:** First, Ireland does not meet any of the international standards to be considered a tax haven. Second, we are fully compliant with international best practice when it comes to transparency and the exchange of information.

**Senator Máire Devine:** Why is the Leader-----

**Senator Jerry Buttimer:** Does the Senator want me to reply?

**Senator Máire Devine:** No, because I think I know what the answer will be.

**Senator Jerry Buttimer:** The Oxfam report includes Ireland's 12.5% corporation tax rate as one of the factors in calling it a tax haven.

**Senator David Norris:** No, it does not.

**Senator Jerry Buttimer:** Yes, it does. The Senator should read the report.

**Senator David Norris:** I have it in front of me.

**Senator Jerry Buttimer:** Its inclusion is in keeping with Sinn Féin's policy of increasing the corporation tax rate, driving jobs out of the country in the process.

**Senator Trevor Ó Clochartaigh:** Nonsense.

**Senator David Norris:** The report states Ireland facilitates corporate tax avoidance.

**Senator Jerry Buttimer:** It also lists the tax incentives offered by Ireland as being features of a tax haven, which is simply not true, as the Senators know well.

**Senator David Norris:** The Leader said it did not state that; now he is saying it does.

**Senator Máire Devine:** Yes.

**Senator David Norris:** The Leader said the report did not state Ireland was a tax haven.

**Senator Jerry Buttimer:** I know that it is nearly Christmas week, but can we all take it down an octave?

**Senator Máire Devine:** No, because if one does not tell fibs-----

**Senator David Norris:** I would love to be able to take it down an octave, but I have a squeaky voice.

**Senator Jerry Buttimer:** The Oxfam report lists the tax incentives offered by Ireland as being features of a tax haven. That is what it states, but it is not true.

**Senator Máire Devine:** Who says it is not true?

**Senator Jerry Buttimer:** Ireland has a limited number of targeted incentives that are fully

in line with international best practice. I challenge the Senators to come back to the real world and recognise that Ireland is not a tax haven. We are fully compliant. The House knows from the Minister for Finance, in the context of the knowledge box and from the update he published on budget day on Ireland's international tax strategy which highlights our continuing efforts in that regard-----

**Senator Trevor Ó Clochartaigh:** Does the Leader also believe in Santa?

**Senator Colm Burke:** Does the Senator believe in job creation? There are 200,000 more people at work-----

*(Interruptions).*

**An Cathaoirleach:** If there are further interruptions, I will suspend the sitting for 15 minutes. This is most ridiculous. Will Senators, please, allow the Leader to respond?

**Senator Jerry Buttimer:** Senator Alice-Mary Higgins raised the issue of climate change and also referred to the national cycling strategy. In that regard, I join her in congratulating Dublin City Council. I will arrange for the Minister for Transport, Tourism and Sport, Deputy Shane Ross, to return to the House in the new year to discuss the issue.

I will be happy to discuss with Senator David Norris the items to which he referred on the Order Paper. It probably will not happen before Christmas, but consideration will certainly be given to having them discussed.

**Senator David Norris:** I thank the Leader.

**Senator Jerry Buttimer:** Senator Victor Boyhan referred to the Planning and Development (Housing) and Residential Tenancies Bill 2016. It is scheduled to complete all Stages in the Dáil on Friday. As agreed at the meeting of group leaders on Wednesday, it is the intention to take it in this House on Tuesday afternoon. We can sit as late as we want on Tuesday. It will certainly be-----

**Senator Paul Coghlan:** If that is the case, we should do it on Wednesday.

**Senator Jerry Buttimer:** I ask the Senator to, please, allow me to finish. As Leader of the House, I have to take into consideration the needs of Members and their staff, Seanad staff and staff in the Minister's office, which is why we should try to get it done on Tuesday. There will be ample time to do so, given that the amendments will be presented to the Dáil this week. If passed, they will be contained in the Bill that will be brought to this House. There will be no changes, if Members know what I mean. There will, therefore, be no new information. I do not see a need to do anything other than what we have already agreed to, that is, to sit on Tuesday. I will be happy to discuss the matter with Senators.

**Senator Gerard P. Craughwell:** More than 180 amendments have been tabled.

**Senator Jerry Buttimer:** As Members know, all of the amendments will not be accepted or agreed to. All of the Government's amendments might not be accepted either. In the interests of fairness and not wishing to be obstructionist, we should wait until Thursday morning or afternoon. However, it is my intention, as agreed to at the meeting on Wednesday, to bring the Bill to the House to be debated next Tuesday. I will not rush it through, but I do not think there will be a need to sit other than on Tuesday.

13 December 2016

**Senator Gerard P. Craughwell:** There will be no further amendments allowed at that stage. Is that correct?

**Senator Jerry Buttimer:** Yes. It is an amended Bill that will be brought back to this House.

Senator Colm Burke referred to the programme “The Crossing” which was shown on RTE last night. I commend the producers and narrators on the programme. On behalf of all Members, I pay tribute to the members of the Naval Service and the Defence Forces for the fine work they do.

Senator Colm Burke raised a very important issue. He has been a very strong champion of nursing homes and public and private relationships. I will be happy to have the Minister for Health, Deputy Simon Harris, come to the House to discuss the issue of recruitment by the HSE from the private sector to the public sector.

Senator Terry Leyden referred to the Compass Club, which is run by Coillte. I was not aware of the issue until he raised it. I am amused that the club is being stopped, given that we are living in an era in which alternative energy sources are being promoted and there is a need to promote awareness of the environment. The Senator made a very good point in that regard. If a PR company was involved, it would probably earn more than those providing the courses. I will be happy for the Minister responsible come to the House to discuss the issue. The Senator could also submit a Commencement matter on the subject.

**Senator Terry Leyden:** Time is running out.

**Senator Jerry Buttimer:** I accept that. I understand the Minister responsible is a constituency colleague of the Senator. It is a very interesting point.

Senator Paul Gavan referred to the situation in Yemen and the loss of life in the ongoing civil war. I have already replied to him on the use of Shannon Airport. He could submit a Commencement matter in order to bring the Minister responsible to the House to discuss the issue. We all join him in condemning killing and highlighting the need to preserve and protect life in the region. Any of us interested in a resolution of the conflict recognises that it cannot be allowed to continue.

I have addressed the matter raised by Senator Paul Coghlan.

Senator Ned O’Sullivan referred to the Shannon Estuary. I will be happy to have a debate on the issue in the new year.

**An Cathaoirleach:** Senator Joan Freeman has proposed an amendment to the Order of Business: “That No. 15, Mental Health (Amendment) Bill 2016, be taken before No. 1.” The Leader has indicated that he is prepared to accept the amendment. Is it agreed to? Agreed.

Order of Business, as amended, agreed to.

### **Mental Health (Amendment) Bill 2016: First Stage**

**Senator Joan Freeman:** I move:

That leave be granted to introduce a Bill entitled an Act to provide that all children must be admitted to child appropriate inpatient psychiatric units and providing that no child shall be admitted to an adult psychiatric inpatient unit (voluntarily or involuntarily) save in exceptional circumstances where such admission is in the child's best interests.

**Senator Gerard P. Craughwell:** I second the motion.

Question put and agreed to.

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

**Senator Joan Freeman:** Next Tuesday.

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

Second Stage ordered for Tuesday, 20 December 2016.

*Sitting suspended at 4.35 p.m. and resumed at 4.45 p.m.*

### **Social Welfare Bill 2016: Report Stage**

**Acting Chairman (Senator Catherine Noone):** Before we commence, I remind Senators that a Member may speak only once on Report Stage, except the proposer of an amendment who may reply to the discussion on it. On Report Stage each amendment must be seconded.

**Senator Gerard P. Craughwell:** I move amendment No. 1:

In page 7, to delete lines 17 to 20 and substitute the following:

“ (a) by the substitution of the following for the definition of “public office holder”:

“ ‘public office holder’ means a member of the European Parliament for a constituency in the State, being a member who is in receipt of the salary specified in section 2(2) of the European Parliament (Irish Constituency Members) Act 2009;”

and

(b) by the deletion of the definition of “public body”.”.

The Minister is welcome back to the House. This is the same old hobbyhorse, as the Minister said himself.

**Acting Chairman (Senator Catherine Noone):** Who will second the amendment?

**Senator Gerard P. Craughwell:** There are plenty of Members who will second it.

**Senator David Norris:** I second the amendment.

**Acting Chairman (Senator Catherine Noone):** It is a formality.

**Senator Gerard P. Craughwell:** As I pointed out on Committee Stage and the Minister

has also pointed out, nobody would buy an insurance policy on which they could never draw down. Class K PRSI is just such a policy. It is an insurance policy for which every Member of the Oireachtas, many in the public service and those who have unearned income are forced to pay 4% of their income and they get precisely nothing for it. I ask the Minister to accept the amendment. If he does not do so, I ask him to consider immediately after Christmas replacing class K PRSI with a tax. I am quite happy to pay 4% and I am sure those who have unearned income are well able to pay it. If we cannot do it this way, let us do it the other way.

**Senator Denis Landy:** I thank the Minister for returning to the House for the debate on Report Stage. Unfortunately, I was unable to be here last week, but I was watching the debate online. On the issue of class K PRSI, the Minister specifically gave a commitment that councillors who had exceeded the age of 66 years would no longer pay. He also made the comment that councillors who had been paying it since it was introduced through the financial emergency measures in the public interest, FEMPI, legislation would be given the option of buying back their stamps, in other words, the years they had lost. If a councillor has paid since 2010 - it will be seven years by the time the Minister introduces the ministerial order to change this - will the Minister allow a retrospective measure with regard to the 4% already paid? As was pointed out by Senator Gerard P. Craughwell last week, any of us can buy a stamp for €660 per annum. The Minister will allow councillors to do this, but they have already paid 4% per annum for no benefit. If we look at the figures, they should be allowed to get back the stamps they have lost, or should have had for those years, at no cost because they have already paid approximately €600 per annum towards class K PRSI from their miserly salaries of €16,500. If the Minister is to be fair about it, there should be a retrospective measure to the date councillors began to pay under the FEMPI legislation. Will the Minister comment on this?

It might sound a little confusing, but it is very clear. We have taken 4% from councillors, which equates to the same amount as if they were paying for a full stamp since the introduction of the FEMPI legislation. If we allow them to buy it back retrospectively, surely the Minister will have to accept that they have already bought it and give them credit in stamps back to the first day of the FEMPI legislation. This is a very important issue. Many councillors throughout the country are in their mid-50s. They have committed to full-time public service. If they do not get the stamps back, they will not qualify for a full State pension when they reach 66 years of age. I have been contacted by several people as, I am sure, have other Senators. They cannot make back the stamps any way other than this. The Minister cannot charge them for something for which they have already paid. Will he comment on this? It is very important.

**Senator David Norris:** I hope the Minister will do something to address this matter. I understand - the Minister will perhaps nod if I am correct - that Members are subject to the same provisions, in that we are charged 4%. Previously, the Minister called this grossly unfair. Perhaps he did not say "grossly", but he did say it was unfair and wrong in principle. He then made the argument that there was a cosmetic aspect and that it would not go down well with the public if public servants were seen to get justice. This is just justice. One does not get charged PRSI only to be unable to claim any of the benefits. That would be a nonsense.

The Minister should have courage and remove the 4% charge, particularly in the light of Mr. Horgan's report on the Garda. In it he outlined the average income of gardaí. I do not begrudge them it, but it is approximately what we get in the Seanad. Many get a great deal more than Members of this House, yet they are not subject to this silly tax.

I urge the Minister to examine the matter. He has acknowledged that it is unfair and unjust



in principle. Politicians should be prepared to stand up for themselves. We in these two Houses are making decisions, which are sometimes very important, on behalf of the entire country. There are many in middle management who get a great deal more than we do, yet they are only making decisions for their individual companies. We are making decisions for the State. It is crucial work.

People dismiss politicians as an elite. I do not see anything wrong with elites. It means the chosen, the best. Of course, we want the best representing the people. There are 4.5 million or 5 million people in the country who elect a couple of hundred to represent them. Surely to God, that means that Members are worth something, for example, the same treatment as the ordinary citizen. Ordinary citizens are not charged tax for which they receive no benefit.

**Senator Alice-Mary Higgins:** Is this my only opportunity to speak during the debate?

**Acting Chairman (Senator Catherine Noone):** As the other amendments have been ruled out of order at this stage, the Senator may only speak to this amendment.

**Senator David Norris:** Can we not speak to the section?

**Acting Chairman (Senator Catherine Noone):** No, only to the amendment.

**Senator David Norris:** Yet we can interrupt when it is ruled out of order.

**Acting Chairman (Senator Catherine Noone):** The Senator can keep interrupting and we can be here all night if he likes-----

**Senator David Norris:** That would be splendid.

**Acting Chairman (Senator Catherine Noone):** -----but he can only speak to the amendments.

**Senator Alice-Mary Higgins:** I am supportive of amendment No. 1, but I will also speak to those amendments that have been ruled out of order because I believe-----

**Acting Chairman (Senator Catherine Noone):** The Senator cannot speak to those amendments, only to this one.

**Senator Alice-Mary Higgins:** Then I will speak to the wider question of the Bill. At what point will I get to do so on Report Stage?

**Acting Chairman (Senator Catherine Noone):** We really only speak to amendments on Report Stage.

**Senator David Norris:** When passing the Bill at the end of Report Stage, it is usually allowable for Members to comment.

**Acting Chairman (Senator Catherine Noone):** A comment, more than a critical analysis.

**Senator Alice-Mary Higgins:** I will comment.

**Senator Kevin Humphreys:** At the end of the Bill.

**Acting Chairman (Senator Catherine Noone):** I will allow the Senator to speak then.

**Senator Alice-Mary Higgins:** I will reserve my right to comment at that stage. I just want to ensure I will get the opportunity to do so.

**Acting Chairman (Senator Catherine Noone):** That is fine. I will put the question. Actually, I must invite the Minister to speak. I was doing away with him.

**Minister for Social Protection (Deputy Leo Varadkar):** I am sorry to disappoint Senators, but I will not be able to accept the amendment. It proposes that class K-----

**Senator David Norris:** The Minister would be able to accept it. He is just not going to do so.

**Deputy Leo Varadkar:** I am not going to do so. If abolished, the class K contribution of 4% made by a range of public officeholders, including the President, Members of both Houses and members of the Judiciary, would result in increases in net pay of up to €8,000 for some politicians and judges. Class K contributions were introduced at a time when the State was experiencing an unprecedented financial crisis. Payment of class K contributions was one of the measures that ensured public officeholders contributed to the resolution of the crisis. In particular, the introduction of these contributions meant that officeholders in general paid the same marginal rate of all statutory deductions from their salaries as most employees.

It is not clear if the Senators submitting the amendment envisage any other change in the PRSI liabilities and associated cover for the relevant officeholders. The amendment does not provide for this. It only provides for the abolition of the levy. Even were that not the case, I am unsure as to whether it would be appropriate for the State to extend additional cover.

The key benefit available under the social insurance system is the State contributory pension. As I said, most officeholders have very generous occupational pension arrangements already. Any extension of cover for the State contributory pension to officeholders would have to be done in conjunction with the examination of the current occupational pension arrangements. Again, it is simply not sustainable or desirable that public officeholders would gain a State contributory pension on top of their existing occupational pension.

As I indicated previously, I will be speaking to my colleagues, the Minister for Finance, Deputy Michael Noonan, and the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, about this issue. It is complex and does not relate solely to PRSI. It would have to be examined having regard to occupational pension entitlements generally and the potential alternative that Senator Gerard P. Craughwell suggested, namely, replacing the measure with a tax. I understand the value of public service pensions, including the faster accrual schemes, is something the Public Service Pay Commission has been asked to take into account in its work. Accordingly, it is not opportune to start recalibrating and enhancing the benefits for officeholders at this stage.

I can understand the valid point the Senators are making, which is that officeholders must pay class K PRSI at a rate of 4% but receive no benefits from it. Senators are asking whether it should be a matter of not receiving the benefits or replacing the system altogether with a tax. That is not something I can deal with in isolation. It must have regard to the whole issue of public sector pay, pensions for public servants and tax. I really need to have a conversation about this with the Ministers for Finance and Public Expenditure and Reform to determine-----

**Senator David Norris:** I am not looking for a tax. Senator Gerard P. Craughwell may be,

but I am certainly not.

**Deputy Leo Varadkar:** The House may also wish to note that during the crisis, class K contributions also were introduced for employed persons and certain occupational pensioners under the age of 66 years. These contributors also became liable for an additional class K liability without gaining additional entitlements based on the payment of that additional charge. While these contributions were already covered for all or certain benefits, any removal of class K liability for officeholders might have impacted on them also.

With regard to councillors, the Bill provides for councillors to be moved to class S, the self-employed class. This affects councillors aged 66 years and older. They will not have to pay PRSI at all if aged 66 years or older, bringing them into line with employees and self-employed persons. It also means that from January onwards, their contributions will count towards their PRSI record for the State contributory pension and other benefits.

I want to clarify the position for officeholders and other contributors who wish to make voluntary contributions on the extension of the deadline for application which I announced last week on foot of the amendment tabled by Senator Alice-Mary Higgins. The deadline for application will be extended to five years from the beginning of January 2017. Anyone who last paid contributions as an employee or self-employed worker in 2012 may apply to become a voluntary contributor in respect of all the intervening years, provided he or she satisfies the necessary qualifying criteria. It is not that the local authority members will get their class K contributions turned into class S contributions. I do not believe we could do that for them and not for others also. It means, however, that, as with everyone else, they would, if they had been paying PRSI in some form up to 2012, be able to make voluntary contributions in respect of it, provided they satisfy the necessary criteria. I understand the argument in favour of a refund, but this measure was brought in as a recession measure, just like the FEMPI pay cuts and welfare cuts imposed on many people. There would be something rather anomalous if we paid a refund to a group of politicians and did not do the same for everyone else who had taken a pay cut in different ways during the period in question.

*5 o'clock*

**Senator David Norris:** Can the Minister confirm that the crisis is over?

**Deputy Leo Varadkar:** I can, although I cannot confirm that the financial emergency is over.

**Senator Gerard P. Craughwell:** I thank the Minister for his somewhat expected answer. He is correct that class K was introduced in 2011 as our way of showing – God help us and save us – that we were suffering like the ordinary working man and paying 4% of our salary and getting nothing for it. As we were smart enough, however, to allow for voluntary contributions, we could still receive the contributory old age pension. The truth of the matter is that it was a nonsense. It was a fudge for the public to pretend that we, in some way, were suffering in the same way as they were. That is not the Minister's doing. He just happens to be in the chair and I have every sympathy for him as he tries to push this Bill through the House. The bottom line is that when we talk about the Public Service Pay Commission and various other matters, we should have the commission consider this House as much as the poor old public servant who is operating at the bottom of the scale in some clerical grade. Let us take everything into account when talking about this. If we really want to be on par with our colleagues in the public service, let us apply the same principles to ourselves.

I wonder whether the next Taoiseach will be on a career-average pension, rather than on a Taoiseach's pension. These are the sorts of steps we need to take if we really want to be consistent across the public service. This is a tax. It was nothing else but a tax. It was designed to be a tax purely to serve as a fudge for the people to indicate that we in some way were suffering the way they were. It is not the Minister's doing. He has the opportunity to fix it and I believe he will. It is just not opportune at this time. As my colleague, Senator David Norris, said, let us not be afraid of the public. I do a good day's work here. I work from every Monday to every Friday. I do not believe I have to apologise for my existence. I took a goddamned pay cut of €8,000 a year to sit here. Therefore, I make no apology for anything.

**Senator David Norris:** Hear, hear.

**Senator Gerard P. Craughwell:** At the end of the day, we have to stop being afraid of what the people will think.

We saw recently that members of An Garda Síochána got a miserable settlement to bring them somewhat close to where they should be. What did they do then? Two days later, they came out and said a garda was worth €100,000 per year. This has to stop. We should stop pandering to the popular media and start dealing with things in a real, rational way. I appreciate what the Minister is trying to do with the Social Welfare Bill, on which I am 100% behind him. It is an awful pity he cannot extend it to wipe out this nonsense completely.

As Senator Denis Landy said about councillors, it is outrageous that we are not going to convert contributions into a contributory old age pension for all those who have paid 4% and are over 66 years of age. If that is not done for them, they should be given back the money. The State has stolen the money from them by taking 4% of their salary on the pretence that it was for social insurance. They are not to be given social cover when over 66 years and they are not going to be given their money back. That is thievery of the worst sort. Let us play the game straight. I really believe the Minister should re-examine the issue of entitlement to a contributory old age pension for men and women who served this country for many years in their local authorities. I make no apology to the public for saying that.

I thank the Minister for his time and courtesy.

**Senator Denis Landy:** On a point of order, will the Minister clarify a point? He mentioned backdating for five years to 2012. I recollect that the FEMPI legislation was commenced in 2010. Why is there a two-year difference? We are talking about a small number of people. For the Minister's information, there are approximately 330 full-time councillors in the country. Of these, only one third, or 120, are directly affected.

**Senator David Norris:** They all have votes in Seanad elections.

**Senator Denis Landy:** Of course, they have and they can also vote in party leadership elections. Why will the Minister not backdate to the very start, or to when the FEMPI legislation was implemented, thus allowing councillors to get their PRSI stamps from that time? Why is he using a five-year period dating back to 2012?

**Acting Chairman (Senator Catherine Noone):** That is not a point of order. I must put the question.

**Senator Denis Landy:** Could I first get an answer to the question? In fairness to the Min-

ister, I believe he is willing to answer.

**Deputy Leo Varadkar:** There were a couple of factors. I believe the FEMPI legislation in question dates from 2011, but I will double-check it. The basic principle I applied to any change to social insurance treatment for councillors was that they should receive fair treatment, not special treatment. That is why they will continue to pay PRSI but on the same basis that it is paid by an employee or self-employed person. I am loath to do anything that would not be done for any other group such as converting one stamp to another, introducing retrospectivity or allowing retrospective contributions. We will have another Bill in the late spring or early summer with a number of reforming measures and there is a chance between now and then to look at this issue to see if we can do something that way.

Amendment put and declared lost.

**Acting Chairman (Senator Catherine Noone):** Amendments Nos. 2 and 3 are deemed not to be relevant to the subject matter of the Bill and have been ruled out of order.

Amendments Nos. 2 and 3 not moved.

Question proposed: “That the Bill be received for final consideration.”

**Acting Chairman (Senator Catherine Noone):** I will allow some brief comment at this stage.

**Senator Alice-Mary Higgins:** I wish to make a quick couple of points. For clarification, the particular measure on voluntary contributions which I acknowledge was accepted by the Minister related to all people and they will have a period of five years in which they can make voluntary contributions following their last previous contribution. I was thinking especially of women returning to the workplace in that context, but it may be of use to many. On the question of refunds and moving on, there are sectors that are getting a refund. The building and banking industries are able to write off current profits against previous losses.

I will focus on the Bill and will be brief. I again express my regret at the measure related to child benefit. I am concerned about it and look forward to seeing the regulations, but I believe that element of the Bill is wrong-headed. I acknowledge that the Minister has accepted my amendment on voluntary contributions, for which I thank him. It was important and will make a very practical difference in many people’s lives in Ireland, particularly those of women, and is some small gesture towards starting to address the gender pension gap. It was unfortunate that we were not able to move forward on the homemaker’s credit in the budget and I expect that we will. The homemaker’s credit system we have in place - the homemaker’s disregard system - means that there are people, predominantly women, in Ireland who have made 520 contributions, that is, have made the full number of required contributions and who are still not receiving a full contributory pension owing to a trick of technicality. There is a huge issue of unfairness. The fact that it is expensive is no justification for not addressing it and it is a damaging issue of trust.

That leads me to my more substantive concern. It is very unfortunate that Members did not have the opportunity today to discuss and move forward in taking action on the shocking situation with the Independent News & Media pension fund. My proposals would have been a way of doing so and I regret that they were found to be out of order. I am surprised that amendment No. 3 was deemed not to be relevant to the subject of the Bill since its subject was the subject

of the Bill. I want to highlight some key concerns. In that amendment I simply proposed a well tested model from the United Kingdom which would ensure solvent companies-----

**Acting Chairman (Senator Catherine Noone):** The amendment was ruled out of order.

**Senator Alice-Mary Higgins:** I will speak-----

**Acting Chairman (Senator Catherine Noone):** I have allowed particular leniency.

**Senator Alice-Mary Higgins:** Excuse me, I am entitled to speak to the Bill and this is my slot to speak.

**Acting Chairman (Senator Catherine Noone):** The Senator is only allowed to make a brief comment.

**Senator Alice-Mary Higgins:** I have to make a number of points that relate to the Bill because they relate also to what the Bill is not doing that it had the opportunity to do. I will not speak at length on this issue, but I will point out that the proposals were within the OECD guidelines and part of that wider package of pension reforms that was debated in great depth on Committee Stage in this House. The proposals were part of that wider picture and, as I have indicated, we have also debated this issue in the debate on the Finance Bill. There has been a shocking betrayal of trust in the payments and what has been done with the Independent News & Media pensions, especially around the 2013 agreement. I am not the first person to raise this issue. It is relevant because it was raised with reference to the Social Welfare Bill in 2014 and in 2015 by Deputies Róisín Shortall and Willie O’Dea. Time and again the opportunity has been given to take action on this measure and the opportunity has not been seized in between. That is unfortunate. In 2013 many of those who worked in Independent News & Media took a 40% loss in their pension fund. We must bear in mind that it is not just journalists who lost; it was also administrators, some of whom went from a pension of €23,000 down to €14,000. Decisions made at the recent emergency general meeting by Independent News & Media will mean that pensions for similar administrators - many of whom are women - will be only €8,600 and €16,000 in some cases. There are also many couples working at the company who will suffer double losses. There is a very real impact and this was an opportunity to take action. It is of real concern because the response is what previous Ministers for Social Welfare always replied; they always said they would address this issue through the Pensions Authority or the trustees and that it was their role. We have seen a massive disrespect for the Pensions Authority and the trustees. The chairman of the trustees of Independent News & Media said there was no legal or moral justification for the fund being cut. We know that the company is solvent and that it has €86 million in cash reserves.

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

**Senator Alice-Mary Higgins:** My simple request is that as, unfortunately, we have no opportunity today to put this forward as part of the Bill, the Minister indicate how he will meaningfully move forward on the issue.

**Acting Chairman (Senator Catherine Noone):** The Minister cannot do so on this Stage.

**Senator Alice-Mary Higgins:** It has been indicated-----

**Acting Chairman (Senator Catherine Noone):** I remind Senators and to clarify that on Report Stage they can only speak to the amendments that are allowable. I ask the Senator to,

please, conclude and take her seat. I invite Senator Kevin Humphreys to make some brief concluding remarks. That is what this section is for, if Senator Alice-Mary Higgins does not mind. I do not make the rules.

**Senator Alice-Mary Higgins:** I understand that. We have a pattern-----

**Acting Chairman (Senator Catherine Noone):** The Senator has been shown some decent leniency.

**Senator David Norris:** On a point of order, I understand there is usually provision at the end of the Bill, when it is passed-----

**Acting Chairman (Senator Catherine Noone):** We are not yet at the end of the debate on the Bill.

**Senator Alice-Mary Higgins:** My apologies, I was told that this was the end of the debate on the Bill.

**Senator David Norris:** We are asking for guidance.

**Senator Alice-Mary Higgins:** This is the end of the debate on the Bill.

**Acting Chairman (Senator Catherine Noone):** It is only on relevant matters at the end of the debate on the Bill.

**Senator Alice-Mary Higgins:** This is a relevant matter.

**Senator David Norris:** Or we could talk about the whole Bill. That is my experience in 30 years in this House.

**Acting Chairman (Senator Catherine Noone):** On the Social Welfare Bill.

**Senator David Norris:** Yes.

**Senator Alice-Mary Higgins:** Yes, the Social Welfare Bill. I am speaking to the Social Welfare Bill. I am speaking not just to this Social Welfare Bill but also to the Social Welfare Bill of last year and the one of the year before, in each instance where this issue was flagged. If this is not the home for that amendment or that action, I urge the Minister to find a home and a way to take action on this issue. We know that there has been absolute concern about it. It is one which merits action, as I know that the Minister has also indicated. I ask that he move forward-----

**Acting Chairman (Senator Catherine Noone):** The Senator has made her point. I thank her.

**Senator Alice-Mary Higgins:** There will be a board meeting. There are meetings happening now. I also urge meaningful engagement with the trustees and the Pensions Authority and that it not simply be a *fait accompli*.

**Acting Chairman (Senator Catherine Noone):** In fairness, that is not relevant.

**Senator Alice-Mary Higgins:** This is a plea to the Independent News & Media board. I will conclude. I am moving away from the issue. This is my point and it is the one we made extensively on Committee Stage. I will come back to the others. It should not be a crisis. This

was the most predictable issue. We know that people grow older. It is even more predictable than people being born and needing shelter. It should not be a crisis because it is something that should have long-term thinking, shared responsibility, planning and trust.

**Acting Chairman (Senator Catherine Noone):** The Senator's point has been well made.

**Senator Alice-Mary Higgins:** I ask the Minister to introduce those measures on the public contributory pension and champion the long-term thinking, shared responsibility, planning and trust with reference to other areas. That would be fundamental to the introduction of any universal supplementary scheme in the future. We need to rebuild trust in this area. I urge the Minister to give some indication on this matter.

**Senator Kevin Humphreys:** I do not intend to go over all of the points made by Senator Alice-Mary Higgins, but I will reiterate one comment made by her on fairness. We have a real significant problem with fairness in pension provision. The Senator said pensions should not be a crisis, but the fact is that they are quickly becoming a crisis. This is not just the case for defined benefit schemes, it also relates to how the State is going to fund future pension liabilities. As we are coming out of the financial crisis, for the past five years survival was the important element. Now we must start planning for the next five, ten and 15 years. The Joint Committee on Social Protection is already starting to look at the challenges posed for the State by pension provision. I ask the Minister to reflect on defined benefit schemes. It will not just affect the Independent News & Media fund. As we will have another crisis and then another, we may as well face up to it and deal with it now in the case of Independent News & Media pensioners to make sure they have some fairness.

**Acting Chairman (Senator Catherine Noone):** They can be dealt with in other legislation.

**Senator Kevin Humphreys:** The challenge for the State lies in how it will provide in future years for people who will be receiving pensions.

**Acting Chairman (Senator Catherine Noone):** I thank the Senator. His point has been well made.

**Senator Catherine Ardagh:** I want to address the Bill generally and will be very brief. I thank the Minister for coming to address the House.

**Acting Chairman (Senator Catherine Noone):** I ask that the Senator reserve general points on the Bill until we have concluding remarks, if that is okay.

**Senator Catherine Ardagh:** With all due respect, as other colleagues were allowed an opportunity to talk-----

**Acting Chairman (Senator Catherine Noone):** The Senator will have an opportunity, but-----

**Senator Catherine Ardagh:** I would like to be afforded the same opportunity that was afforded to my colleagues.

**Senator Denis Landy:** On a point of order, is this not the conclusion of the debate on the Bill? Did the Acting Chairman not say we were concluding the debate on the Bill?



**Acting Chairman (Senator Catherine Noone):** No, it is not. This is Report Stage. General remarks should be made at the end, on Fifth Stage.

**Senator Catherine Ardagh:** I will not speak at the end, if that makes it any easier. I thank the Minister for coming to the House to address it on many points, including those made on Committee Stage. I echo the sentiments expressed by Senator Alice-Mary Higgins about pension reform. I hope that after Christmas, the Minister will really drive the bus concerning pension reform. He has made flippant comments such as there will be winners and losers. I do not think those comments are helpful. He must look at the current situation. There are losers and we have seen that women have been the losers when we look at the gender pension gap. I would like the Minister to take a proper look at that issue because it is something I will definitely push. I do not think it is good enough to just say there will be winners and losers.

I also wish to refer to the Independent News & Media pension scheme. Last week the Minister sought legal advice from the Attorney General on intervening in the High Court dispute, yet this week when he had an opportunity to implement legislation, he failed to do so. Why has he not taken Senator Alice-Mary Higgins's amendment on board? I also ask him to support a Bill that will be tabled by Deputy Willie O'Dea in the new year that will put into effect the amendment moved by Senator Alice-Mary Higgins. Will he give a commitment to this House that he will support that Bill because this matter needs to be dealt with urgently? Many defined benefit pension schemes may be closed in the coming weeks knowing that this is still allowable. We urgently need to look at this issue.

Question put and agreed to.

### **Social Welfare Bill 2016: Fifth Stage**

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

**Senator David Norris:** I wish to point out that I tried to raise this question and other allied questions about pensions in the debate on the Finance Bill and was told that it was a matter for the Department of Social Protection. I was told that the Minister for Social Protection would be in the House and could deal with it. That is extraordinary. The Minister discussed this issue on "Prime Time", discussed it with leaders inside Independent News & Media and consulted the Attorney General; therefore, he obviously believes it is a matter within his remit.

It is quite extraordinary that this situation is being allowed to continue. Independent News & Media has been engaged in asset stripping. It is a profitable company that has been asset stripping the pension reserves in order to pay dividends and give enormous amounts of money to a small number of individuals. This matter should have been addressed after the Aer Lingus and Clerys debacles. It was flagged at that point and it was clear that there was going to be another situation where pensioners would be disgracefully treated in this republic where everybody is supposed to be equal. Why has it not been addressed? Will the Minister give any commitment that this glaring issue will be addressed?

The fact that a profitable company can asset strip the resources of the company away from pensioners shows the venomous side of capitalism. Regardless of whether it is relevant to this Bill - it seems that it is perfectly relevant - Senator Alice-Mary Higgins's third amendment, which seeks to change the Title of the Bill, would have the effect of making it directly and

immediately relevant. This is a process in these Houses. We can change legislation and are entitled to change the Title of a Bill. If that change had been allowed, there could be no argument that this was not directly relevant and germane. For that reason, the discussion of these amendments is a bad day's work.

Why are we being passed from Billy to Jack? We are being told that it is not a matter for the Finance Bill and that it is a matter for the Social Welfare Bill. We are then told that it is not a matter for the Social Welfare Bill. For what is it a matter? Where do we address these issues? As a House of Parliament, we should be entitled to address these issues which are of burning importance to citizens of the State who are unfortunate enough to be employed by Independent News & Media.

**Senator Paul Gavan:** My general points on the Bill are that I am disappointed in several respects, but the Minister knows that. I am disappointed about the measures for lone parents, child maintenance, the living alone allowance and the fuel allowance, as well as the scandal surrounding the transitional State pension because it would cost so little to fix it, yet the Minister again ducked it.

**Acting Chairman (Senator Catherine Noone):** Any Member can initiate his or her own Bill-----

**Senator Paul Gavan:** We have 65 year olds being forced to sign on for jobseeker's allowance. It is disgraceful and shameful. It is wrong to do this to people at the end of their working lives.

**Senator David Norris:** Hear, hear.

**Senator Paul Gavan:** It is not good enough.

I want to address the issue of pension reform. I was a trade union official before I came into this House. The issue of defined benefit pension schemes was one that came up all the time. I do not understand why the previous Government which had five years to deal with this issue failed to do anything about it. It was not as if it was not coming up. I do not think I have ever agreed with Deputy Willie O'Dea about anything, but I agree with him on this and agree with the Bill Fianna Fáil tried to bring forward two years ago. I commend Senator Alice-Mary Higgins for the work she has done and the coalition that seems to embody almost all of us here. That is why I cannot help thinking we have missed an opportunity. So often the Seanad comes in for criticism, but it is not our fault today. Everyone has tried to act with good faith to address an urgent issue, not just for the staff and former staff of Independent News & Media but also for all those affected by defined benefit schemes, yet it has been ruled out of order. Perhaps I am showing my inexperience, but I do not understand why that was the case.

**Senator David Norris:** Neither do I.

**Senator Paul Gavan:** If the father of the House says he does not understand why, there is clearly a problem. The bottom line is that the people who really need our help have been failed.

I want to end on a positive note, or at least I hope I can. If we are all in agreement on this issue, surely it is incumbent on the Minister to act immediately. There is nothing stopping him-----

**Acting Chairman (Senator Catherine Noone):** The Senator's point has been well made.

**Senator Paul Gavan:** -----but he will be judged on and remembered for this issue. For once, quite a few people might be watching proceedings in the Seanad. I am hugely disappointed that we could not adopt Senator Alice-Mary Higgins's amendments because the work was done correctly and it could have made a real difference. It is not often that we manage to have an opportunity where we can do so.

**Senator David Norris:** Unfortunately, it would not have made it into Independent News & Media newspapers.

**Senator Paul Gavan:** Absolutely. I hope this situation has not arisen out of fear. I hope we are all better than that. I do not understand why the amendment has been ruled out of order. If we all agree on the matter and the Minister expressed a lot of sympathy, I cannot see why he cannot take action at the earliest possible stage to deal with it. I hope it is not too late for our colleagues in Independent News & Media.

**Acting Chairman (Senator Catherine Noone):** The Senator's point has been very well made.

**Senator Gerard P. Craughwell:** I will not take up too much time.

When is a property right a property right? Is it a property right when someone is a retiring politician who is entitled to walk away with his or her pension untouched, regardless of what disaster comes our way? Is that a property right? Is it a property right when a person joins an organisation like Independent News & Media newspapers as a copyist at 16 years of age and works right through to the age of 65, expecting that he or she will be able to retire with some level of comfort, but someone comes along and takes half of it away and leaves the person in poverty having worked all of his or her life? It is billionaires who do this. The owners of profit-making organisations leave such people in poverty. It is relevant to the Department of Social Protection because it will have to pick up much of the tab as the people concerned end up going to community welfare officers to be able to fill their tank with oil for the winter. It is disgusting that these companies can do these things. It is disgusting that they can declare a pension scheme insolvent based on today's share values. What about holding back and seeing whether the shares will improve in time? What about saying that perhaps the scheme does not need to be wound up today or turned into a defined contribution scheme? We are constantly told that we need to consider the long-term. It is amazing how a pension scheme can look to the short-term and change from being a defined benefit to a defined contribution scheme purely because it suits the scheme. I make no bones about the fact that I have some experience of this because one of my pensions has changed to a defined contribution scheme. I have some idea of what is involved.

As the Minister with responsibility for this area, I ask him to consider the overall private pension system. There are too many small pension schemes with too many unqualified trustees listening to highly qualified financial companies telling them what they can and cannot do. There is a major problem with pensions and I ask the Minister to get a grip on the problem because it needs to be grappled with before people in every pension scheme in the country are on the breadline.

I extend my sympathy to those who have been hit in Aer Lingus and Independent News & Media. It is an outrage. We sold Aer Lingus and gave the money to the European Union and left pensioners with nothing.

**Senator Denis Landy:** I thank the Minister for the time he has put into the House and his interaction and commitment to interact in the future. It would not be a surprise if I told him that one of my main interests in the Bill was ensuring councillors were treated properly. I discussed the matter with him before the Bill came before the House. He has made an effort in that regard and I will give credit where it is due.

The difficulty I have is that the Minister said he would be fair to everybody, not just a particular group, and did not want to put one group ahead of everybody else. The problem is that councillors are not the same as everybody else. There is an anomaly in the system which needs to be addressed by a specific solution to the problem, no more than the pension scheme we have discussed.

I reflect everything that has been said. Time will resolve the matter because the will of the majority of Members sitting in the House is to resolve it. In the new year legislation will be brought before the House. I have been in the House for five years and always understood that once we received the yellow papers, the amendments thereon were the ones that had been passed, yet on picking up the yellow pages today we discovered that amendments had been ruled out of order.

**Acting Chairman (Senator Catherine Noone):** Amendments that have been ruled out of order always appear on the list.

**Senator Denis Landy:** There is probably a reason for that and I am sure there is an answer. If we are to be fair and honest, we need to be told in advance what will be debated in the House in order that we can deal with those issues.

The Minister has publicly stated his intention to bring forward a social welfare Bill in the spring. He should outline to the House today whether he intends to deal with the overall pension issue and the minor issue, albeit very significant for those involved, of the anomalous circumstances that will be faced by councillors following the passage of the Bill today. He can address such issues in a social welfare Bill in the spring and I hope he will do so.

**Minister for Social Protection (Deputy Leo Varadkar):** I will speak a little about pensions in general, as Senators have referred to the issue, and then refer to the Bill. Senators, of course, know that there are many types of pension and related issues. The State contributory pension is not means tested and is funded from PRSI contributions. There is a State non-contributory pension which is means tested and tax funded. There are public sector pensions, defined benefit private trust pensions, defined contribution private trust pensions and different personal arrangements ranging from RACs to PRSAs. The issues facing all of them are distinct and different and there are challenges related to their affordability and sustainability in all cases which require different solutions.

A significant number of reforms have been undertaken, in fairness to the previous Government, of which I was a member. Provision was made, on foot of the Waterford Crystal case, for what would be done in the case of a double insolvency. Senator Kevvin Humphreys will be very familiar with that work. Provision was also made for the distribution of assets more fairly where a pension scheme was wound up. That is part of what happened in the Aer Lingus and ISS pension schemes. I appreciate that some do not believe it was fair, but a law had to be passed on how the money in the pot, which was not enough, would be distributed among potential beneficiaries.

Moves were made to do things, for example, to make pensions more affordable and sustainable in the future by increasing the retirement age, which was a necessary reform. Sinn Féin tried to reverse that necessary reform last week in the Dáil. The risk when changes are made to pension rules is that one might make a bad situation worse.

In the 1970s the retirement age was 70 years of age and people used to live to the age of 72, 73 or 74.

**Senator David Norris:** I am not going anywhere.

**Deputy Leo Varadkar:** It should be no mystery as to why we have an emerging or extant pension crisis in Ireland because pensions were always calculated on the basis that people would pay into the system for 30, 40 or 50 years and only need pensions for a few years. We are now in a very different space. The last thing we need to do is make reforms or reverse some of the reforms that made things better for people who are just about pension age but will damage people who are aged 30, 40 and 50 years. The risk is that changes can be made to the law that will work for people who are about to retire in the next couple of years but which will pull up the ladder and empty the pot for people aged in their 20s, 30s and 40s. That is why all of these things need to be considered in their totality.

Pensions will be a major issue in 2017. I intend to make them so and stated many months ago that once the budget and this Bill were completed, my focus for the following six months in the new year, before the negotiations on the next budget started, would be on the working family payment, pension reform and further measures related to employment.

We need to bear in mind that changes that incur a cost mean that the cost has to be borne by someone. We need to be honest about this. It is not honest to come into the Dáil or the Seanad as a Deputy or a Senator and demand that such and such be done without saying how it will be paid for. It may not be helpful to talk about winners or losers, but perhaps it is true. Perhaps sometimes when one changes rules, there are winners and losers. We need to be honest about this and assess who the winners and losers and what the impact would be. Perhaps some people should be losers, but we cannot always come into the House and demand higher costs and spending without saying how they will be funded or always demand changes and only discuss those who will benefit from them without referring to those who may lose out.

Senator Catherine Ardagh asked about the amendment tabled by 15 Senators. It was ruled out of order by the Cathaoirleach, according to the rules of the House. I did not rule it out of order. If there is an issue, it is one Senators need to discuss among themselves and not involve me directly.

**Senator David Norris:** The Minister's Department had something to do with it.

**Deputy Leo Varadkar:** I was asked whether I would commit to supporting a Fianna Fáil Bill that had not been published. I will consider it, once I have seen the Bill, if it has even been drafted.

If the amendment tabled was in order, the most striking thing to me is the first line, which states a solvent firm shall not be allowed to close a defined benefit pension scheme, except in certain circumstances. Under Irish law, pension schemes are a trust and firms do not close down pension schemes. They may act in such a way that causes them to be closed, but it is the trustees who close a scheme. Even if the amendment had been in order, it would have fallen

and probably been ineffectual.

Whatever we do in the space, it is important that we understand the effects and do not do something that does no good. It is good to be well meaning, but there is not much point in being well meaning if what one is trying to do is ineffectual. One definitely does not want make things worse. We always debate two laws when we are in a Legislature, that is, the law in front of us and the law of unintended consequences. We all know how they can pan out. In Ireland occupational schemes are generally set up under a trust and maintained by an employer on a voluntary basis. The trustees and rules of the scheme differ from one to another and, like any contractual arrangement, reflect the level of obligations of the parts involved. While the Pensions Act provides for a frame for the regulation and supervision of occupational pension schemes, it does not impose any requirement on employers to fund scheme benefits or maintain an existing scheme and never has. These matters have been considered during comprehensive reviews of the pension system in Ireland. The introduction of a debt on the employer would raise a range of issues and possible consequences for defined benefit schemes, some of which might not be beneficial for the members. It is not clear whether a change in the law could be applied to existing schemes, as well as new ones. It is also not clear whether any change in the law could apply to existing deficits that have been accrued over time, as opposed to future ones; therefore, there is a risk that any change could be ineffectual.

There are strong arguments both for and against the introduction of an employer obligation. While such an obligation may seem to provide stability and certainty for scheme members, it may result in less desirable outcomes such as prompting well funded schemes to wind up to avoid the new obligations being imposed on them, thus making the law counterproductive, threatening the company's financial stability and, in some circumstances, rendering employers insolvent. When one has solvent companies with insolvent pension schemes attached to them, there is a risk that if one gets it wrong, one could make the company insolvent and the consequence is the employees lose their jobs and probably end up on statutory redundancy payments or have their pay and terms and conditions diminished as a result. It would also impact in that case on the creditors - people who are owed money by the company, perhaps a small business or a professional who did some work and is waiting for the bill to be paid - and, of course, it could have an impact on shareholders and shareholder value. Shareholders are not always billionaires. Sometimes the shareholders could be somebody's else pension fund. It could be the credit union or an individual's savings. The measure could also impact in other ways.

It is also not clear how provisions such as this would impact on multi-employer pension funds, of which there are many. There are lots of pension funds that have a few employers. One could ask what would happen if some of the employers were insolvent and others were not? Have the 15 Members who tabled the amendment considered these matters and what are their answers to these questions? I am interested to know. If anybody wants to write to me with answers to them, I will be happy to read them.

I note that the statement issued by Independent News & Media yesterday states it is not and never has been the intention of Independent News & Media to renege on the agreement with the pension trustees made in 2013. That is an important statement and one to which the company should be held accountable. If such an agreement was made with the trustees in 2013, it should be honoured, if at all possible. In my discussions with the Attorney General, while it is not the basis I might have liked, there is a basis on which the Government could take an interest in the matter, but I hope it will not come to that point and the matter can be resolved as other pension funds have been resolved in discussions between the company and the trustees and also the

trade union representatives.

In terms of the Bill as a whole, I thank the Senators for allowing the speedy passage of the Social Welfare Bill. It involves a €300 million package of welfare changes benefiting approximately 1.5 million people, with some special changes of benefit to rural communities, people who are self-employed in extending social insurance to them, in allowing lone parents who work to keep more of the money they earn and also some important changes for people going back to education or getting involved in enterprise. I hope it is the first of a number of social welfare Bills that I will have the privilege to bring through this House. I thank Senators for allowing it to pass before the recess in order that we can begin to implement the measures in January. The first will be the disregard for lone parents, allowing people to access the back to work enterprise allowance after nine months in receipt of social welfare payments, as opposed to 12 months, and the changes for young jobseekers who are homeless, in particular, which I will now be able to sign into law to come into effect in the first week in January, which I am happy to be able to do.

I also thank the officials of my Department for the work they have done on the Bill for weeks, ever since budget day, and even before it, and also the staff of the Houses of the Oireachtas for all the work they have to do in organising these sessions, including processing Committee Stage amendments and other work.

Question put and agreed to.

**Acting Chairman (Senator Catherine Noone):** When is it proposed to sit again?

**Senator Ray Butler:** Tomorrow at 10.30 a.m.

The Seanad adjourned at 5.45 p.m. until 10.30 a.m. on Wednesday, 14 December 2016.