



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

Business of Seanad . . . . .	280
Commencement Matters . . . . .	281
Road Network . . . . .	281
Road Projects Status . . . . .	283
Hospital Consultant Recruitment. . . . .	285
Order of Business . . . . .	287
United States National Parks Service: Motion . . . . .	306
Sitting Arrangements: Motion . . . . .	307
EU Directives: Motion. . . . .	307
Business of Seanad. . . . .	308
Health Insurance (Amendment) Bill 2016: Committee and Remaining Stages . . . . .	308
Be Winter Ready Campaign: Statements. . . . .	309
Appropriation Bill 2016 [Certified Money Bill]: Second and Subsequent Stages. . . . .	319
Appropriation Bill 2016: Motion for Earlier Signature . . . . .	322
Courts Bill 2016: Second Stage. . . . .	323

## SEANAD ÉIREANN

*Déardaoin, 15 Nollaig 2016*

*Thursday, 15 December 2016*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

---

*Machnamh agus Paidir.  
Reflection and Prayer.*

---

### **Business of Seanad**

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

The need for the Minister for Transport, Tourism and Sport to increase the funding for regional 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 accident and emergency consultants at Mercy University Hospital, Cork in view of the large number of patients attending the emergency department.

I have also received notice from Senator Niall Ó Donnghaile of the following matter:

The need for the Minister for Communications, Climate Change and Natural Resources to explore the measures he can take with RTE to ensure satellite subscribers in the North of Ireland will no longer be prohibited from viewing major sports events on RTE, as well as ensuring they can access programmes via the RTE Player on an equal basis with viewers in this state.

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

The need for the Minister for Transport, Tourism and Sport to provide an update on the status of and funding for the N5-Ballaghaderreen to Scramoge road project and sections of the N4 that have been identified for upgrading.

15 December 2016

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

The need for the Minister of Health to clarify when the new 75-bed ward block at University Hospital Galway will open; if it will be opened fully; and if it will have the full complement of staff in place to allow it to be fully functional.

I have also received notice from Senator Rose Conway-Walsh of the following matter:

The need for the Minister for Health to outline the measures he intends to introduce to help children with cerebral palsy who require specialised physiotherapy which is only available in First Step Therapy Centre in Patrickswell, County Limerick.

I have also received notice from Senator Gerald Nash of the following matter:

The need for the Tánaiste and Minister for Justice and Equality to discuss how to protect and vindicate the employment rights of non-EEA fishermen under the terms of the atypical permit scheme introduced this year.

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

The need for the Minister for Housing, Planning, Community and Local Government to confirm the funding available for the provision of a night café for the homeless in Limerick city.

I regard the matters raised by Senators Robbie Gallagher, Tim Lombard, Colm Burke, Niall Ó Donnghaile, Frank Feighan, Trevor Ó Clochartaigh, Rose Conway-Walsh and Gerald Nash as suitable for discussion. I have selected the matters raised by Senators Robbie Gallagher, Tim Lombard, Colm Burke and Niall Ó Donnghaile and they will be taken now. Senators Frank Feighan, Trevor Ó Clochartaigh, Rose Conway-Walsh and Gerald Nash may give notice on another day of the matters they wish to raise. Senator Niall Ó Donnghaile has withdrawn the matter I had selected for discussion.

I regret that I have had to rule out of order the matter raised by Senator Kieran O'Donnell on the grounds that the Minister has no official responsibility in the matter.

As there is a vote in the Dáil Chamber, I ask the Leader to propose a suspension of the sitting. We will have a problem if the resumption is later than 11 a.m.

**Senator Jerry Buttimer:** On a point of information, there could be a number of divisions in the Dáil.

**An Cathaoirleach:** I respectfully suggest we suspend the sitting until 10.55 a.m. when we might have a better idea.

*Sitting suspended at 10.40 a.m. and resumed at 10.55 a.m.*

## Commencement Matters

### Road Network

**Senator Robbie Gallagher:** I raise the issue of the need for increased funding for local

roads in counties Monaghan and Cavan and record our appreciation of the Minister for Transport, Tourism and Sport, Deputy Shane Ross, who met a delegation from Monaghan County Council a few weeks ago, for which I thank him. The condition of roads in County Monaghan is particularly poor. There are a number of considerations we would like the Minister to take on board when allocations are being made for 2017. Monaghan has a number of unique characteristics which other counties do not have. First, 30% of the population live in rural areas compared to a national average of 62%, while the county has the highest density of local roads per kilometre outside Dublin. It is a strongly agriculturally-based county, with a large employment base in the agrifood and engineering sectors. Many of the facilities involved are located along minor local and regional roads and completely dependent on the roads infrastructure to get their goods to and from the marketplace.

Last year Monaghan County Council received an allocation of €12.3 million from the Department. While the money was welcome, it represented a 40% reduction on the 2011 allocation. The council has conducted a survey of the local and regional road network which indicates that 60% of local and regional roads need immediate attention owing to their poor condition. I appeal to the Minister to consider counties Monaghan and Cavan as a special case when making the allocation in order that roads can be brought up to an acceptable level.

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Patrick O'Donovan):** I apologise on behalf of my colleague, the Minister for Transport, Tourism and Sport, Deputy Shane Ross, who is in the Dáil and asked me to take this matter for him. I thank the Senator for giving me the opportunity to address the House.

The improvement and maintenance of regional and local roads are the statutory responsibilities of each local authority. In accordance with the provisions of section 13 of the Roads Act 1993, works on these roads are funded from each authority's own resources, as supplemented by the State's roads grants. The initial selection and prioritisation of works to be funded are also matters for the local authority. Ireland has just under 100,000 km of roads in its network and the maintenance and improvement of roads, including national, regional and local roads, place a substantial financial burden on local authorities and the Exchequer. Owing to the national financial position, there have been very large reductions in the Exchequer funding available for roads expenditure in the past few years. As such, the focus has had to be on maintenance and renewal rather than major new improvement schemes.

The capital plan published in September 2015 outlines proposed transport investment priorities to 2022. The transport element of the plan was framed by the conclusions reached in the Department's strategic investment framework for land transport. The framework report highlighted the importance of the maintenance and renewal of transport infrastructure, together with targeted investments to address particular bottlenecks and critical safety issues. The capital plan provides €6 billion for investment in the road network in the period to 2022, with €4.4 billion earmarked for the maintenance and strengthening of the existing extensive network throughout the country. There is also €1.6 billion for new projects. Allowing for the commitments related to PPP projects, the balance available for new projects within the available capital envelope is limited. The Minister must work within the annual allocations set out in the plan. In this context, the capital plan provides for a gradual build up in capital funding from the current relatively low base towards the levels needed to support maintenance and improvement works.

While there will be a modest increase in funding for the maintenance and improvement of

regional and local roads in 2017, it will take some years under the capital plan to restore steady State funding levels for land transport. The significant ramp up in funding will occur in 2020 and, by the end of the plan period, the Minister expects capital funding for the road network to be back up to the levels needed to support maintenance and improvement works in the future.

While regional and local road grant allocations for next year have yet to be decided, *11 o'clock* the Minister expects to announce the details early next year. Given funding constraints, his objective must be to allocate funding to local authorities on as equitable a basis as possible, taking into account road lengths in each local authority's area of responsibility. It is important to reiterate that State grants are intended to supplement local authorities' own resources. In that context, the Minister is emphasising to local authorities that their commitment to contribute significantly from their own resources towards the cost of improving and maintaining the regional and local roads network is essential.

On the possibility of additional funding being provided within the plan period, the Minister for Public Expenditure and Reform indicated in his Budget Statement that he was bringing forward the capital plan review.

There is a strong case for additional funding for the transport sector which the Minister will make robustly. However, the parameters for the review and the final decisions on allocations are matters for the Minister for Public Expenditure and Reform and the Government as a whole. The Senator raised this issue previously and I took the Commencement debate on that occasion. I forwarded the contribution to the Minister, Deputy Shane Ross, and will undertake to do the same today. I understand the severity and complexity of the issue the Senator has raised and it has also been brought to my attention by the Minister, Deputy Heather Humphreys, as late as this morning.

**Senator Robbie Gallagher:** I thank the Minister of State for his response. It is welcome that there will be an increase in funding for regional and local roads in 2017, but I am disappointed with the word "modest". Monaghan and Cavan are classified as a special case and I ask that additional funding be forthcoming.

**Deputy Patrick O'Donovan:** I take on board what the Senator has said. He is quite right that in 2015 the allocation to County Monaghan was €7.6 million and that in 2016 it was €12.3 million. There was a substantial increase. He is correct that it is a long way from where it was in the good old days, but, unfortunately, so is everything else. We have a plan to get it back to where it was, but I take on board the points made by the Senator.

### Road Projects Status

**Senator Tim Lombard:** I wish to find out where the proposals to bypass Bandon sit in the list of priorities. Bandon is the biggest town in west Cork with a population of 6,500 people. It is the gateway to west Cork and the N71 runs through the town. If Bandon and west Cork are to develop, we need to have a plan to ensure the town is bypassed. There have been major developments in Bandon in recent years, some good and some bad. It has been flooded 12 times in the past 40 years and the town has suffered because of this. Movement has been made on these issues in recent years and flood defence systems will be in place by 2019, as will a new sewage treatment scheme. A multi-million euro revamp of the town centre has also been proposed with regard to the streetscape.

The main issue in Bandon is traffic, particularly the HGVs that pass through the town. We need to have a plan in order that Bandon can develop and its town centre can be used by pedestrians. The way forward is to have a long range plan for the northern bypass which is in the county development plan and a short-term measure for the southern side of the town, particularly the Old Chapel area. These issues are very important. We need to put them on the agenda by raising them in the Seanad to see whether they can be progressed in the coming years and there is the funding for the key infrastructure Bandon needs to develop.

I welcome the Minister of State, Deputy Patrick O'Donovan, who has family living in Bandon. He knows the town and the issues in it. I hope we can move it up the agenda in order that we can have developments for the people of Bandon and west Cork.

**Deputy Patrick O'Donovan:** I thank the Senator for raising the issue. He is correct that I have family in Bandon, as my brother and my sister both live there. My brother is a publican. The Senator referred to the flooding in the town and my brother's premises has been flooded three times. I know acutely the difficulties the town has experienced with flooding. I am glad that the Office of Public Works and Cork County Council have a plan in place to remedy the issue.

As I did to Senator Robbie Gallagher, I apologise to the Senator for the absence of the Minister for Transport, Tourism and Sport, Deputy Shane Ross, who has responsibility for overall policy for and funding of the national roads programme. The planning, design and implementation of individual national road projects is a matter for Transport Infrastructure Ireland, TII, formerly known as the NRA, under the Roads Acts 1993 to 2015, in conjunction with the local authorities concerned. Within its capital budget, the assessment and prioritisation of individual projects are matters, in the first instance, for TII in accordance with section 19 of the Act. As I stated previously, Ireland has 100,000 km of road in its network and the maintenance and improvement of national, regional and local roads places a substantial burden on local authorities and the Exchequer. Given the national financial position, there have been very large reductions in Exchequer funding available for roads expenditure in the past few years. For this reason, the focus has been on maintenance and renewal rather than new improvements.

The capital plan published in September 2015 outlined proposed transport investment priorities to 2022. The transport element of the plan was framed by the conclusions reached in the Department's strategic investment framework for land transport. This report highlighted the importance of maintenance and renewal of transport infrastructure together, with targeted investments to address particular bottlenecks and critical safety issues. The capital plan provides €6 billion for investment in the road network in the period to 2022, with €4.4 billion earmarked for the maintenance and strengthening of the existing road network throughout the country and €1.6 billion for new projects, as I stated earlier to Senator Robbie Gallagher.

There will be a significant ramp up in funding from 2020, which will facilitate the construction of the road improvement projects included in the plan. In that context, a number of important projects in Cork are included in the plan, including the upgrade of the Dunkettle roundabout and the N22 road between Ballyvourney and Macroom. In addition, the plan also provides that the N28 upgrade scheme will commence, subject to necessary approvals.

The Minister understands from Transport Infrastructure Ireland that while it is aware of the N71 Bandon relief road extension as a potential improvement scheme, owing to a lack of funding, it is not in a position to progress the scheme. While available funding is not sufficient to

address all the demands for improvement schemes, including schemes such as the Bandon relief road extension, by the end of the plan period, the Minister expects capital funding for the road network to be back up to the levels needed to support maintenance and improvement works in the future.

On the possibility of additional funding within the plan period, the Minister for Public Expenditure and Reform indicated in the Budget Statement that he would bring forward a capital review. As I stated in the previous debate, there is a strong case for additional funding for the transport sector which the Minister will make. I know exactly the position in Bandon. The existing relief road is not sufficient to meet the needs of the town. Towns throughout the country are in a similar position. The Leas-Chathaoirleach is familiar with Adare, Abbeyfeale and Newcastle West in my constituency and they are in the same position. We must try to progress the projects as best we can. I will bring the issue raised by the Senator to the attention of the Minister. The total estimated cost for the project, according to the Department, is approximately €7.5 million. It might be possible for the Senator to have an opportunity to discuss the matter directly with the Minister. I will certainly seek to arrange this.

**Senator Tim Lombard:** I thank the Minister of State for his response. I want this issue on the agenda to ensure that when the capital review takes place, the Bandon bypass extension will be included. I would like to take up the Minister of State's offer to meet the Minister, Deputy Shane Ross, to discuss the issue. It is a key one for Bandon and west Cork. I thank the Minister of State for his response.

**Deputy Patrick O'Donovan:** The proposed relief road extension involves bridging over the existing R603 to remove an existing steep gradient, which the Senator and I know, and the construction of approximately 2.5 km of a new single carriageway tying back to the existing N71 just west of the town near the Old Chapel area. The total cost is approximately €7.5 million. Cork County Council and other local authorities will be asked to consider what they want in the capital review which will be brought forward. As the Minister said, as I have heard others state umpteen times and as I have said myself, the Department will be a significant beneficiary of the mid-term capital review being brought forward to early 2017. While I cannot, should not and would not make any specific commitment on individual projects, representatives from Cork South-West and Bandon, in particular, should begin to do what the Senator is doing and bring the issue to the floor of the Seanad and elsewhere to ensure those who need to hear it, namely, TII, the Department and the Minister, are aware of it.

### **Hospital Consultant Recruitment**

**Senator Colm Burke:** I welcome the Minister of State, Deputy Catherine Byrne, and thank her for coming to the House to deal with this matter. I know that she has a very busy schedule.

The matter I am raising concerns Mercy University Hospital in Cork which has an emergency department and a urgent care centre. When the emergency department was constructed, the view was that it would deal with 25,000 attendances per annum. In 2015 it received 31,946 attendances. By the end of November 2016, it had already received 30,297 attendances. In addition, its urgent care centre dealt with 15,430 people in 2015. By the end of November 2016, the centre had received 15,066 attendances; therefore. the figures are going up.

The hospital has accident and emergency consultant cover for only 55 hours per week in an

emergency department that is open 24/7. It has cover for 55 hours per week which is equivalent to 1.4 whole-time equivalent consultants. A similar facility throughout the country would have five accident and emergency consultants. The unit faces major challenges. The other significant problem faced by Mercy University Hospital is the huge increase in the number of elderly people attending its emergency department. I understand the 2015 figure went up by 12%.

This is a great unit that is very welcome in the sense that the standard of care provided is excellent and, therefore, people have confidence in it. However, it needs sanction from the Department and the HSE for additional accident and emergency consultants to be appointed in order that it can deal with the volume of people attending. That is my request and why I tabled this Commencement matter.

**Minister of State at the Department of Health (Deputy Catherine Byrne):** I apologise for the fact that the Minister for Health cannot be here to take this Commencement matter which I have been asked to take on his behalf.

I thank the Senator for tabling this Commencement matter. Trolley numbers nationally were high in November and have been so far in December owing to increased emergency department attendances, greater incidence of infection in several hospitals and a high rate of elective activity in hospitals to address waiting lists. Similar to many other hospitals, Mercy University Hospital has experienced an increase in emergency department presentations since January when compared to the same period last year. According to the September HSE management data report, an additional 1,653 people have presented at Mercy University Hospital's emergency department, which represents a 4.6% increase. This is in line with the national experience. The Minister for Health believes it is unacceptable that patients wait on trolleys for long periods, especially elderly and vulnerable patients. In the coming months it is essential that the health service plan effectively for expected surges in emergency care demand. The Department of Health, working with the HSE, has been driving a range of measures to improve patient emergency department experience times. On 9 September, the HSE published the winter initiative plan 2016-17, which has provided €40 million in additional funding for winter preparedness and to help in alleviating the pressures on emergency departments during this time. The initiative seeks to embed measures during 2016 and into 2017 which balance hospital avoidance with supporting patient flow through acute hospitals and increased availability of social care services to facilitate timely discharge from hospitals. Within this funding, specific provision has been made for 18 step-down beds in Mercy University Hospital. In addition, national measures that will benefit Mercy University Hospital include an allocation of €5 million for additional aids and appliances enabling patients to be discharged from hospital sooner and €10 million for additional home help hours. Of course, no hospital operates in a vacuum. Mercy University Hospital forms part of the South-South West Hospital Group. The hospital groups are designed to deliver more responsive and equitable access to vital services for all patients. Hospital groups are responsible for performance outcomes, operating within budget and employment limits, with the quality and safety of patients at the core of their business.

The HSE has advised that approval has been received from the consultant applications advisory committee for a consultant in emergency medicine for Cork University Hospital. This post is being progressed by the hospital through the Public Appointments Service. I am also advised that two further consultant posts in emergency medicine have been referred to the consultant applications advisory committee for consideration. The HSE has confirmed that any increase in the number of consultants at Cork University Hospital will, in turn, facilitate the ongoing rotation of consultants to Mercy University Hospital. I understand a locum consultant is in place

and, as a result, additional cover is being provided for Mercy University Hospital.

There is a very strong focus on reducing emergency department overcrowding in all the Minister's interactions with the HSE, hospitals and the wider health service. The Minister is meeting the HSE on a weekly basis to monitor emergency department performance and progress on the winter initiative. The HSE recently convened a winter initiative health summit and the Minister met hospital group CEOs, as well as hospital and community health organisation managers, to reinforce the importance of driving key performance improvements across primary, acute and social care to reduce emergency department overcrowding and plan for expected surges in demand in emergency departments in the new year.

**Senator Colm Burke:** I thank the Minister of State for her reply. My only problem with it is that it is very much HSE spin. I will give the figures. Between the urgent care centre and the emergency department, 48,000 people attend Mercy University Hospital. A total of 66,000 people attend Cork University Hospital. We have 1.6 consultants in Mercy University Hospital and are now talking about recruiting more consultants for Cork University Hospital thinking this will sort out the problem for Mercy University Hospital. This concerns the HSE because it controls Cork University Hospital where it does not control Mercy University Hospital in real terms. Yes, there is co-ordination between the two, but we need accident and emergency consultants to be assigned to Mercy University Hospital. It is dealing with the volume and delivering a very good service, but it only has cover for 55 hours per week, yet it is providing many of the same services Cork University Hospital is offering. We should go back to the HSE and tell it that while we know that it is recruiting another consultant for Cork University Hospital, we want to know what is happening about an additional consultant for Mercy University Hospital. That is my concern about the reply. I understand the Minister of State must get this information from the HSE, but I am concerned that we will now go down the same road where this time next year Mercy University Hospital will be in the next position with only 55-hour cover for accident and emergency consultants.

**Deputy Catherine Byrne:** I understand the point made by the Senator and his anxiety about accident and emergency consultant hours at Mercy University Hospital. The reply I was given clearly outlines that funding has been made available and that the HSE is in the process of providing another consultant, be it through Cork University Hospital or Mercy University Hospital. I will relay the Senator's concerns to the Minister, particularly about the numbers, which I believe are very high. Money has been provided for community care services, particularly the home help service, and the provision of facilities to allow people to go back to their homes and communities. I understand the Senator's frustration that the reply did not specifically outline the urgent need to appoint more consultants, given the level of cover provided at Mercy University Hospital. I will relay his concerns and the matters he raised to the Minister.

**Senator Colm Burke:** I thank the Minister of State. If she ever visits Cork, she is very welcome to visit Mercy University Hospital where staff would be delighted to meet the Minister and the Minister of State because it is an excellent hospital. It is worth a call.

*Sitting suspended at 11.20 a.m. and resumed at 11.30 a.m.*

### **Order of Business**

**Senator Jerry Buttimer:** The Order of Business is No. 1, motion re the arrangements for

the sitting of the House on Tuesday, 20 December 2016, to be taken without debate at the conclusion of the Order of Business; No. 2, motion re report of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach on a reasoned opinion on proposals for a Council directive on a common consolidated corporate tax base and a Council directive on a common corporate tax base, to be taken without debate at the conclusion of No. 1; No. 3, Health Insurance (Amendment) Bill 2016 – Committee and Remaining Stages, to be taken at 1.30 p.m. and conclude not later than 2 p.m., if not previously concluded; No. 4, statements on the Be Winter Ready campaign, to be taken at the conclusion of No. 3 and conclude within 75 minutes, with the contributions of group spokespersons not to exceed eight minutes each and those of all other Senators not to exceed five minutes each and the Minister to be given five minutes in which to reply to the debate; No. 5, Appropriation Bill 2016 [*Certified Money Bill*] - all Stages, to be taken at the conclusion of No. 4, with the proceedings on Second Stage, if not previously concluded, to be brought to a conclusion after 45 minutes, the contributions of group spokespersons not to exceed five minutes each - time can be shared - the Minister to be given four minutes in which to reply to the debate, Committee and Remaining Stages to be taken immediately thereafter which shall, if not previously concluded, be brought to a conclusion after 15 minutes by one question which shall, in relation to amendments, include only those set down or accepted by the Government; No. 6, Appropriation Bill 2016 - motion for earlier signature; and No. 7, Courts Bill 2016 - Second Stage, to be taken at the conclusion of No. 6, with the contributions of group spokespersons not to exceed eight minutes each and those of all other Senators not to exceed five minutes each.

**Senator Catherine Ardagh:** I would like to address the House on the proposed new rent certainty legislation. We all know that many parts of the country and this city, in particular, are in the midst of a housing and rental crisis. Many of our clinics are attended by families one rent hike away from being out on the street and homeless. Arbitrary rent increases due to a complete failure by the Government to increase the supply of housing have caused a very serious rental bubble that directly affects the capital and many large urban areas. Fine Gael has ignored this crisis and always held the view that any interference with the rental market is untenable. In the last hours of this session, however, the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, presented ill-thought-out legislation and has attempted to railroad it through this House without any proper consultation. We all know that ill-thought-out and rushed legislation is never a good idea. We saw this with the disastrous creation of Irish Water in 2013 which, as we know, is the Achilles heel of the Government. The flippant manner of the introduction of the rent legislation is negligent when dealing with a serious policy issue that affects tens of thousands of people and that will have long-lasting effects on the housing market as a whole

Saying that, Fianna Fáil has always been a strong advocate of rent certainty. The legislation should have been introduced in a meaningful and considerate fashion in which long, medium and short-term effects were all considered. Fianna Fáil believes a 4% increase on top of other increases is far too high. We envisage increases of 1% to 2%, which would include wider geographical areas and a taxation policy that will actually encourage supply in order that once the housing market catches up, intervention in the rental market can be reviewed and dismantled.

Many struggling families are watching us in Leinster House this Christmas. I hope the Government can make serious efforts to break the impasse in order that families can take some comfort in the knowledge that they will not have to face any more rent hikes in 2017 and thereafter and in order that they can give their children the security they deserve this Christmas. Fianna

Fáil is open to discussion. I hope this matter can be resolved by Christmas.

**Senator Rose Conway-Walsh:** One of the most-----

**An Cathaoirleach:** There is nobody on the other benches.

**Senator Rose Conway-Walsh:** They are never there when we need them, are they?

**An Cathaoirleach:** The Senator should appreciate that.

**Senator Rose Conway-Walsh:** It would not be like the Fianna Fáil-----

**An Cathaoirleach:** The Senator should appreciate the priority she is being given.

**Senator Rose Conway-Walsh:** I thank the Cathaoirleach. I feel very important.

**Senator David Norris:** I am here. I am an independent Independent.

**Senator Rose Conway-Walsh:** Are you? Good. I am very happy for you.

One of the most important Bills to be produced since the election was initiated in the Seanad. It represented a great opportunity to show how a considered, thoughtful debate in this House could lead to better legislation, in this case to tackle one of the biggest problems facing the people. The Planning and Development (Housing) and Residential Tenancies Bill is in limbo. After hours of debate here and a long debate in the Dáil, the end of this great democratic process seems to be playing out between the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, and Deputy Barry Cowen. It is a mess. We do not even know this morning if it will be resuming at all. That shows that even when Fianna Fáil and Fine Gael are in cahoots together, they still cannot get it right. The legislation was cobbled together far too fast, as was clear from the number of Government amendments to correct technical errors. The only conclusion I can reach is that the Government was not serious about fixing the rental crisis until recently and now it is fumbling to get it over the line by Christmas. Homelessness and being without a home have a devastating affect on individuals and families. To lose a home for any reason is terrible but to lose it through theft is an outrage. Many people have lost a home through no fault of their own. They were victims of greed. They were told that they were not entitled to return to a tracker mortgage and were kept on higher rates. As many as 9,000 may have been charged higher rates than they should have been, with the full knowledge of the banks. In the case of AIB, 2,600 customers were involved; in the case of KBC, it was approximately 1,000; in the case of Ulster Bank, it was approximately 2,000; in the case of Bank of Ireland, it was approximately 1,800; and in the case of Permanent TSB, it was approximately 1,372. In response to a question from my colleague, Deputy Pearse Doherty, about the number of people who had lost their homes as a result of that robbery, the Department of Finance conveyed the following information - 22 people lost their homes owing to Permanent TSB lying to them, while 14 lost homes owing to AIB stealing their money. These are strong words - "robbery" and "lying", but they are appropriate. We should have a debate in the new year on the behaviour of banks towards their customers and how it feeds into homelessness. We must maintain pressure and help the victims, which is what they are. We must also ensure such robbery never happens again.

**Senator Grace O'Sullivan:** I wish to follow on from Senator Rose Conway-Walsh's remarks. It is shocking what we are seeing in the Dáil Chamber today. The fight is causing greater uncertainty as we move into the Christmas period. I read this morning that people who

are homeless are being exposed to violence, drug taking, mould, damp, bed bugs, scabies, blood stained mattresses, rats and abuse. It is disgraceful that coming up to Christmas there is such uncertainty when people are being evicted and thrown out of their homes into homelessness. I hope business in the Dáil will resume soon and that the Bill will be debated, amendments will be agreed to and some degree of certainty will be afforded to people as we come up to Christmas.

**Senator Kevin Humphreys:** I have been very critical of what is being termed “new politics”. Very few decisions have been made during the Government’s term in office. We have had committees, studies and the Citizens’ Assembly, but we have had very little legislation. That is the case for one clear reason. When the Government tries to make a decision, it must bring Fianna Fáil along with it. Fine Gael was re-elected into office and its members got the cars, but Fianna Fáil got the keys. Unfortunately, Fianna Fáil, as we saw from earlier contributions, has a record of driving the car off the cliff and crashing it. It has taken us seven to eight years to recover. If we are serious about new politics, let us put the rent certainty issue to the House. We should let the Bill be amended and allow contributions to be made on the floor of the House, but let us have legislation. I will accept the democratic decision of both Houses. The Taoiseach came to the Seanad at my request to talk about new politics. He said he would look forward to being back in the House before Christmas. I put the Leader on notice that I expect the Taoiseach to be in this House next Tuesday.

**Senator Jerry Buttimer:** Go away.

**Senator Kevin Humphreys:** No, I will not go away. The Taoiseach made a commitment to do so. He has given 100% support to the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, for a possible withdrawal of the legislation. The country needs leadership. There is a housing crisis and a need to deal with the rental crisis, especially in the rent hot spot that is Dublin. A 4% increase is a very clear signal to landlords to increase rents by 4%. That would have enormous knock-on effects across many areas, not just for people who are in private rented accommodation but also those who are in receipt of the housing assistance payment, HAP, and rent allowance because one can guarantee that landlords who have tenants in receipt of rent allowance will also increase rents by 4%, as will those with tenants who receive the HAP. Once the leases come up for renewal, the rent will be increased by 4%.

We must be serious about new politics. The names who annoy me are always the same. Deputy Micheál Martin was a member of the previous Administration.

**Senator Diarmuid Wilson:** There are not as many Labour Party names around the place as there were previously. When the party was in government for five years, it did not do much about it.

**Senator Kevin Humphreys:** We have a former Taoiseach who was at the Cabinet table when the country crashed.

**Senator Diarmuid Wilson:** Where are the rest of the Labour Party names?

**Senator Kevin Humphreys:** We have the Minister for Transport, Tourism and Sport, Deputy Shane Ross, who wanted Sean Fitzpatrick at the table as Minister for Finance. Unfortunately, the Fianna Fáil spokesperson, Deputy Barry Cowen, has caused total uproar because of his lack of negotiation skills. Cowen is a familiar name that one can add to the list that contributed

to the crash. We have a responsibility to call the Taoiseach into this House to make clear exactly what is happening on the issue of rent certainty.

**Senator Jerry Buttimer:** Deputy Simon Coveney is the Minister.

**An Cathaoirleach:** The Leader can deal with the matter later.

**Senator Kevin Humphreys:** The Minister went to the Taoiseach last evening. I put the Leader on notice that I will call for the Taoiseach to be present on Tuesday.

**Senator Tim Lombard:** This is an important day. There is no point in saying it is not. The other House of this Parliament is having a debate about one of the key issues that affects society, namely, rent certainty and how we will move forward. The Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, has introduced a brave proposal and moved where many people would not go. I object to being lectured from the other side of the House about planning and how we failed to plan for the housing crisis. We were not the people in charge when the banking crisis collapsed the nation. The people who are sitting on the other side of the House must take responsibility for the car crash state in which they left the country. Now we are trying to put the wheels back on and move the country forward. We are trying to get the construction industry, the banking sector and the entire country moving again. The construction industry needs to provide 20,000 units and we are only providing a fraction of that number. We must realise where we are. Rent certainty is a key issue, not only in Dublin. Problems are not always just Dublin-based. The issue affects Cork also. We must not forget other areas. The Minister has said he is starting with these two cities, but he will look at areas outside of them in January. He has said he will focus on local authority wards because these areas are smaller demographic areas. He has thought through the legislation very well, but it is now up to all the parties - the Labour Party, Fianna Fáil and Sinn Féin - to put politics behind them and deliver something for the people. I have no problem being here up to Christmas Day if we need to be to do that, but we should not say the legislation is rushed. We will give it as much time as is wanted because the legislation is needed and must be delivered.

**Senator Ned O'Sullivan:** It is unfortunate that the Government is not able to proceed with the business in question of rent caps. I am a pragmatist and believe progress will be made on the issue before the day is over. Sinn Féin and the Labour Party are gas.

**Senator Rose Conway-Walsh:** Gas. We would not have a homeless problem if we had our own gas and oil resources.

**Senator Ned O'Sullivan:** It is very low to go into political things-----

**An Cathaoirleach:** The Senator should proceed on the Order of Business.

**Senator Ned O'Sullivan:** -----but when Fianna Fáil was able to work with the Government to provide stability for the country, according to Sinn Féin, we were in bed with it and when we do not agree with it on an important issue, Sinn Féin states we cannot get our act together. What does it want? Sinn Féin reminds me of the punter at the racetrack whose horse is an also-ran and his or her only hope is the ones in front will all fall. It is a howl. Sinn Féin has some excuse because it has no experience of being in government - down here anyway.

**Senator Niall Ó Donnghaile:** Not yet.

**Senator Rose Conway-Walsh:** Down here. It is all the one island.

**Senator Ned O'Sullivan:** However, the Labour Party has been in and out so often, it would, as Seán Lemass said, go with anyone. It is like Mother Machree's dog - it would go a bit of the road with anyone.

**Senator Kevin Humphreys:** We normally have to go in to fix Fianna Fáil's mess.

**Senator Ned O'Sullivan:** It cannot resist the siren call of the State cars.

**An Cathaoirleach:** The Senator is meandering through the Order of Business.

**Senator Ned O'Sullivan:** Given the season that is in it, I wish the Cathaoirleach, everyone in the House, our staff, the staff of the Cathaoirleach's office and the Seanad Office, all of the ushers and everyone else a very happy Christmas. I hope we will have many more of them here.

**An Cathaoirleach:** I call Senator Paul Gavan.

**Senator Jerry Buttimer:** Now we will have gas.

**Senator Paul Gavan:** If I came into the House demanding a 12% pay hike for public sector workers-----

**Senator David Norris:** We would all support the Senator.

**Senator Paul Gavan:** I thank the Senator. Were I to go further and say that if they do not get the money, they will walk away from their work forever, I would be laughed out of it, rightly so, yet here we are with Fine Gael demanding just that - a 12% pay hike for landlords. However, that is the minimum. There is plenty of room for greater increases if one is living in Limerick, Galway or Waterford. That is considered to be not just acceptable but absolutely necessary. Otherwise, apparently, landlords will walk away from the market and, worse than that, take the houses with them. We do not know where they will hide them, but the Fine Gael mantra is that we will never see them again and no one will ever be able to live in them again. I know that it is Christmas and fairy tale time, but it is a bit rich to be going down that road, particularly when we have 174,000 landlords, or 2,000 more than we had at the beginning of the year. I would love to hear from my colleagues in Limerick. My heart goes out to them because it appears that Limerick people are not good enough for any kind of rent protection. Dublin and Cork people perhaps, but Limerick people? God no. There was a 15.9% increase in rents this year in Limerick, but we cannot have anything that might upset the landlords in Limerick or Galway, which is bizarre.

The key point is that Sinn Féin gave this House three opportunities to legislate for rent certainty, the first one being in June this year. To be frank with Fianna Fáil, the difference between what we were arguing for - a rate of inflation increase - and a 2% increase is virtually nothing. I really do not understand why Fianna Fáil did not agree with us at the time. Fianna Fáil is now complaining about Fine Gael, but when it had the opportunity to do something about rent certainty, it, unfortunately, blew it. It is a little late to come into the Chamber now to complain about this legislation. This is a theatre of the absurd. It is Fianna Fáil pretending to be different from Fine Gael. It is a bizarre spectacle. We are here to legislate-----

**Senator Jerry Buttimer:** Sinn Féin did a good job at the theatre.

**Senator Paul Gavan:** -----yet it is clear that no legislation is forthcoming today because of this spectacle of the absurd between the two conservative parties in the Chamber. Like my

15 December 2016

colleague, Senator Ned O'Sullivan, although I will be here on Tuesday, I wish all Senators a happy Christmas.

**Senator James Reilly:** I had not intended to speak, but, having listened to what I can only describe as diatribe from the Leader of the Opposition, I wonder who wrote it for her. It is clear that whoever it was has a wonderful imagination. Fianna Fáil, of which Senator Catherine Ardagh is leader in this House, wrecked the country's economy and wrought havoc on all of the people.

**Senator Pádraig Mac Lochlainn:** Action time.

**Senator James Reilly:** She now has the temerity to stand up in this House and rewrite history. Her colleague used the word "gas", but-----

**Senator David Norris:** Fianna Fáil was egged on by the Senator's lot.

**An Cathaoirleach:** Let us return to the business of the day.

**Senator James Reilly:** Senator David Norris loves to heckle others, but he does not tolerate any heckling himself.

**Senator David Norris:** I always tolerate heckling. I absolutely love it.

**Senator James Reilly:** I put it to the House that the country is back on track thanks to the last Government. There has been a lot of pain for a lot of people and this Christmas we could give some people certainty about their tenancies and rents next year and the years to follow. Instead, however, we have Fianna Fáil brinkmanship - that is what I would call it - as operated by Deputy Barry Cowen. I remind the party across the floor that theirs is the party of Ray Burke and Bertie Ahern who made a comment on suicide about some people who were giving out about the economy at the time, who accused Deputy Bruton, when he warned about it, of economic treason and who encouraged people, in particular, young people, to get on the property ladder before they missed the boat. Let us get back to reality. Six months of work has gone into this strategy, in consultation with all stakeholders. That is from where the figure of 4% comes. However, Fianna Fáil and Deputy Barry Cowen have just pulled the figure of 2% out of the air. It sounds awfully like the language used by Anglo Irish Bank bankers, as I recall. Let us stop the brinkmanship if we can. Let us give people some certainty for next year. If we mean "Happy Christmas", let us try to make it a little happier for those who find face uncertainty in having a roof over the heads next year.

**Senator Mark Daly:** I propose an amendment to the Order of Business that No. 30, non-Government motion No. 13, be taken today and approved by the House. It is hoped that-----

**Senator David Norris:** What? We cannot hear the Senator. He is mumbling.

**An Cathaoirleach:** If there was silence in the Chamber, we might hear him.

**Senator Mark Daly:** Not all of us have the benefit of Senator David Norris's learned education in the hallowed halls of Trinity College Dublin.

**An Cathaoirleach:** The Senator should not be baited. Will he clarify the number?

**Senator David Norris:** It is voice projection, darling.

**An Cathaoirleach:** Please allow Senator Mark Daly the floor. I was going to call Senator David Norris early, but if he is being obstreperous, I will not.

**Senator Mark Daly:** I remind Senator David Norris that it is allegedly the season of goodwill towards all men.

*(Interruptions).*

**Senator Mark Daly:** And women too.

**An Cathaoirleach:** For the benefit of the Chair, please allow Senator Mark Daly to clarify his proposal. Please afford him that respect at least.

**Senator Mark Daly:** I propose that No. 30, non-Government motion No. 13, be approved by the House. I will have one of my colleagues second it.

**An Cathaoirleach:** Is it to be taken before No. 1?

**Senator Mark Daly:** Yes. I propose that the Cathaoirleach then send the necessary letters on behalf of the House.

This is the last month of the decade of commemorations of the 1916 Rising. The National Parks Service of the Department of the Interior in the United States has afforded Ireland a distinct honour by having a replica of the 1916 Proclamation placed inside the Washington Monument. It is one of only 17 countries to be given such an honour and only five plaques have been placed within the Washington Monument in the past 75 years. President Michael D. Higgins gave the plaque on behalf of the citizens of Ireland at home and abroad and it is hoped the Taoiseach, on behalf of the nation, will attend next March to formally dedicate it. I hope the Cathaoirleach, with the acceptance of the Leader, will send the letters to those in the United States who helped with the particular proposal.

I wish everyone a happy Christmas, including Senator David Norris.

**Senator David Norris:** How kind.

**Senator Mark Daly:** It is the season of goodwill to all people.

On the issue of housing and the mismanagement of the Government-----

**An Cathaoirleach:** Tá an t-am istigh.

**Senator Mark Daly:** -----to bring forward this issue of rent certainty at the last hour of the last day of the sitting of the Dáil and to try to force all sides to come to an agreement with such little time available is nothing short of mismanagement of the highest order. I agree with my colleague, Senator Ned O'Sullivan, and others who have raised the issue. If this is the best Fine Gael can do in managing a crisis-----

**An Cathaoirleach:** I call Senator Fintan Warfield.

**Senator Mark Daly:** The Labour Party now seems, through its leader, to have a new line, which is, "If only we had been allowed to do this when we were in government."

*(Interruptions).*

15 December 2016

**Senator Mark Daly:** It blamed Fine Gael when it was in government and is blaming Fianna Fáil now that it is in opposition.

**An Cathaoirleach:** The Senator is over the limit. Will he, please, sit down? He should resume his seat. I presume we are sitting next week. That was my understanding. Will no one turn up? I hope Senators do.

*(Interruptions).*

**An Cathaoirleach:** Please allow Senator Fintan Warfield to contribute. When he does contribute, he is very much to the point and brief, which I respect.

**Senator Fintan Warfield:** Last week Dún Laoghaire-Rathdown County Council passed a motion calling for its chief executive to convene an early meeting of the board of the Genealogical Society of Ireland to discuss the decision of the Dún Laoghaire Harbour Company to acquire the premises that houses the unique archives and research facility of the society and explore the assistance the council could provide in keeping the valuable cultural and educational facility in Dún Laoghaire. It was proposed by Councillor Shane O'Brien of Sinn Féin and seconded by Councillor Patricia Stewart of Fine Gael. I should note that I am a nominee of the Genealogical Society of Ireland. The background to the motion is the imminent closure of the society's archives on the pier.

It is set to close on 14 February following the delivery of a notice to quit from the Dún Laoghaire Harbour Company. I would like to see the Minister for Transport, Tourism and Sport, Deputy Shane Ross, intervening to address this issue in the light of the proposed transfer to the harbour company by February 2017. I ask the Minister to address the issue.

**Senator Michelle Mulherin:** I welcome the negotiations that have commenced between Vertex and the HSE on the price of Orkambi, with a view to making it available to suitable cystic fibrosis patients. On the basis of the 25% success rate for patients in clinical trials, the best approach for the HSE and the one it wishes to take is to seek payment based on patient outcome. The outcome of the negotiations may well be a watershed and an opportunity to draw a line under the rogue and unethical behaviour in which drug companies have engaged. The drug companies should not be making a corporate game out of making life-saving and life-enhancing drugs available to the sick and dying, knowing well that governments like ours are trying to do the best for their citizens. In this case, asking for €160,000 per patient, while the CEO is earning €25 million per annum, can be described as shameless greed and highly unethical.

Drug companies have a track record. They have denied life-saving drugs to people in developing countries, including HIV-AIDS drugs and antiretroviral drugs in Africa, while people in some of the same countries have been used as guinea pigs and lost their lives. Corporate social responsibility is an in-vogue concept for these multinational companies. The challenge is for the drug companies to pay more than lip-service to it in order that it actually means something. Drug companies would do well to remember that they would not be in a position to make their big profits without the environment of relative political stability provided, in particular, by western governments. I refer, in particular, to our respect for the rule of law which protects their intellectual property and patents and provides them with the protection of the corporate veil under which they can trade and take risks. They have a great deal for which to thank western governments. As such, a line must be drawn under the unacceptable unethical behaviour in

which they have a long track record of engaging.

**An Cathaoirleach:** I call Senator David Norris.

*(Interruptions).*

**Senator David Norris:** Can I remind the Senator that I am the Protestant Tweedledum? I am Senator David Norris. Senator Shane Ross is now in the other House.

**An Cathaoirleach:** Sometimes the Senator does not listen to me. I am allowing him to speak.

**Senator Mark Daly:** He has a problem with his hearing apparently.

**Senator David Norris:** I note that the first three speakers and several subsequent ones read prepared statements. I just note the fact.

**Senator Catherine Noone:** What is wrong with that?

**Senator David Norris:** It is against the tradition of the House.

**Senator Maria Byrne:** I did not do so.

**Senator David Norris:** I do not think the Senator has spoken yet.

**Senator Maria Byrne:** No.

**Senator David Norris:** There you are. How could she possibly have read a statement? Really, the intelligence level in the House is going down and down.

**Senator Mark Daly:** It is the season of goodwill.

**Senator Maria Byrne:** It is not appropriate for the Senator to question my intelligence level.

**Senator David Norris:** I love interruptions, but I cannot hear them.

**An Cathaoirleach:** I ask Senator David Norris to let me correct one thing. This matter was brought before the Committee on Procedure and Privileges at the request of the Senator some months ago and it was agreed unanimously by the committee that those who wished to read statements or from documents and those who, like the Senator, pronounced their contributions very eloquently without same were all entitled to be here and contribute in the manner they wished. It is unfair to say what the Senator said. It may have been the way things were done historically. It was the case when I was here 25 or 30 years ago but not any more. That has been agreed to.

**Senator David Norris:** I just noted the fact.

**Senator Gabrielle McFadden:** The Senator should not refer to intelligence levels either.

**Senator Niall Ó Donnghaile:** I want to see what is on Senator David Norris's white paper.

**Senator David Norris:** It is the Order of Business. There are about three words on it.

**An Cathaoirleach:** I ask Members to, please, allow Senator David Norris to speak. He is

running out of time and I do not want him to run out of steam also.

**Senator David Norris:** As the only Independent Member present, I will oppose the Order of Business. I note in recent years the habit of meeting without an Order of Business, of which I do not approve. I see no reason we should not have an Order of Business on Tuesday.

**Senator Jerry Buttimer:** We are going to have one.

**Senator David Norris:** Why does it state there shall be no Order of Business?

**An Cathaoirleach:** It has been proposed.

**Senator David Norris:** It states there shall be no Order of Business. That is what it states in black and white.

**An Cathaoirleach:** To clarify, there will be an Order of Business. Perhaps it is sometimes good to refer to notes.

**Senator David Norris:** It is in the official Order of Business, but I have only just received the amendment this second. I have it in my hand.

On the rent issue, we should not castigate all landlords. I spent a huge amount of money on the basement of my house which I rent out. I have not put up the rent for about ten years because I have decent tenants. It suits me very well. They are nice people who leave me alone and I do not have to bother too much with them. However, one is charged approximately 50% on the rent because it is deemed to be “unearned income”. I am thinking of giving it up, as it is just not worth it. It is a waste of time. Why should I be earning money for the Government? I cannot see why.

There we are. It was rather an unruly spot, but I am very glad I pointed that out to Senator James Reilly. I delighted in the highly intelligent heckling which is all part of parliamentary business.

**Senator Catherine Noone:** It was an own goal.

**Senator David Norris:** Despite what Senator James Reilly says, I enjoy the interruptions.

**Senator Catherine Noone:** We aim to please.

**Senator David Norris:** The Senator does.

**An Cathaoirleach:** The Senator contributed slightly to the disorder on the Order of Business.

**Senator Máire Devine:** I am going to read from notes. Is that okay?

**An Cathaoirleach:** It is allowed.

**Senator David Norris:** Yes, it is.

**An Cathaoirleach:** Senator David Norris’s remiss was a case in point.

**Senator Máire Devine:** I note the launch today of the HSE’s campaign to lure nurses back in an appeal to their sentimental side at Christmas. The plan is to hold three open recruitment

days, with walk-in interviews, at the HSE's Dublin headquarters where up to 1,000 full and part-time positions are on offer. The message from the Minister is going to be, "We need you back". This is going to take place over the Christmas break. As a registered nurse who has served on the front line all of my working life, I would like nothing more than to see the young graduates we nurtured and mentored return to work in the country. This, however, is a desperate attempt by the HSE to pull on the heartstrings of our brightest and best at a time of high emotion to get them to come back and save a health system that is on its knees and which the HSE has run into the ground. The measure is an admission of the grave mistakes the Government and Fianna Fáil have made since 2008 in regard to the health service and its staff. We sold nurses and other front-line workers down the river to pay back billions to the speculators. Yesterday, 536 citizens lay on trolleys in corridors and wards across the country. It is a damning indictment of the failed policy in scattering our young nurses all over the world. We now have the audacity to crawl back to them, pleading with them to come home. On top of this, the INMO is releasing the results of a ballot which is expected to favour industrial action.

I will end on a positive note. I extend the very best Christmas wishes to all my nursing colleagues, including the ones at home and those who are on their way home. They do fantastic and admirable work in trying circumstances. I am particularly conscious of those nurses who will be away from their families working on Christmas Day. All I can say is, "Go raibh míle, míle maith agaibh go léir".

**Senator Maria Byrne:** University Hospital Limerick is always receiving negative publicity around here, but there was good news in the announcement yesterday that the opening date of the new emergency department might be brought forward following the significant upgrade of the software systems. It includes the integration of the patient and clinical management systems which allow consultants and their teams to maximise the operation of the emergency department. This is a good news story, given the fact that University Hospital Limerick covers the entire mid-west region with the other hospitals in its group. As we are always knocking it here, it is good to welcome good news.

**Senator Pádraig Mac Lochlainn:** I do not know if the Leader has yet watched the movie "The Siege of Jadotville", but many Members have. For many years, the men were betrayed by their Government and the State and their heroism was turned into cowardice by people in political leadership in the State. What they went through in Jadotville was one of the most remarkable military feats in history. Rather than it being presented to young members of the Defence Forces as the standard to which to adhere, it was presented as the standard from which to walk away and as cowardice. The betrayal was tremendous. Some people took their own lives or died in despair and their families dealt with all this during the years.

My colleague, Senator Gerard P. Craughwell, and I have asked the Minister for a presentation of medals in *Áras an Uachtaráin*. In this centenary year members of the Defence Forces were rightfully paraded and presented with medals. Why can we not bring the surviving members of the events in Jadotville, whose numbers are dwindling every year, and their families to *Áras an Uachtaráin* to be presented with medals by the President? If they cannot be presented with medals for gallantry, they should be given medals to acknowledge their service to the State and the United Nations and the honour they brought on the people by their actions in those days. The manner in which they were betrayed by those in UN and Irish political leadership at the time was disgrace. I assume everybody in the House agrees that the Leader should communicate, on behalf of the entire House, our wishes and firm view that the heroes of Jadotville, the surviving members and their families should be brought to *Áras an Uachtaráin* at the earliest

opportunity to have medals pinned on their chests on behalf of the people. I urge the Leader to ask the Minister to listen to the views of the House.

**Senator Frank Feighan:** I agree with Senator Pádraig Mac Lochlainn on the heroes of Jadotville. I was probably one of the first Members of the Oireachtas who highlighted the fact that the men had been forgotten about. I was delighted when the Government recognised their heroism. I was in Custume Barracks to see the men being presented certificates. I agree that they should be recognised in a much more significant fashion. In Custume Barracks it was a great day of emotion and thanks. Their sacrifice and heroism had been forgotten about. Let us not discuss history. We will not go there because what happened was wrong and I am glad that we have now reached a situation where we can recognise the sacrifices made.

I am intrigued that Lloyds of London could now become Lloyds of Dublin. It is moving an office which deals with tens of millions of pounds to Dublin. This is good news for the country following Brexit which normally involves bad news for Ireland. I note that the European Medicines Agency and the European Banking Authority will move to different locations. Given what the Government and country did to save the European Union and the euro, the two should move to Dublin. Some 900 jobs in Canary Wharf are moving out of London. There up to 200 jobs in the European Banking Authority. We need and deserve these jobs which should come to Dublin. I was the first to highlight the fact that the European Medicines Agency would move if Brexit happened. It needs to move to a place such as Carrick-on-Shannon or Dublin. We need and deserve these jobs.

**Senator Trevor Ó Clochartaigh:** Ba mhaith liom ceist a ardú ar maidin atá ag teacht chun cinn sna ceantair tuaithe agus atá ag cur inní orm.

The new JobPath scheme has been rolled out, about which many other people and I in rural areas are concerned. Community employment and other employment schemes across the country have been seriously affected by the implementation of JobPath. Private companies working on behalf of the State are signing up people to the JobPath scheme, which means that they are then ineligible to take part in community employment and other schemes. The latest turn of events is that Seetec, a company working my area, is opening offices in rural areas and signing up people who are in receipt of social welfare payments. A number of schemes in Connemara have been unable to recruit people this year because all of the people who would have been eligible are now on JobPath lists and, therefore, ineligible to take part in other schemes. There is a fear that the opening of new clinics in rural areas by companies such as Seetec will result in more people being put on lists, which will lead to social employment schemes in rural areas no longer being viable. These schemes are very important to local communities.

The other side of the coin is that most of the people who are signed up to Seetec are not gaining any gainful employment from JobPath. A review of the scheme has been called for on a number of occasions and it is urgently needed, given how the two private companies contracted by the Government to roll out the scheme are acting. What is happening is cynical. I do not think the companies involved are acting in the best interests of the people taking part in schemes or the local communities they serve. We need a review of the system. I call for a debate on it as soon as possible in the new year in order that we can review the programme.

**Senator Kieran O'Donnell:** I wish everyone a happy Christmas.

**Senator David Norris:** Happy Christmas.

**Senator Kieran O'Donnell:** I agree with Senator Máire Devine and extend my compliments to the public and private sector workers who will be working over the Christmas period in Limerick and other areas. Senator David Norris referred to intelligence. I thought, given the large influx of females into the House, that average intelligence would have been brought way up. I thought he would have reflected on the matter.

**Senator David Norris:** Smaller brains.

**Senator Rose Conway-Walsh:** Obviously, there are-----

**An Cathaoirleach:** I am sorry, but I cannot hear Senator Kieran O'Donnell because Radio Luxembourg is butting in.

**Senator Kieran O'Donnell:** I refer to rents. I am glad to see that common sense has prevailed in the Dáil and that the Bill will be debated later today and tomorrow. My area, Limerick city, has not been included, but I would have liked it to have been. I have spoken to the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, about the matter. He has agreed that it will be prioritised. There is a long way to go. We do not always need to talk to Fianna Fáil; we can actually talk among ourselves. The Residential Tenancies Board has been charged with providing evidence. I have asked the Minister to fast-track the evidence. I hope Limerick city will be included quite quickly and that the timeframe for the inclusion of other areas will be virtually coterminous.

**Senator Diarmuid Wilson:** I second the amendment to the Order of Business proposed by Senator Mark Daly whom I commend for his achievement in tabling the motion.

It is a pity that Senator David Norris was not asked to speak before Senators Kevin Humphreys and James Reilly. I will forgive Senator Tim Lombard because he is new to the House. The word "intelligence" was used by Senator David Norris. If it had been used prior to the contributions of those Senators, perhaps he might have been intelligent enough not to speak. If we want to rehearse history and the economic downturn, we can and have no difficulty in so doing. Senator Kevin Humphreys and what is left of his party were in government for five years and the people gave their verdict. For five years the Senator's party, predominantly, talked about my party and what it had done to the economy. The people are brighter and more intelligent than that and gave the Government its verdict. Any day the Senator's party wants to come into this House to debate the issue my party will do so. We have no difficulty in doing so.

It is welcome that the Committee on Procedure and Privileges has agreed that any Member of this House can come in and read from a script. Not all of us have had an opportunity to lecture big crowds, participate in television programmes or take to the stage as Senator David Norris and other individuals have done. In particular, I am delighted for one reason, that is, for the 35 or so people who are employed by Sinn Féin. I do not want to see them disappear and lose their jobs. If they have to be employed, so be it. I am glad to see them employed. It is welcome-----

**Senator Trevor Ó Clochartaigh:** At lease we have something to say.

*(Interruptions).*

**Senator Colm Burke:** In response to the criticism of the health service, we need to be careful because over 100,000 very dedicated and committed people work in the health service.

15 December 2016

We need to keep in mind the fact that they must work over Christmas, while the rest of us are at home. Every week 61,500 people attend outpatient departments and a further 23,000 attend emergency departments. That means that over 84,000 go through the hospitals system every week and that is in addition to the number who go through the system and are in beds. To suggest the health service is crumbling is unfair on the people who work in it because they provide a comprehensive service and work extremely hard. It is wrong to suggest 100,000 people are not doing their jobs.

**Senator Máire Devine:** Who suggested it? On a point of order, I want to know if Senator Colm Burke is targeting me with his claim.

**An Cathaoirleach:** I suggest Senator Colm Burke be allowed to conclude as his time is nearly up.

**Senator Colm Burke:** An additional 5,000 people now work in the health service when compared with the number in 2014. We are making huge progress. It is important to give credit where credit is due for the service that is delivered.

Many people have been caught up in the rental market. I am talking about tenants, in particular. We need to give security and do everything possible for them. We need to all work together to deal with the issue. Unfortunately, many people will not get on the property ladder. Therefore, we need to ensure they have security and do not have to worry about when the next notice to quit will be delivered to their door compared with what happened before. Let us all be careful in the way we handle the issue. Many people are very worried. We need to be conscious of their plight and make sure we will not play politics on the issue. That is why it is important that we agree on a comprehensive plan to tackle the issue.

**Senator Niall Ó Donnghaile:** My mother always told me when I was growing up that empty vessels made the most noise. I ask Senators to reflect on the proverb in the context of today's contributions. Senator Diarmuid Wilson has returned to the Chamber. I advise him that no one has written notes for me. I am very lucky to have someone employed to work for me. They are a political activist of the calibre that Senator Diarmuid Wilson can only dream about achieving.

Muna miste leis an gCeannaire, ba mhaith liom a lua go mbeidh agóid taobh amuigh den Teach ag 1.30 p.m. ag an ngrúpa Misneach faoi chúrsaí Gaeilge. Tá a fhios ag an gCeannaire go bhfuil sé ardaithe agamsa, ag an Seanadóir Ó Clochartaigh agus ag roinnt mhaith daoine eile gur chóir go mbeadh díospóireacht againn leis an Aire Stáit faoi chúrsaí Gaeilge agus faoin slad atá déanta ar bhuiséad na Gaeilge agus ar shaol na Gaeilge fud fad an Stáit seo.

I want the Leader to implore the Minister to come here to debate the Irish Language. The Irish Language lobby group, Misneach, will hold a protest at the front gates of Leinster House at 1.30 p.m. today. The group wishes to highlight two facts. First, the Minister has been unable to come into this House, for whatever reason, to discuss the very important issue of Irish language rights, development and investment. Second, she has not spoke to the media, Irish language organisations or representative groups. I know that the Leader, with the vast majority of Members of this House, cherish the Irish language for all of the economic, social, cultural and artistic benefits it bestows on our lives. It is about time that we heard the Minister's explanation for the cut in budget for the Irish language. I want to know why there is almost disdain for the language at a time when we should invest in, promote and develop it like never before.

**Senator Ray Butler:** Recently the Scottish First Minister, Ms Nicola Sturgeon, MSP, ad-

dressed the Chamber. It was a great day and we were delighted to have her in Ireland. She visited the Book of Kells that is housed in Trinity College Dublin. I called for her support in asking for the Book of Kells to be returned to the people of Kells in County Meath.

**Senator Kieran O'Donnell:** Good man.

**Senator Ray Butler:** I ask Senator David Norris to have a word with his friends in Trinity College Dublin. I would like to make a few points about the Book of Kells. It comprises four volumes by the four Evangelists - Matthew, Mark, Luke and John. Two of the volumes are never displayed by the university but kept in storage. The Book of Kells fell into the hands of the Protestant ascendancy class and subsequently Trinity College Dublin as a direct result of the Cromwellian wars in Ireland.

**Senator Paul Gavan:** No, Norris took it.

*(Interruptions).*

**Senator Ray Butler:** The Book of Kells was kept safely in Kells for over 600 years.

**Senator David Norris:** And then they lost it.

**Senator Ray Butler:** The Book of Kells belongs to the people of Ireland, not Trinity College Dublin.

**Senator David Norris:** And then they let it fall into the bog.

**Senator Ray Butler:** It belongs to the people.

*(Interruptions).*

**Senator Ray Butler:** I would like Senator David Norris to thank Trinity College Dublin and its librarians for taking good care of the book. Let us remember that the people of Kells took care of it during the 600 years it was in the Columban monastery.

**Senator David Norris:** And then they lost it.

**Senator Ray Butler:** We want it back.

**Senator David Norris:** The people are not getting it.

**An Cathaoirleach:** I thank Senator Ray Butler for his history lesson.

*(Interruptions).*

**Senator Jerry Buttimer:** How does one follow the last few contributions? I thank the 22 Members who spoke for their vigorous contributions.

**Senator Kieran O'Donnell:** They were intelligent contributions.

**Senator Jerry Buttimer:** Yes, they were. Reference was made to the use of language and scripts. I noted all of the comments made in my Notebook.

**An Cathaoirleach:** I urge the Leader not to be caught in any snare.

**Senator Jerry Buttimer:** My best reply to the contributions made on the Order of Business

is to bring the vibes down an octave or two. I ask Members to reflect wisely on what we have discussed.

Thirteen Senators referred to the Bill before the Dáil. As Senator Kieran O'Donnell said, thankfully, the Dáil will debate it today and tomorrow and I hope it will reach us on Tuesday. It is important that we put the matter in context and park all of our political ideology. There are 132,000 tenants in Dublin and 18,000 in Cork who are awaiting the legislation. It is important, therefore, that the Bill progress. The Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, is determined to work with all sides to bring about certainty and achieve security for tenants and landlords. The job of this House is to decide its own business and do an effective job. I am confident that we will do so in a timely and positive manner. Like me, Senator Ned O'Sullivan is a pragmatist. We were both right to wait for a resolution to take place this afternoon. Let us put the matter in context because some Members have a misguided notion of the rental market. There are more tenants than landlords. The legislation represents a major and radical intervention in the rental market. Senators have stood on the mountain and talked about the landlord class and the lack of an intervention by the Government. I urge them to read the statement issued by the ESRI yesterday. I outline for Members, Sinn Féin Party Members in particular, that if one was to intervene too aggressively, the supply of housing would be shut off. We must have supply. I am confident that the Minister who has worked with Deputy Barry Cowen of Fianna Fáil and, to be fair, Deputy Eoin Ó Broin of Sinn Féin will get the legislation right. It has not been rushed. Let me put the matter in context. We gave it a long, detailed and considered hearing in this House. Deputy Simon Coveney has been one of most willing Ministers to come to the House and has engaged with Members on all sides. In his contributions on Second, Committee and Report Stages he flagged that he would table amendments and deal with the issue of rent certainty. The process was agreed to by all of us.

**Senator Trevor Ó Clochartaigh:** We opposed it.

**Senator Jerry Buttimer:** No, we agreed to it in group meetings. The process was agreed to. The Senator cannot have it both ways.

**Senator Trevor Ó Clochartaigh:** I was not here. The Leader should check the vote register.

**Senator Jerry Buttimer:** You cannot talk out of both sides of your mouth.

**An Cathaoirleach:** The Leader should speak through the Chair.

**Senator Jerry Buttimer:** The legislation has been subject to three months of consultation, as well as being the subject of more than 500 written submissions. I appeal to Members. The language we use is important. If we have learned anything from Brexit and the American election, it is that our language and what we say are critical. Let us not undermine the strategy or the process. Let us ensure we have a Bill that tenants and landlords will want to see passed in order that we can reach an outcome that will provide certainty and security. The last thing we, as Members of the House who are charged with the responsibility of enacting legislation, want is to have flawed legislation passed. That would not make sense and would be wrong. Let us have calm and reflection.

On what Senator Rose Conway-Walsh said about the banks, I do not like to hear her use words such as "robbery", "theft" and "lies". I would much prefer if we had a debate about the banking system letting people down. I would be very happy to arrange such a debate in the

new year. We should all look at the report on the banking inquiry and what is stated in it and the other associated reports.

Senator Kevin Humphreys spoke about new politics. I remind him that what people do not want to see is old style Punch and Judy politics, to which he resorted. What they want to see is action being taken by all of us. I would be happy to have the Taoiseach come to the House at any time, but he is not the line Minister with responsibility for the Bill. The responsible Minister is Deputy Simon Coveney who I hope will be in the House on Tuesday to discuss the Bill. I would be happy for the Taoiseach to come to the House in the new year to discuss the issue of Seanad reform or any matter pertaining to his Department, but, please, let us put things in context.

I will not go through the contributions of all Senators on the Planning and Development (Housing) and Residential Tenancies Bill.

I am very happy to accept Senator Mark Daly's amendment to the Order of Business. On a very serious note, I recognise the significance of the motion which conveys our thanks to the National Parks Service of the United States. As Senator Mark Daly rightly said, Ireland is just one of 17 countries to be given this distinction and unless I am mistaken, it is one of only five plaques to be placed at the Washington Monument, which is an indication of the significant contribution made by the State in the eyes of the United States of America. I thank the men and women of the National Parks Service of the United States which is part of the US Department of the Interior as it is an acknowledgement of the huge contribution made in the 1916 Rising, following which many people emigrated to the United States where they played a role in civic life. The motion is important and I am happy for it to be taken today.

Senator Fintan Warfield referred to the Genealogical Society of Ireland in Dún Laoghaire. I am not familiar with the case mentioned, but I would be happy for the Minister for Transport, Tourism and Sport, Deputy Shane Ross, to come to the House to discuss the matter, most likely in the new year.

Senator Michelle Mulherin referred to the drug Orkambi. We all welcome the engagement of the drug company with the HSE and hope to see a positive outcome.

Senators Máire Devine, Kieran O'Donnell and Colm Burke raised the issue of staff in the Health Service Executive and the health system. I join Senator Máire Devine in thanking the men and women who work on the front line in the health service and all those who will be working on Christmas Day on behalf of the State. As someone who had the pleasure of working on Christmas Day when I worked in Cork University Hospital, I am aware that it is a day on which many people are separated from their loved ones, but they act in the spirit of serving others. I congratulate the Senator on raising the issue. However, I disagree with her assessment of the HSE's recruitment campaign which I believe is a good one. It is great that we are encouraging nurses to come home to work in the health system. The Senator should welcome people back into the health system with open arms. As we are crying out for people to work in the health system, we should encourage them to come back to work and live here. This has become a great country which we have rebuilt once again.

**Senator Máire Devine:** We live in the real world.

**Senator Jerry Buttimer:** Let us welcome the campaign.

**Senator Paul Gavan:** Unless they come back to work in private nursing homes.

**Senator Jerry Buttimer:** Senators Pádraig Mac Lochlainn and Frank Feighan referred to the events which occurred in Jadotville in the Congo in 1961. I have seen the film and one cannot but be struck by the bravery of the men involved and the fact that no Irish soldier was lost in the battle. The Minister organised an event in Custume Barracks in which she presented a citation to the men of A Company of the 35th Infantry Battalion. As Senator Gabrielle McFadden outlined previously, it was the first time a citation was awarded to a unit of the Defence Forces. The Minister has commissioned an insignia to recognise the professional performance of the men of A Company, but like Senator Frank Feighan and others, I agree that it is important that we try to make more progress if we can. We are always reacting to historical and various other events. The soldiers referred to were treated badly; they were treated as outcasts when, in fact, they were not. I encourage all Members who have not seen the film to watch it over Christmas because it is an extraordinary portrayal of the bravery of the men in question who deserve our thanks and appreciation.

Senator Frank Feighan also referred to the possibility of Lloyds of London becoming Lloyds of Dublin. I hope that will come to fruition. Equally, he mentioned the possibility of the European Banking Authority and the European Medicines Agency coming to Dublin. I hope that, too, will come to fruition.

Senator Trevor Ó Clochartaigh referred to the JobPath scheme. The Minister for Social Protection, Deputy Leo Varadkar, has been holding meetings with representatives of community employment schemes and is looking into the matter. Many of us have spoken to him about it. He acknowledges and values the work being done across many schemes and is anxious to find a positive solution to improve communities. I would be happy for him to come to the House in the new year to speak about the issue.

I will not engage in a discussion on economics back and forth with Senator Diarmuid Wilson.

Senator Colm Burke again referred to the health service. I would be happy for the matter to be discussed in the new year.

Senator Niall Ó Donnghaile raised the issue of Misneach, mar gheall ar chúrsaí Gaeilge. It is my fault that the Minister of State, Deputy Seán Kyne, will not be in the House before Christmas; it is not his. He is willing to come to the House, but I will hold him off until the new year because of the pending legislation we want to have passed. However, I assure Senator Trevor Ó Clochartaigh who raised the matter previously that the Minister of State will be in the House in the new year.

I wish Senator Ray Butler well in his quest to have the Book of Kells returned to County Meath.

**Senator Ray Butler:** It is just one of the gospels.

**Senator Jerry Buttimer:** I am sure there will be strong resistance from many arms of the State in that regard. I remind Senator David Norris that there will be an Order of Business on Tuesday morning.

**Senator David Norris:** Let me remind the Leader that an amended Order of Business was

circulated while the House was sitting.

**Senator Jerry Buttimer:** It was not.

**Senator David Norris:** The time on it is 10.30 a.m.

**Senator Jerry Buttimer:** It was circulated before the Order of Business.

**An Cathaoirleach:** It was circulated by electronic means before 10 a.m.

**Senator David Norris:** The time stated in black and white is 10.30 a.m.

**Senator Jerry Buttimer:** To clarify for the House, it was circulated electronically before the Order of Business. The Senator should be fair.

**Senator David Norris:** That is the time indicated on it.

**Senator Jerry Buttimer:** It is important that we be accurate and do not impugn those who work very hard. I wish to be very clear that it was circulated electronically prior to the Order of Business.

**An Cathaoirleach:** The Leader has corrected the record.

**Senator Jerry Buttimer:** Yes. Next Tuesday on the Order of Business - an intelligent one - at 11 a.m. we will have an opportunity to wish people a happy Christmas. I apologise to Members that we did not have an opportunity to engage in a longer debate because of the state of flux in the Dáil, but there is a timetable to which we agreed at the leaders' meeting last week for the business to be conducted. It will be a long day.

I thank the leaders of all the groups for their co-operation during this term. There has been a very positive working relationship. We can put the swords back in the scabbards for a moment while I thank all of the leaders and the Whips for their co-operation. I also thank the staff in the Seanad Office. There was very positive engagement at the Committee on Procedure and Privileges on the need to reinforce and strengthen the Seanad Office because we have dedicated individuals who do extraordinary work on behalf of the people and who sometimes do not receive the credit they deserve. They are under the watch of Mr. Martin Groves and do Trojan work, for which they should be acknowledged and thanked.

**An Cathaoirleach:** Senator Mark Daly has proposed an amendment to the Order of Business: "That No. 30, non-Government motion No. 13 re National Parks Service of the United States, 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.

### **United States National Parks Service: Motion**

**Senator Mark Daly:** I move:

That Seanad Éireann:

- thank the United States National Parks Service and the United States Department of

15 December 2016

the Interior for ensuring a replica of the 1916 Proclamation presented by the President of Ireland on behalf of the Irish people, at home and abroad, will be placed in the Washington Monument on the Mall, Washington DC in the United States of America

- recognising that this year marks the 100th anniversary of the 1916 Easter Rising and also the 100th anniversary of the United States National Park Service;

- recognising that Ireland is just one of 17 foreign countries to be given this particular honour and distinction;

- acknowledging that there have only been five plaques placed in the monument in the last 75 years and that this will be the 194th plaque in the monument, the others being from each state of the Union and organisations which helped in the building of the monument to General George Washington;

- and further thank the Secretary of State at the United States Department of the Interior, Ms. Sally Jewell; the Director of the United States National Parks Service, Mr. Jonathan B. Jarvis; the Chief of Staff, Ms Maureen Foster; the Deputy Chief of Staff, Ms Nikki Buffa; and the National Mall Director of the United States National Parks Service, Ms Alexa Viets, for their assistance.

I thank the Leader and the Cathaoirleach for their assistance.

**Senator Jerry Buttimer:** I second the motion.

Question put and agreed to.

### **Sitting Arrangements: Motion**

**Senator Jerry Buttimer:** I move:

That the Seanad shall meet at 11 a.m. on Tuesday, 20th December 2016 and, notwithstanding anything on Standing Orders, the following arrangements shall apply:

(1) Standing Orders 29 and 30 shall stand suspended;

(2) the Order of Business shall be proposed at the commencement of public business.

Question put and agreed to.

### **EU Directives: Motion**

**Senator Jerry Buttimer:** I move:

That Seanad Éireann:

(1) notes the agreed Report of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach under Standing Order 107 on the Proposals for a Council Directive on a Common Consolidated Corporate Tax Base (CCCTB) – COM (2016) 683

and for a Council Directive on a Common Corporate Tax Base – COM (2016) 685 which was laid before Seanad Éireann on 14th December 2016 in accordance with Standing Order 107(3)(b);

(2) having regard to the aforementioned Report, and in exercise of its functions under section 7(3) of the European Union Act 2009, is of the opinion that the Proposals for a Council Directive on a Common Consolidated Corporate Tax Base (CCCTB) – COM (2016) 683 and for a Council Directive on a Common Corporate Tax Base – COM (2016) 685, do not comply with the principle of subsidiarity for the reasons set out in paragraph 3 of the Report, and

(3) notes that, pursuant to Standing Order 107(3)(d), a copy of this Resolution together with the reasoned opinion and the aforementioned Report shall be sent to the Presidents of the European Parliament, the Council and the Commission.

Question put and agreed to.

*Sitting suspended at 12.40 p.m. and resumed at 1.30 p.m.*

### **Business of Seanad**

**Senator Jerry Buttimer:** I propose that we suspend the sitting until the end of the divisions in the Dáil. I apologise to Members.

**An Leas-Chathaoirleach:** Is that agreed? Agreed.

**Senator Jerry Buttimer:** I thank the Leas-Chathaoirleach.

*Sitting suspended at 1.35 p.m. and resumed at 2.10 p.m.*

### **Health Insurance (Amendment) Bill 2016: Committee and Remaining Stages**

Sections 1 to 9, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

**An Leas-Chathaoirleach:** Does the Minister of State wish to make a statement?

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

**Senator Ned O’Sullivan:** I welcome the Minister of State and compliment her on the passing of the Bill.

**Senator Colm Burke:** I welcome the Minister of State. The only thing of which we all

need to be conscious when it comes to health insurance is that we do everything possible to try to prevent further increases. The risk equalisation arrangement makes sure there is a level playing field for everyone, regardless of age. I welcome the Bill from that point of view, but we have to deal with the cost of private health insurance. If at all possible, we should do everything we can to try to prevent the cost of private health insurance from increasing dramatically in the next few years.

**Senator Máire Devine:** I cautiously welcome the Bill. Obviously, our stance is that the best approach is to provide universal health care for all citizens on an equal basis and the basis of need alone.

**An Leas-Chathaoirleach:** I thank the Minister of State and Senators.

Question put and agreed to.

*Sitting suspended at 2.25 p.m. and resumed at 2.35 p.m.*

### **Be Winter Ready Campaign: Statements**

**An Leas-Chathaoirleach:** I welcome the Minister of State at the Department of Defence, Deputy Paul Kehoe.

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** As chairman of the Government's task force on emergency planning, I am delighted to brief Senators on the Be Winter Ready campaign. The campaign is now an established annual event intended to give the public advice on the particular challenges the winter period can present. It also informs members of the public where they can source information on how to help themselves and others and highlights the whole-of-government approach being taken to winter preparations.

As Senators are well aware, the Be Winter Ready campaign focuses on flooding and safe driving. The Office of Emergency Planning, in collaboration with the Office of Public Works, OPW, and the Road Safety Authority, has designed and produced a leaflet on each aspect. The leaflets are distributed manually and available on the website *winterready.ie*. This is the sixth iteration of the Be Winter-Ready campaign, the focus of previous campaigns being on areas such as schools and farm families.

A meeting of the Government's task force on emergency planning took place on 9 November. It was dedicated to winter preparedness and immediately followed by the Be Winter Ready campaign launch. At the meeting a comprehensive briefing by all relevant Departments and agencies was received. As Senators may be aware, the role of the Government's task force on emergency planning is to support co-ordination across Government services in preparing for emergencies. This year's campaign launch further strengthened the co-ordinated approach taken in recent years. I am committed to continuing this approach to building national resilience during the winter in general but especially during severe weather events that may occur.

The Be Winter Ready campaign provides an opportunity for all relevant Departments and agencies, with transport operators, utilities and other services, to come together to inform on the work being undertaken in their areas. This collective approach provides an opportunity for the sharing of advice and information on our collective preparedness for the winter months and how the public can access and avail of this information. The launch of the Be Winter Ready

campaign marks the start of what can be a very demanding time for many, including the emergency services. It also gives us an opportunity to take stock and reflect on the steps we can take to prepare for the challenges of wintertime.

We can all recall the prolonged period of severe cold weather that occurred in the winters of 2009 and 2010. They were two of the coldest spells in recent weather history. Last year we had 189% of normal rainfall, making it the wettest ever recorded. Drawing on our experience of such events in previous years and the lessons learned, central and local government are now better prepared and ready to respond to incidents of severe weather. Emergency plans are in place and regularly updated and exercised, simulating a range of weather-related scenarios.

The Be Winter Ready campaign is but one element of a significant body of work that takes place in preparation for winter. Within my Department, Civil Defence and the Defence Forces are equipped, trained and regularly exercised to the highest levels to be able to provide support for the civil authorities, when required. All local authorities have major emergency plans in place that include provisions for severe weather. During recent severe weather incidents the co-ordination structures and procedures in these plans were used extensively. Most emergencies, including severe weather events, are responded to and managed locally or regionally. Where such weather events require a national response, the Department of Housing, Planning, Community and Local Government leads the national level co-ordination to bring whole-of-government support to bear. The fact that this national level co-ordination commenced in advance of Storm Desmond which occurred on 4 December and those involved met over 30 times ensured a speedy response when flooding occurred.

I will not go into the details of last year's flooding and the lessons learned as this is covered very comprehensively by the report on winter flooding - 4 December 2015 to 13 January 2016 compiled by the Department of Housing, Planning, Community and Local Government and published on its website. Reports such as this are crucial to the continued development of our capability and capacity in this area. They inform our decision-making and ensure we are well prepared at both a national and local level. However, we can never become complacent. We need to continue planning, training and exercising regularly for such events. I acknowledge the work of individuals, community groups and the voluntary agencies for the essential assistance they provide during the winter and particularly during periods of severe weather, especially for the vulnerable in communities. Well prepared plans and preparations locally and within communities to ensure our resilience in such circumstances remain a key factor for coping with the adverse impacts of severe weather. Community resilience is vitally important in dealing with severe weather and other major emergencies. The front-line emergency services rely heavily on the community spirit across Ireland to assist them in their work and it is greatly appreciated. Severe weather tests our resources and ability to carry on normal activities. However, I believe that by being prepared and working together at local, regional and national levels we all become more resilient and minimise the disruption to our lives by such events.

Weather warnings issued by Met Éireann are an important and valuable service that has developed considerably in the past few decades. The core rationale for issuing weather warnings is to enable citizens, business and communities to take appropriate measures for the conditions to protect themselves, mitigate damage to their property and minimise disruption of economic activity during severe weather. It is particularly important that the public, businesses, schools and institutions across the State are familiar with the coded weather alerts issued and what to do when they are triggered and issued by Met Éireann.

15 December 2016

Providing timely advice for the public is high among the key priorities for the Government at both a national and local level. The Be Winter Ready website and the Be Winter Ready booklet have been significantly enhanced with this in mind. Together with the links to other public service websites, they bring all of the relevant information together in a co-ordinated manner. I ask all members of the public, therefore, to take some time to explore these sites or read the booklet or both.

In addition, the Office of Emergency Planning has conducted a cost-effective and extensive information campaign on Be Winter Ready, with adverts on both national and local radio and in the national print media. They will be also be regularly tweeting during the winter period to augment the Be Winter Ready website and the advice being issued during particularly severe weather events. The twitter account can be followed on @emergencyIE and the public is being encouraged to join in the conversation at #bewinterready. The main message remains a simple one: be prepared, stay safe, know where to find help if you need it and be prepared to help others if you can. In other words, Be Winter Ready.

**Senator Paul Daly:** This is a very important issue as we face into winter. We can have all the actions we need to enable us to deal with what may be around the corner, but we often forget the most vulnerable in society, especially older people and those living in rural areas. In severe weather conditions it is important that we are all cognisant of the fact that people may be isolated. While we can write things in plans to address such things, they are really down to human nature and the goodness of neighbours, which will be a vital component of a Be Winter Ready plan.

The Be Winter Ready campaign was established following the brutal and uncharacteristically cold winters of 2009 and 2010. I am hesitant to call it a “knee-jerk” reaction, but it is unfortunate that we only began to think about the campaign after the event. As the Minister of State said, last year we had 189% of average rainfall and the winter ready campaign now has an emphasis on flood-related activities. It is always positive to hear such things being done, but it would be better to have had them before the event. We cannot allow the memories of last year to fade away without learning the lessons.

A major fall-out of the flooding was related to insurance and the vulnerable people in flood risk areas are living a nightmare, whether it is winter, spring, summer or autumn. While not directly related to today’s topic, it is a side-effect of a severe winter that has to be addressed immediately in order that people can be at ease in their homes. If people cannot gain home insurance, it is very hard to sleep easy at night.

I compliment all of the agencies that came to the aid of people, whether in a voluntary capacity or as part of their daily duties, in 2009 and 2010. I encourage more voluntary organisations to buy into the Be Winter Ready campaign. The IFA in rural areas, for example, co-ordinates a four-wheel drive vehicle scheme in order that if there is severe snow or frost and people cannot access small lanes in backward rural areas, local farmers will provide a four-wheel drive vehicle for that purpose. I commend such schemes, into which we all need to buy. We cannot blame anybody for the weather. While politicians are blamed for almost everything else, they cannot yet be blamed for the weather because we do not know what is around the corner and nobody is in control of it. As anything can happen overnight, awareness and being prepared are as important as having written documents and plans.

**Senator Victor Boyhan:** I thank the Minister of State for coming to the House and giving

an overview of the response. It is his responsibility as Minister of State and chairman of the Government task force on emergency planning. He may have already done it, but I encourage him to ensure local authorities are actually ready because in my experience few are. The first port of call for most people is the local authority. There are 31 local councils, but I can only speak for Dún Laoghaire-Rathdown County Council which now has a 24-hour emergency service which is based in a call centre in Cork, although that is irrelevant. It is a good system in that the minute one dials this number, the call will be answered by an agency who will tell one where to connect. The reality is that local authorities need to be geared up. I was a member of a local authority for many years, but councillors, the elected members, virtually knew nothing about the emergency response. There is a whole range of emergency responses; for example, responses to weather issues, issues to do with agriculture and maritime disasters. A myriad of issues could arise this very night. This is about a bigger response. If there is a weakness in local authorities and the joined-up thinking about emergency responses, how ready, how equipped and how resourced are each of the 31 local councils to meet a disaster this very night? This very night a major cruise ship could go down in the port of Dublin. Where would one get blankets, food and other resources? Have there been dry runs of emergency response teams? It is not as joined up as we would like to imagine. It is an issue for the new year. It is also an issue in terms of the competence of the local authorities working with the Defence Forces, An Garda Síochána and a range of State and voluntary agencies. How ready are we as a nation? How ready are local authorities and State agencies to respond to what could potentially be critical disasters for communities and the people?

I thank the Minister of State for addressing this issue in the House. It is timely and appropriate. I acknowledge the staff and the team involved. We need to have some ongoing training to ensure immediate responses to emergencies. That is something at which I ask the Minister of State to look in conjunction with the Minister for Housing, Planning, Community and Local Government. How can we be sure all State agencies and local authorities are ready to respond immediately to a major disaster? The Minister of State will find great weaknesses in the system. It is not robust enough and needs to be looked at. I suggest he and his officials might look at it in the new year.

Again, I thank the Minister of State for coming to the House and sharing his plans. Clearly, he has given it a lot of thought to the issue.

**Senator Gabrielle McFadden:** I welcome the Minister of State to the Chamber. I do not know how many of my fellow Senators were girl guides, or boy scouts. I can see one girl guide.

**Senator Victor Boyhan:** I was in the boy scouts.

**Senator Gabrielle McFadden:** I hope the rest were boy scouts.

I was a girl guide and our motto at the time was “Be prepared, Bí Ullamh”. Essentially, that is what this campaign is about. As we all know, Ireland has quite unpredictable weather and in the past there were times when we found ourselves stranded owing to the weather conditions. I think everybody agrees the country should not grind to a halt because of adverse weather conditions, nor should people’s lives or homes be in jeopardy because it rains too much or because it snows. It is of paramount importance that we are prepared for whatever the weather may bring. This campaign aims to do just that. As the Minister of State said, the main objectives are to provide practical advice for all on how best to prepare for the coming winter, to ensure members of the public have access to help if they need it, to reassure people that preparations are in place

and that the Government has made preparations.

The document provides practical advice for coping during times of severe weather and gives us all the contact details for State agencies that can provide assistance. The main topics of the document include: preparing one's home, road safety, travel advice and advice for farmers and businesses. It is a very practical document and I commend the Department for the work that has gone into it. It should not be just about a document, as Senator Paul Daly said, but it should also be about people working together as a community and working with a sense of community spirit. With that in mind, I urge people to keep an eye on elderly relatives and neighbours. During periods of severe weather conditions, it makes it more difficult for people to get out and about and do their shopping and attend medical appointments. They may need help in bringing in fuel because, as we all know, it is very important for elderly people to have sufficient fuel to maintain adequate heat in their homes.

We should encourage elderly people to wear panic buttons in case of an emergency or a fall. They should be encouraged to use their mobile phone and have it charged at all times and to have a torch at hand in case of a power cut. All these things sound very basic, but when faced with bad weather or power cuts, people tend to panic. It is very difficult to be ready to deal with an emergency when in a state of panic. Being prepared in advance is half the battle.

I raise the issue of flooding. Last year's flooding has been raised by Senator Paul Daly. One of the objectives of the campaign, as has been stated by the Minister of State, is to reassure people that the Government has made preparations. To be parochial, the people of Athlone had a terrible time last year with the flooding. Everybody worked exceptionally hard during December and January to try to help those worst affected. As always, the Defence Forces were among the hardest workers and they worked day and night with county council workers and volunteers. It took five days for the Army to come out to help in Athlone last year. It was not because the Army did not want to come out - quite the opposite - it was because they were not officially called out by the county council. The county council thought it could manage it and did great work, but it made the wrong call. At one point, on a Sunday morning I called the Taoiseach and the then Minister for Defence to urge both of them to call out the Army because we needed assistance in Athlone. The then Minister instructed the council to request the Army to help. A procedure should be added to the Be Winter Ready programme, whereby after a certain specified time, the Army would automatically be called on. The Army's presence always reassures people, as we saw at first hand in Athlone last year.

I welcome the campaign and urge the Minister of State to consider my point about the Army and include it in the emergency plan. I hope we will not need any of these measures this winter. I hope it will be a mild and pleasant winter for everybody. We suffered enough last year. I urge everybody to ensure he or she will read the booklet and be ready, like all good girl guides and boy scouts.

**Senator Niall Ó Donnghaile:** Gabhaim mo bhuíochas leis an Aire Stáit as a bheith linn. I am glad that Senator David Norris is not here because unusually for me I have put a few notes together. I hope the Minister of State will not be offended when I read my notes.

When launching the Be Winter Ready initiative in early November, the Minister of State stated it was designed to provide practical advice on the measures citizens, businesses and communities could take to prepare for severe weather events, on which my colleagues have touched. The purpose of the initiative is also to reassure the public that adequate preparations are being

put in place to ensure a co-ordinated response when emergency services are tasked with responding to exceptional weather circumstances.

I have looked at the Be Winter Ready website and it is a helpful aid that provides useful online information and contacts for people who have access to the Internet. Its usefulness for the elderly, however, one of the most vulnerable at-risk groups from severe winter weather, is likely to be limited as they are least likely to have access to the Internet and other online resources such as Twitter and Facebook. This means that it is especially important - to be fair, the Minister of State touched on this - that consideration be given to older people when promoting the Be Winter Ready campaign. I am interested in how this might be achieved. Will the information on the Be Winter Ready website be provided for at-risk groups which might not have online access? This could be done through more traditional forms of communications such as the direct mailing of leaflets with the same information that is available online. It is also useful that local authorities have been informed of the capabilities that the Defence Forces can bring to an emergency response and advise on local call-out arrangements in advance.

The Minister of State might explain how the relevant Departments and agencies plan to communicate their own preparations and information campaigns as part of what he has described as the whole-of-government approach to winter readiness.

In a reply to a recent parliamentary question from my colleague, Deputy Aengus Ó Snodaigh, about the contingency plans in place to deal with natural emergencies, the Minister of State confirmed that the Department of Defence had put in place a memorandum of understanding and service level agreements with other Departments and State agencies to ensure the maintenance of essential services.

Of course, specialised training is essential in order that Defence Forces personnel can respond more effectively in a crisis. I welcome the joint exercises involving soldiers, the Naval Service, the Air Corps and the principal response agencies that took place recently as we work towards providing a more fully integrated response. In 2015, for example, members of the Defence Forces participated in an interdepartmental desktop exercise based on a severe wind and rainfall event and it proved useful when responding to the storms and the wet weather of 2016.

*3 o'clock* One of the key outcomes of the training was the provision of a water awareness syllabus of training, of which, to date, almost 700 Defence Forces personnel have availed. Perhaps the Minister of State might expand further on additional lessons that have been learned from the interdepartmental exercise and indicate if future similar exercises are planned for 2017. By engaging in these very worthwhile exercises, we will enable the Defence Forces to develop and improve their capacity to respond to requests for assistance in a flooding emergency or other incidents caused by nature. The enhanced efforts to prepare a co-ordinated response that will cover both routine and non-routine emergency scenarios that the Defence Forces might provide must be built upon and expanded.

The Defence Forces should be properly utilised and become fully integrated when supporting front-line Departments and agencies. Regrettably, this has not been the case in the past, when in recent years we have experienced exceptional weather events such as the extreme cold of 2010 and last year's unprecedented flooding and storms. The worsening weather patterns that are likely as a result of global warming and climate change are a fact of life that have caused serious hardship for both urban and rural communities across the State. The changing climate presents serious challenges for the Minister of State and his Government colleagues who have the responsibility for ensuring the emergency services have the resources and training

to properly respond in a crisis. To achieve this, pre-planning and careful co-ordination between the various agencies and Departments are essential as we must maximise the effectiveness of the response to emergencies. Of course, adverse weather knows no borders. I note that in the past there has been positive co-operation between the Department of Defence and colleagues in the North in assisting farmers, in particular, north of the Border. I very much welcome that strategic co-operation and ask the Minister of State to outline any pre-planning that might look at adverse impacts across the island in its entirety and how the Defence Forces personnel and other agencies can work north of the Border to assist those who find themselves in need.

One of the most serious failings of the past when responding to severe winter weather conditions has been the slow response to emergencies whenever they occur. Poor planning, bad communication and indecisiveness have often left communities defenceless and exposed in the face of storms and flooding which have resulted in extensive damage that would have been minimised if the Defence Forces had been deployed more effectively. We need to learn from lack of past readiness that has resulted in slow response times in order to ensure Defence Forces personnel will be deployed rapidly to the areas where they are needed most. This means having in place a fully joined-up approach between all of the relevant Departments and agencies, including Met Éireann, the early warnings of which of impending severe weather should allow for a proactive deployment of personnel. If this can be achieved, we can ensure the Defence Forces' effectiveness will be maximised and that they will be in the vanguard of operations to assist other first responders to emergencies. I hope, therefore, that the Be Winter Ready initiative will help to achieve these aims.

**Senator Maria Byrne:** I welcome the Minister of State for this discussion on the very important Be Winter Ready campaign. The key messages are be prepared, stay safe and know where to turn to for help. These are the key messages that must be communicated, especially to older people in the community. As others said, people must ensure they have an adequate supply of water and food in their homes in case we experience very harsh weather conditions. Medication is also very important because some people may not be able to leave their homes to obtain supplies. In terms of community spirit, it is very important that people keep an eye on one another. We have seen this happen all over the country in the past few years.

Weather conditions have changed a lot recently and we can experience several seasons in a very short space of time. Flooding was referred to. My county of Limerick has suffered a lot in that regard in recent years. An additional difficulty is that the ESB often has to release excess water at Ardnacrusha and this further complicates matters in the area.

It is welcome that the campaign is focused on flooding. It provides a lot of very practical advice such as turning off the water to one's home if one is going to be away for a number of days. However, there are some issues related to flooding that are crucial and deserving of more attention. A lot has been done for flood prone areas, but a lot more could be done. Insurance is a major issue for many people. Some householders have been unable to get home insurance because their homes are built on flood plains or they have been flooded in the past.

The campaign leaflet contains many practical tips, which I welcome. It points to the importance of maintaining modes of transport. Whether one uses a car or a bicycle, it is very important to ensure the lights are working properly. The leaflet also advises people to wear high visibility vests in the winter months in order that they will be clearly visible on the road. People also need to allow extra time for their journeys.

On the issue of farm safety, a number of students from Pallaskenry College were here yesterday to meet the Minister for Agriculture, Food and the Marine, Deputy Michael Creed. They had carried out a survey of farm safety. The number of accidents on farms is very high, but many of the 546 farmers surveyed had been unaware of many important health and safety issues. The campaign leaflet advises farmers to tell someone in the household when they are going out to check on their animals during bad weather.

The local authorities in the mid-west have come together and agreed an emergency plan, in conjunction with all of the emergency service providers. That is something that should be replicated countrywide. Volunteers have been mentioned. I pay tribute to all of those who volunteer their time to help others. In Limerick, for example, there are volunteers who patrol the rivers at night to make sure there are no accidents. These volunteers, with the staff of all of the emergency services and local authorities, must be thanked for their work.

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** I thank all of the Senators for their contributions to this discussion.

Most emergencies, including severe weather events, are responded to and managed locally and regionally. While the response is co-ordinated and managed at a local level in the first instance, as was the case last winter, the Department of Housing, Planning, Community and Local Government has the lead role in the response at a national level to severe weather events. As such, it can convene, at short notice, the national emergency co-ordination group for severe weather comprising 27 Departments and agencies in support of this local response, should it be required. The convening of the group brings a whole-of-government response to bear in dealing with crises. Last winter the aforementioned group met in advance of Storm Desmond on 4 December and convened daily from 7 December until 13 January in response to the severe weather and flooding that resulted. The overall co-ordinated response at local, regional and national level was extremely effective in minimising the damage to property and residents at the time. If Senators would like more information on the flooding that occurred in December 2015 and January 2016, I urge them to read the report prepared on it by the Department of Housing, Planning, Community and Local Government. In addition, the OPW has published on its website a progress report on the interdepartmental flood policy and co-ordination group which deals with a broad range of flood risk policies and measures and the manner in which they should be implemented. While we have tried and tested generic response mechanisms, we cannot be complacent when dealing with preparations for severe weather events and the potential dangers they pose, particularly during the winter months. The Be Winter Ready campaign reinforces the national emergency co-ordination group by encouraging people to be prepared to stay safe and also to know where to find help, if needed or required. We have made significant strides in promoting the Be Winter Ready campaign in the past six years. I am sure we are all agreed that is a cost effective and efficient campaign that brings together all State resources to promote the central message of resilience.

As I said, community resilience is vitally important in dealing with severe weather emergencies and assists the front-line emergency services greatly. I take the opportunity to acknowledge the excellent work of all front-line services, particularly those who have to work in severe weather conditions. However, I also highlight the continued and dedicated work of individuals, community groups and voluntary emergency services for the essential assistance they provide throughout the country, in particular for the vulnerable in communities during severe winters. This year the Be Winter Ready campaign is concentrating on promoting public awareness of flooding and how to prepare for such events and driving safely during the winter months. We

all need to take road safety seriously. It is a particular problem during the winter months. The Road Safety Authority has been actively campaigning, as part of the Be Winter Ready campaign, to promote greater road safety during the winter months.

A number of Senators raised particular issues, including the issue of flood insurance cover. The OPW and Insurance Ireland have agreed a system of information sharing on flood alleviation schemes. The Department of Finance and the OPW also meet on a quarterly basis with Insurance Ireland to discuss the availability of flood insurance cover. The Minister of State, Deputy Seán Canney, is on top of this issue. As Members are aware, dealing with insurance companies can be difficult at times.

**Senator Denis Landy:** On a point of order, I was notified that this debate would commence at 3.15 p.m. The schedule issued last week did not provide a time for the commencement of the debate on this matter. I have just been told that I cannot contribute to the debate.

**Acting Chairman (Senator Gerry Horkan):** The Order of Business was agreed to.

**Senator Denis Landy:** There are a couple of serious issues about flooding in my area last year that I was asked to raise during the debate.

**Acting Chairman (Senator Gerry Horkan):** I must ask the Senator to allow the Minister of State to conclude, without interruption.

**Senator Denis Landy:** The House is not scheduled to sit until 8 p.m. We are not overburdened with legislation.

**Acting Chairman (Senator Gerry Horkan):** I must abide by the rules of the House.

**Senator Denis Landy:** Surely, I can be allowed to make a contribution.

**Acting Chairman (Senator Gerry Horkan):** If I could allow the Senator to do so, I would, but I must abide by the rules. The Order of Business and the format for the taking of business were agreed to this morning. I am not allowing in other Senators who have also indicated that they want to contribute to the debate. I regret that the Senator was not in the Chamber prior to the Minister of State responding to the debate.

**Senator Denis Landy:** I ask that more clarity be provided in the schedule in the future.

**Acting Chairman (Senator Gerry Horkan):** Approximately two or three minutes before the Senator came into the Chamber I called on the Minister of State to respond as there were no other Members in the House indicating a desire to speak.

**Senator Denis Landy:** I was at a committee meeting.

**Acting Chairman (Senator Gerry Horkan):** Please allow the Minister of State to conclude his response, without interruption.

**Senator Denis Landy:** I was informed by text message from my secretary that the debate had commenced.

**Acting Chairman (Senator Gerry Horkan):** The Order of Business was agreed to. I am only doing my job.

**Senator Denis Landy:** I know. I am only asking for the right to speak in this Chamber.

**Acting Chairman (Senator Gerry Horkan):** If I could allow the Senator to do so, I would, but the rules do not allow me to do so.

**Deputy Paul Kehoe:** A number of Senators raised the issue of insurance, which is a matter for the OPW and the Minister of State, Deputy Seán Canney. I appeal to the insurance companies to recognise the great work the OPW has been doing and the millions of euros it has invested in flood relief measures in towns and villages across the country. They should be offering cover to householders in general once alleviation works have been completed.

The IFA scheme was also mentioned. It has been very helpful, particularly to local authorities that are unable to reach minor roads.

Local authorities and their preparedness for emergencies were also mentioned. There are a range of emergency responses in every county. A huge amount of training and exercises are also being carried out across the country. One such exercise was carried out by the Defence Forces at the barracks in Kilkenny and involved Kilkenny, Wexford, Waterford, Tipperary and Carlow county councils. This will ensure that, should a severe weather event or flooding occur in any of the towns in these counties, there will be a co-ordinated response by the councils. It is not true to say there is a lack of co-ordination of services.

Senator Gabrielle McFadden spoke about elderly people and the need for neighbours to keep an eye on them. I appeal to all people to look out for and visit elderly people who are living alone and incapable of leaving their homes during the winter months. I pay tribute to the many volunteer organisations that work in this area, in particular, Civil Defence which comes within the remit of my Department.

A number of Senators, including Senator Gabrielle McFadden, spoke about the Army being called in to assist county councils. Aid to the civil power is a matter for individual local authorities. I can assure the Seanad that the Defence Forces are ready, willing and able to assist at any time. Senator Gabrielle McFadden will be aware of the great work carried out last year in her county by the Defence Forces.

On the issue raised by Senator Niall Ó Donnghaile, I chair the Government task force on emergency planning, on which all Departments and agencies are represented. The task force meets on a regular basis and met yesterday for two and a half hours, during which a range of issues were discussed. There is a co-ordinated approach to the issues arising. There is no doubt but that all local authorities and agencies are faced with huge challenges when it comes to severe weather events because of the uncertainty surrounding what may or may not occur. As such, we have to be ready for all eventualities. I can assure Senator Niall Ó Donnghaile that the Defence Forces do not cross the Border for specific reasons.

Senator Maria Byrne referred to household tips. I refer the Senator to the Department's website which provides links to other websites which contain domestic household tips.

Farm safety is another huge issue in winter time. We must all be cognisant of the need for vigilance in that regard.

As I said, a huge number of exercises are carried out between the Defence Forces and local authorities across the country. I have spoken to the commanders of each of the brigades

and asked them to encourage this practice. These exercises are important in ensuring we are prepared.

I thank all of the Senators who contributed to the debate. I take the opportunity to wish Members of the Seanad, including the Acting Chairman, Senator Gerry Horkan, a very happy Christmas and prosperous 2017. I look forward to returning to the House in 2017. I also thank my officials and the officials in all of the emergency departments, particularly the Office of Emergency Planning, who often had to work in very difficult circumstances. As I said, these are the people on whom we depend in difficult weather conditions.

### **Appropriation Bill 2016 [Certified Money Bill]: Second and Subsequent Stages**

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

**Minister of State at the Department of Finance (Deputy Eoghan Murphy):** The Appropriation Bill 2016 is an essential element of financial housekeeping that, as Members of the House are aware, must be concluded by both Houses of the Oireachtas this year. The Bill serves two primary purposes. First, it is necessary to authorise in law all the expenditure that has been undertaken in 2016 on the basis of the Estimates voted on by the Dáil during the year. The amounts included in section 1 and Schedule 1, to be appropriated for supply services, all relate to amounts included in the Revised Estimates for 2016 of €44.2 billion in aggregate, voted on by the Dáil in April and July this year, as well as the Supplementary Estimates worth €400 million, agreed to by the Dáil last week. The second key purpose of the Bill is to provide a legal basis for spending to continue into 2017. The passage of the Bill allows continued funding, in the period before the 2017 Estimates are approved, of social welfare payments from the social protection Vote, Exchequer pay and pensions and other voted expenditure.

Under the rolling multi-annual capital envelopes introduced in budget 20

04, Departments may carry over unspent capital from the current year to the following year, up to a maximum of 10% of voted capital. The multi-annual system is designed to improve the efficiency and effectiveness of the management by Departments and agencies of capital programmes and projects. It recognises the difficulties inherent in the planning and profiling of capital expenditure and acknowledges that capital projects may be subject to delays. The carryover facility allows for a portion of unspent moneys which would have been lost to the capital programmes and projects concerned under the annual system of allocating capital to be made available for spending on programme priorities in the subsequent year.

The Appropriation Act determines definitively the capital amounts that may be carried over to the following year. The aggregate amount of proposed capital carryover is just under €76.5 million, which represents less than 2% of the total Exchequer capital programme of €4.2 billion for 2016. In 2015 there was an amount of just under €112 million in capital expenditure savings carried over into 2016.

The proposed amounts to be carried over by Vote are set out in Schedule 2 to the Bill. The 2017 Revised Estimates Volume, published today, sets out detailed financial and key performance information for Departments and offices. In Part II of the Estimates, for each Vote availing of a capital carryover facility, a table is included listing the amounts to be deferred by subhead.

Certain Exchequer pay and pensions and social welfare payments, particularly child benefit, are due for payment by electronic fund transfer on 3 January 2017. With the banking system closed on 2 January 2017, funding will need to be in place in departmental bank accounts by 30 December 2016 to meet these liabilities on a timely basis. In addition, An Post needs to be pre-funded before the end of 2016 in respect of child benefit payments due in the first week of January 2017 in order to convert electronic funds transfer payments from the Department of Social Protection into real cash and physically transfer it to its network of post offices throughout the country. These Exchequer pay, pension and social welfare payments will form part of the supply services for 2017. Consequently, the funds to cover these costs will be included in amounts disbursed from the Central Fund to the Paymaster General's supply account as part of the 2017 supply issues. These costs will come under moneys voted in 2017, in respect of which the usual processes and mechanisms for voted moneys in 2017 will apply. However, as the funds need to be available in the Paymaster General's supply account before the end of the year, in order to facilitate timely payment, section 3 of the Appropriation Bill includes a specific provision to allow for an advance from the Central Fund to the Paymaster General's supply account. Any amount advanced to the supply account will then be repaid to the Central Fund in January. The Bill provides that the amounts so advanced shall not exceed €200 million.

The signed Act is required by the Comptroller and Auditor General for clearance of the end-year issues from the Exchequer. Under Article 25.2.1° of the Constitution, the President may not sign a Bill earlier than the fifth day after the date on which the Bill is presented to him. However, there is provision in Article 25.2.2° whereby, at the request of the Government, with the prior concurrence of Seanad Éireann, the President may sign a Bill on an earlier date than the fifth day mentioned. In view of the urgency of the Bill, the provision in Article 25.2.2° is sought and a motion to this effect is placed before the Seanad. Such an earlier signature motion has also been sought in regard to the Appropriation Bill in previous years.

I remarked that the Appropriation Bill was an essential element of housekeeping that those of us in both Houses of the Oireachtas were required to undertake. The passing of the Bill will authorise in law all of the expenditure that has been undertaken in 2016 on the basis of the Estimates voted on by the Dáil during the year. Of fundamental importance to those who depend on essential public services, the passage of the Appropriation Bill will allow the payments required for these public services to continue in 2017 in the period before the 2017 Estimates are voted on. I commend the Bill to the House.

**Acting Chairman (Senator Gerry Horkan):** I thank the Minister of State. No Senator has yet indicated he or she wants to speak on this matter. On that basis, I will start with Senator Niall Ó Donnghaile.

**Senator Niall Ó Donnghaile:** Gabhaim buíochas leis an Aire Stáit as bheith anseo. As I am deputising for my colleague, Senator Paul Gavan, I hope the Minister of State will accept a lesser Senator in this instance.

The Bill is a necessary piece of housekeeping effectively to validate all expenditure by Departments approved under the Estimates and Supplementary Estimates processes. Previously, this housekeeping was done without debate and discussion. I welcome, therefore, the introduction in recent years of additional debate on the subject. However, further serious consultation on spending is required. There has been some reform, but it is, unfortunately, a procedural rubber-stamping of public expenditure choices made by the Government. The Minister of State is simply informing us of what we already know.

Sinn Féin is fully aware of the choices that this right-wing, conservative Government has made throughout 2016 and understands the consequences of yet another year of elitism and conservatism in government. Evidence of gross inequality in our society is widespread. That is shameful. We can derive evidence from the homelessness crisis, the health crisis and the inequality in the education sector. As representatives of the public, we have a responsibility to do our utmost to deliver a fair and equal society. However, the choices the Government has made and continues to make achieve the exact opposite.

According to a recently published TASC report, the percentage of the population living in deprivation rose from 26% in 2015 to 29% in 2016. The cost of living rose from 21.2% to 25.1% in 2016. The total wealth share of the bottom 50% fell from 12% to 4.9%. This state has the second lowest level of public capital investment in the entire European Union. This is at the same time as having a major housing crisis, with 2,426 children homeless in emergency accommodation. According to HSE audit figures, more than twice as many patients were languishing on trolleys for longer than nine hours in November 2016 than in November 2014. Circumstances are not getting any better. In fact, they are getting worse. Whatever choices the Government is making are clearly not delivering for ordinary working people. Let it be made clear that there is no coincidence in all of this. The economic inequality that is evidently on the increase across the State is a direct result of Government policy and the unequal nature of how money is spent.

What Sinn Féin wants for this state is to see a complete change of direction. We want to see an increase in capital expenditure in order to build much-needed homes, schools and health facilities. In our alternative budget we have costed for additional expenditure of €490 million on housing to ensure 7,000 families will be provided with somewhere to live and the security that comes with that. We have costed for a figure of €150 million in the health service to ensure the trolley crisis is addressed and the HSE will work towards reaching HIQA standards. We have also costed for an additional €179 million in the education sector. No longer can we leave children behind in this society. All children deserve an equal chance, which, of course, begins with education.

Above all else, Sinn Féin is committed to developing an all-island economy that supports jobs and growth. Just last week, we launched *Towards a United Ireland*, a comprehensive document that sets out our vision for the island and the costings behind what would truly be an equal society. I hope every Member has had an opportunity to read it. If not, they can obtain copies from me.

This rubber-stamping procedure is simply not good enough when it comes to the annual validation of Government expenditure. We need to see much more time invested in the equality-proofing of Government expenditure. That is something to which the Upper House could very well devote time and in which it could find a role for itself.

**Senator Paddy Burke:** When we see the Appropriation Bill come before the House every year, we know that Christmas is at hand. I welcome the Minister of State and wish him a very happy Christmas and all the best for the new year. I also wish a happy Christmas to the Acting Chairman, Members and the staff who have done great work in what has been a very long year since the beginning of January.

The Appropriation Bill makes provision in law for the carrying over of unspent capital into the first days of January for the payment of social welfare and pensions in order that recipients

will not be left short when they go to the post office or elsewhere to collect their money. The maximum the Appropriation Bill will allow to be paid out in these circumstances is €200 million. During the years we have seen many local authorities, health services and various Departments receive a certain amount of funding that they do not spend over the year. In some cases, many Departments and local authorities rush to spend the funding before the end of the year. Does this Bill mean that there is no need to do so, that funding can be held over until the following year and that the works can be carried over into 2017, as in this case, rather than spending the money very quickly and, in some cases, making rash and poor decisions? I would much prefer to see moneys carried over in order that we get the best value for money in the following year. In these circumstances, does the Appropriation Bill allow for funding of this nature to be carried over? I see that the funding to be carried over this year is €77 million. In respect of this figure, the Minister of State said some capital projects have been carried over. Will he explain what can and cannot be carried over? Other than that, I welcome the Bill and will not hold up its passage through the House in any way.

**Minister of State at the Department of Finance (Deputy Eoghan Murphy):** To respond to Senator Paddy Burke's question, up to a maximum of 10% of the voted budget for capital spending can be carried forward into the next year. That is the practice now in place. As the Senator rightly pointed out, it is a good thing to be able to do in managing budgets. When it comes to the capital spend, it can be sometimes difficult to meet the spend in the 12-month cycle; therefore, the carryover is very helpful, but it is only to a maximum of 10%. It does not work that way with current expenditure; therefore, if there is a shortfall or a saving to be made, it can be reallocated. That would be the best way for money to be used or surrendered back to the Exchequer for the Government to reallocate to another Department if it was coming from one Department to another.

I thank Senator Niall Ó Donnghaile for his very informative contribution. I do not want to get into a full debate on the budget because we have already had that opportunity, but I note that capital spending and spending on education are up. In particular, a very good part of the Finance Bill was related to early learning initiatives, which we all agree are a very important part of the Government's priorities in how we spend our money and what we see as the public good. On the process and the opportunity we have to debate the issues, I note the reforms introduced by the Government for the budgetary process which will continue into next year and which will be enhanced. In so far as the Department is concerned, this year, we moved to greater transparency in the documents we publish and when we publish them. There is also greater engagement through the new Committee on Budgetary Oversight which will be improved and enhanced when additional resources are given to it in terms of a dedicated unit to help Deputies and Senators to debate particular budgetary issues and their own ideas and have them properly costed in order that we can have a fully informed budgetary process in 2017 looking into 2018.

Question put and agreed to.

Bill put through Committee, reported without recommendation, received for final consideration and ordered to be returned to the Dáil.

### **Appropriation Bill 2016: Motion for Earlier Signature**

**Senator Paddy Burke:** I move:

15 December 2016

That pursuant to subsection 2° of section 2 of Article 25 of the Constitution, Seanad Éireann concurs with the Government in a request to the President to sign the Appropriation Bill 2016 on a date which is earlier than the fifth day after the date on which the Bill shall have been presented to him.

Question put and agreed to.

### **Courts Bill 2016: Second Stage**

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

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** On behalf of the Tánaiste and Minister for Justice and Equality, I thank the House for facilitating early discussion of this short and rather technical Bill. Its original intention was to address the implications of a Court of Appeal ruling in July last. In that case the court ruled that where property such as domestic dwellings or agricultural land was designated as non-rateable under Schedule 4 to the Valuation Act 2001, the Circuit Court had no jurisdiction to hear proceedings in respect of such property. The Government was concerned that the Court of Appeal ruling had the potential to seriously disrupt the operation of the courts by requiring a range of property-related court proceedings to be taken in the High Court rather than the Circuit Court, thereby increasing court-related costs for the parties involved and delays in the determination of cases. The ruling also had the potential to disrupt the operation of measures unrelated to court jurisdiction which relied on the availability of a rateable valuation threshold.

Following the completion of Second Stage in the Dáil, an appeal against the Court of Appeal ruling was accepted by the Supreme Court. As a consequence, sections 1 to and 3, inclusive, of the Bill, as initiated, were removed from the Bill on Committee Stage. The Bill now before this House contains important provisions related to court jurisdiction and the rateable valuation system. Moreover, a number of important amendments to the Bill were tabled on Committee Stage related to the position of Taxing Master and the transition of that post to the new Office of the Legal Costs Adjudicator. Before turning to the content of the Bill, I should explain that enactment of this legislation will be accompanied by the making of commencement orders by the Minister for Justice and Equality which will bring provisions originally enacted in the Civil Liability and Courts Act 2004 into operation, namely, sections 45 to 48, inclusive, and 50 to 53, inclusive. These contain provisions which determine the Circuit Court’s jurisdiction on the basis of a property’s market value, rather than its rateable valuation. Where the market value is less than €3 million, the Circuit Court will have jurisdiction. Otherwise, the proceedings will be heard in the High Court. The delay in commencing these provisions to date appears to have been related to the delayed roll-out of the new valuation system under the Valuation Act 2001.

I will now turn to the detailed proposals in the Bill. Section 1 inserts a new section 53A into the Civil Liability and Courts Act 2004. It contains a new rebuttable presumption mechanism, whereby the value of property will be presumed to be below €3 million for evidentiary purposes. It means that in the event of a dispute between parties as to the alleged market value, a party may adduce evidence that the value of the property exceeds €3 million and that proceedings should be brought before the High Court, rather than the Circuit Court. This mechanism will serve to protect the rights of parties to disputes concerning the value of property which is the

subject of litigation. As I mentioned, the intention is that this legislation will be accompanied by commencement of various sections of the Civil Liability and Courts Act 2004, all of which change the basis of jurisdiction in the Circuit Court from rateable valuation to market value.

Section 2 amends several sections of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 in order to provide that the existing right to apply to have proceedings under those provisions transferred from the Circuit Court to the High Court will only apply where the land involved has a market value above €3 million. This change will, following the making of the relevant commencement order, bring the right to apply to have proceedings transferred to the High Court into line with corresponding provisions in other family law Acts, namely, the Family Home Protection Act 1976, the Judicial Separation and Reform Act 1989, the Family Law Act 1995 and the Family Law (Divorce) Act 1996. Section 2(b) will replace the existing text of section 140(10). The District Court will no longer have jurisdiction in proceedings involving land where its rateable valuation is less than €25, but it will continue to have jurisdiction in the case of chattels up to a value of €15,000, similar to its jurisdiction under the Family Home Protection Act 1976.

Section 3 is a technical provision which substitutes a new text for section 60(3) of the Valuation Act 2001. It will provide that production to a tribunal or court of a certificate issued under section 67(4) by an authorised officer shall be sufficient evidence, until the contrary is proved, of the matters stated in the certificate. At present, the subsection does not include a reference to section 67.

Rateable valuation thresholds are in use not only to determine Circuit Court jurisdiction but also matters unrelated to jurisdiction such as, for example, eligibility to acquire freehold title in accordance with ground rents legislation. Under the Landlord and Tenant (Ground Rents) (No. 2) Act 1978, the ground rent tenant's right to acquire the freehold arises in certain cases where the amount of the annual ground rent is less than the rateable valuation for the property concerned. In order to facilitate continued exercise of this right and continued use in various other contexts in cases of non-rateable property, section 67 of the 2001 Act allows the Valuation Office to issue a certificate of rateable valuation to the ground rent tenant in the case of non-rateable property, that is, property included in Schedule 4 to the 2001 Act. In order to preserve this important mechanism and continued usage of rateable valuation in matters unrelated to Circuit Court jurisdiction, it is proposed to insert a new subsection (2A) in section 67 of the 2001 Act. It clarifies that the certificates issued under that section are based on the value of other comparable properties appearing on valuation lists existing prior to the roll-out of the new valuation system under the 2001 Act. Section 5 contains a proposal to rectify a technical error in the Planning and Development (Amendment) Act 2015, where failure to provide a negative condition in section 170A(3)(a) means that the subsection, as enacted, has the opposite effect to what was intended. It means that whatever conclusion An Bord Pleanála may come to in its assessment of whether a proposed amendment to a strategic development zone, SDZ, planning scheme is minor or significant in nature, it must under the current provision ask the planning authority to make the amendment in line with the procedure laid down in section 169 of the Act, in effect triggering the full procedure for adopting an SDZ planning scheme in the first place. The proposed amendment will enable An Bord Pleanála to adjudicate on and amend approved SDZ planning schemes in carefully defined circumstances such as very minor changes or changes which do not affect the broad objectives of the planning scheme. That was the intended purpose of section 170A. Regarding sections 6 to 8, inclusive, I want to explain the background to their inclusion in the Bill. When the Legal Services Regulation Bill was originally published in the

autumn of 2011, it was anticipated that its legal costs and other provisions would be enacted within a period of two years from that date. This was also anticipated in the filling, for the first time by means of public competition, of the two vacancies for Taxing Masters that arose in and around that time. It had been anticipated that the senior Taxing Master appointed at the time, who possesses particular skills and expertise in this area, would be in office to oversee and lead the implementation of the critical transition process. However, owing to the fact that the enactment of the Legal Services Regulation Bill did not come about until December 2015, the terms of office of both Taxing Masters will have expired before the changeover can take place.

Arising from discussions with the Courts Service and the current senior Taxing Master, it is reasonable to assume that a period of up to six months will be required to get the existing office sufficiently prepared for the switch-over to the new Office of the Legal Costs Adjudicator. Substantial groundwork, including the setting up of new procedures, a register of determinations, devising and promulgating new rules of court, training and a range of other preparatory work will have to be undertaken and completed before this transition can take place. To address these issues, a number of new sections were inserted in the Bill which make provision for the extension of the period of office of a Taxing Master for a period of up to three years, in section 6, and the procedures to be followed for the completion or carryover of any work in hand at the office of Taxing Master, in section 7. In addition, an amendment was made to section 139(2) of the Legal Services Regulation Act 2015 in order to rectify a discrepancy arising from the language used in the section in its current form. The Long Title was amended to reflect the deletion of the three sections. Paragraph 18(6) of the eighth Schedule to the Courts (Supplemental Provisions) Act 1961 provides that a person appointed to the office of Taxing Master shall not be eligible for reappointment or to have the term of appointment extended. Section 6 has been designed to overcome this prohibition. It does this by seeking to allow for extension of the term of appointment concerned up to a maximum of three years. This is to be found in the proposed new paragraph 18(7) of the eighth Schedule.

Section 7 amends the eighth Schedule to the Courts (Supplemental Provisions) Act 1961 by the insertion of a new paragraph 18A. The new paragraph deals with a variety of working options to be applied in completing the functions of a Taxing Master which may not, on the occasion of his or her vacating office, have been fully performed. The amendment is considered necessary in order to allow for the completion of matters referred for taxation which may be in train at the time a Taxing Master vacates his or her office. Section 8 amends section 139(2) of the Legal Services Regulation Act 2015. The Department was advised by the Office of the Attorney General that this amendment to section 139(2) was required in order to rectify a discrepancy arising from the language used in that section in its current form. The effect of the proposed amendment is to confirm, for consistency and legal clarity, that the chief legal costs adjudicator and the legal costs adjudicators being referred to may be appointed by the Government. This should remove any legal ambiguity that might otherwise arise from that section's current use of the word "Minister".

On section 9, several provisions in the licensing Acts, one of which dates from the 19th century, contain requirements in relation to the rateable valuation of licensed premises. In each case, the rateable valuation of the property concerned must be considered by the court in the context of granting a licence for the sale of intoxicating liquor. The provisions have in common the fact that they were enacted prior to the introduction of planning legislation and their objective was to ensure certain minimum standards were met by licensed premises. They have, however, been overtaken by the detailed planning provisions of the Planning and Development

Acts and may now be repealed.

Section 10 is a standard provision related to the Short Title of the Bill. This is an important but largely technical Bill. For the reasons stated, I commend it to the House.

**Acting Chairman (Senator Gerry Horkan):** I thank the Minister of State for his very comprehensive outline of what is an important but very technical Bill. It is probably the most technical speech I have heard in all of my time in the House. Senator Niall Ó Donnghaile has eight minutes.

**Senator Niall Ó Donnghaile:** Never fear, I will not be using the full eight minutes. I do not want to prolong the agony for my fellow valiant Senators who have lasted the pace this afternoon.

The Minister of State already knows the Sinn Féin position on the Bill. We tabled some very modest amendments to it, but, unfortunately, they were not accepted. However, we still have an opportunity to reflect on the very sincere and genuine contributions that we sought to make on the Bill, as well as to consider what it is about, what it seeks to do and, most importantly, whom it seeks to help. From my party's perspective, legislation should, first and foremost, help tenants in rental properties, as opposed to the banks. That point has been made by my party as recently as last night in the Dáil. We will have an opportunity to return to the Bill on Tuesday. While we are opposed to it on this stage, we will hold our fire until we return to it on Tuesday. Given some of the contributions made in the Dáil by Sinn Féin and others, there will be an opportunity to reflect further and, I hope, amend the Bill for the better.

**Acting Chairman (Senator Gerry Horkan):** I thank the Senator, in particular for his brevity.

**Senator Martin Conway:** As the Minister of State, Deputy David Stanton, said, this is a largely technical Bill. In the justice area one often deals with legislation arising from court judgments. This Bill is largely the result of rulings of the courts in July this year. It is technical. I respect the fact that there are minor changes the Minister of State would like to make, as we all would, and those changes are in train. New politics is working very well. The role of this Parliament is completely different from that of any previous Dáil and Seanad because the Government has no choice but to listen and take amendments on board from across the House that are constructive, which is good for politics. However, I would much prefer to see consensus-style politics which works very well in other countries but which is still in its infancy in this country. It will be a very interesting and exciting chapter in the political history of the country and our society will be far better for it.

I am delighted to support the Bill. I commend the Minister of State who has had a very busy six months. I am sure he is looking forward to some downtime over the Christmas period. I wish him well in that regard.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** I thank the Senators for their brevity and words on the Bill. On behalf of the Tánaiste and Minister for Justice and Equality, I thank the House for facilitating an early discussion of this short rather technical Bill. As I stated, it contains important provisions related to court jurisdiction and the rateable valuation system. Moreover, a number of important amendments to the Bill were tabled on Committee Stage in the Dáil on the position of Taxing Master and the transition of that post to the new Office of the Legal Costs Adjudicator.

15 December 2016

Enactment of the Bill will be accompanied by the making of a commencement order by the Tánaiste and Minister for Justice and Equality which will bring provisions originally enacted in the Civil Liability and Courts Act 2004 into operation, namely, sections 45 to 48, inclusive, and 50 to 53, inclusive. These contain provisions which determine the Circuit Court's jurisdiction on the basis of a property's market value, rather than its rateable valuation. Where the market value is less than €3 million, the Circuit Court will have jurisdiction. Otherwise, the proceedings will be heard in the High Court.

The Bill includes two amendments to the Valuation Act 2001 which were designed to clarify the evidentiary nature of a certificate issued under section 67 of the 2001 Act and to provide that certificates issued under that section were based on the value of other comparable properties appearing on valuation lists existing prior to the roll-out of the new valuation system under the 2001 Act. The amendments will ensure section 67 will continue to operate as originally intended by the Oireachtas.

The Bill contains important provisions on the position of Taxing Master and the transition to the Office of the Legal Costs Adjudicator, as provided for in the Legal Services Regulation Act 2015. The Bill also provides for the repeal of a number of rateable valuations related to licensing provisions which have been overtaken by the detailed provisions of the planning and developments Acts.

This is an important but largely technical Bill which, for the reasons stated, I commend to the House.

Question put and agreed to.

**Acting Chairman (Senator Gerry Horkan):** When is it proposed to take Committee Stage?

**Senator Martin Conway:** Next Tuesday.

Committee Stage ordered for Tuesday, 20 December 2016.

**Acting Chairman (Senator Gerry Horkan):** When is it proposed to sit again?

**Senator Martin Conway:** At 11 a.m. next Tuesday.

The Seanad adjourned at 3.55 p.m. until 11 a.m. on Tuesday, 20 December 2016.