



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 8 Feabhra 2017

Wednesday, 8 February 2017

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 Fintan Warfield that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Health to explain Question No. 52 in the new Irish Blood Transfusion Service questionnaire for blood donations from potential donors who take medication to prevent HIV infection.

I have also received notice from Senator Ned O'Sullivan of the following matter:

The need for the Minister for Communications, Climate Action and Environment to recognise the real threat to Ireland's energy security posed by the decision of the United Kingdom to leave the European Union, in particular its gas supply; and, noting the recent report of the Oxford Institute for Energy Studies, the need to engage immediately with the principal parties that are proposing to establish a liquefied natural gas terminal on the State-owned site in north Kerry and, if necessary, to take an equity stake in the project.

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 the need for improvements to the operation of the permit scheme for non-EEA fishermen.

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

The need for the Minister for Housing, Planning, Community and Local Government to put in place a boundary commission to review the local election boundaries in the light of the geographical nature of and population distribution in some constituencies and, in particular, to consider reviewing the large ten-seat constituencies to ensure the efficiency of local democracy.

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

The need for the Minister for Agriculture, Food and the Marine to take urgent and immedi-

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ate action to end the unacceptable delays in processing GLAS-AEOS payments and to provide a full update on the current payment schemes.

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

The need for the Minister for Communications, Climate Action and Environment to indicate when fibre power broadband will be connected and fully functional in the Kilkee area of County Clare.

I have also received notice from Senator Catherine Noone of the following matter:

The need for the Minister for Social Protection to expedite implementation of the Civil Registration (Amendment) Act 2014 which provides for a record of deaths abroad to be maintained by the General Register Office.

I have also received notice from Senator Colette Kelleher of the following matter:

The need for the Tánaiste and Minister for Justice and Equality to outline the steps the Government is taking to ensure Ireland's penal system is compliant with the United Nations Convention on the Elimination of All Forms of Discrimination against Women and the United Nations Rules for the Treatment of Female Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

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

The need for the Minister for Transport, Tourism and Sport to provide an update on the N5, Ballaghaderreen to Scramoge, project and indicate if the necessary capital funding has been allocated for it.

I regard the matters raised by the Senators as suitable for discussion. I have selected the matters raised by Senators Fintan Warfield, Ned O'Sullivan, Gerald Nash and Tim Lombard and they will be taken now. Senators Brian Ó Domhnaill, Martin Conway, Catherine Noone, Colette Kelleher and Maura Hopkins may give notice on another day of the matters they wish to raise.

Commencement Matters

Blood Donations

An Cathaoirleach: Cuirim fáilte roimh an Aire Stáit, Deputy McEntee, go dtí an Teach.

Senator Fintan Warfield: On 1 February Sinn Féin received a response from the Minister for Health, Deputy Simon Harris, regarding Question No. 52 on the new Irish Blood Transfusion Service questionnaire, a form completed by those wishing to give blood. Question No. 52 asks whether the prospective donor has in the past five years taken medication to prevent HIV infection, that is PrEP or PEP. We queried the inclusion of that new question and the response from the Minister states the persons who have taken medication to prevent HIV, that is PrEP, are deferred for a five-year period. That struck us as remarkable given that this is preventive medication.

I am sure many people will have seen last night's "Prime Time" programme which is timely to this discussion. PrEP is the use of antiretroviral medication which prevents HIV infection in someone who has been exposed to HIV. It prevents the user from contracting HIV with a 99% effectiveness rate. Condoms used for vaginal sex have an effectiveness rate in the high 90% range and for anal sex an effectiveness rate in, I think, the high 70% range.

This is an extra tool in the prevention of HIV. Anyone who can get hold of PrEP is being responsible and is doing good work for the blood supply in this case. However, under the current IBTS policy, a man who has sex with another man is allowed to give blood after 12 months, but someone who has taken extra precaution and extra safety measures now has to wait five years.

The reply to the parliamentary question by the Minister stated a study in the United States showed a sharp rise in STIs in men on PrEP and associated the use of PrEP with a greater likelihood of being diagnosed with an STI. We researched this and the only study we could find was one by Scott and Klausner, which contains questionable referencing and is pretty thin evidence on which to hang an entire new policy. Ireland is the only country we can find that prevents people who are taking PrEP from giving blood.

Before Christmas I attended an LGBTQI community discussion in The Cobblestone in Smithfield. It was organised by ACT UP. It was everything one could hope for from a positive community engagement and discussion. What struck me about the event was that members of the gay community spoke publicly and took ownership of a whole range of issues, from Grindr and drugs to sex and chemsex. Those in attendance wanted to feel more empowered in their sexuality. They came together and it gave them the confidence to speak out and take responsibility, thereby fuelling greater consciousness of sexual health. What message is the IBTS now sending to people who want to be more responsible? What we are asking for is a statement of inclusivity from the Minister of State and the Department.

Minister of State at the Department of Health (Deputy Helen McEntee): I thank the Senator for raising this issue. I am responding on behalf of the Minister, Deputy Simon Harris. While I might not be able to give the Senator all the responses he needs, I will certainly relay his views to the Minister.

The remit of the Irish Blood Transfusion Service, IBTS, is to provide a safe, reliable and robust blood service for the health system. It keeps all its deferral policies under constant review to ensure the ongoing safety of the blood supply. It is in this context that, on 16 January 2017, the permanent exclusion of men who have sex with men from donating blood was changed to a 12-month deferral from their most recent sexual contact with another man. While this one-year deferral protects against the risk of transmission of HIV, issues could arise in regard to an emerging infection. In that regard, those who have had a sexually transmitted infection such as chlamydia or genital herpes are deferred for five years after completion of treatment. Those who have had syphilis, gonorrhoea or other specified sexually transmitted infections are already permanently excluded from donating blood.

The general approach of the IBTS to blood donation is that adults are eligible to donate provided they fulfil the donation criteria. One of the fundamental criteria is that they must not have been involved in an activity or visited an area where they could be exposed to viruses that have been identified as risk factors that could compromise the ongoing safety of the blood supply. The IBTS has a range of operational options available to it to implement management measures to protect both the recipients and the donors of blood and blood products. All these measures

are aimed at minimising, or acting on, identified risks.

The inclusion of Question No. 52 in the donor health and lifestyle questionnaire, which coincided with the change in the donor deferral policy for men who have sex with men, is one example of an extra precaution taken by the IBTS to protect recipients of blood and blood products. The question asks potential blood donors whether in the past five years they have taken medication to prevent HIV infection. The medication involved is pre-exposure prophylaxis, PrEP, or post-exposure prophylaxis, PEP. Persons who have taken PrEP or PEP to prevent HIV infection are also deferred for a five-year period. Studies of gay and bisexual men have shown that PrEP reduces the likelihood of HIV infection by more than 90% if used consistently. A common concern is that PrEP will also lead people to stop using condoms, putting them at risk of other sexually transmitted infections.

A study published in the United States in 2016 showed a sharp rise in sexually transmitted infections in men on PrEP and associated the use of PrEP with a greater likelihood of being diagnosed with a sexually transmitted infection. If the Senator has not been able to find any information bar this study, I will request that the Minister revert to him on the matter. Perhaps he might seek further clarification on the which study it actually is.

More broadly, the IBTS has protocols in place to minimise transfusion-transmitted infection of blood. This risk is at its highest when individuals donate blood during the five-day to 16-day period following exposure to a virus when there is no biological measure to detect infectivity. As a consequence, the IBTS temporarily or permanently defers from giving blood an average of one in five people who are ineligible to donate for a variety of reasons on the day they attend.

Senator Fintan Warfield: I accept a common concern is that PrEP may lead people to stop using condoms, thereby putting them at risk of other sexually transmitted diseases or infections. In the light of the lifting of the lifetime ban preventing gay men from donating blood and the introduction of a 12-month deferral period, the policy is an admission that HIV can be caught in a 12-month period. The concern is that sexually transmitted diseases could be caught in that 12-month period also. What we are saying is that the five-year wait is extreme. It is a considerable amount of time and we have to challenge it. What is the logic of demanding that those who take extra safety measures be required to wait five years rather than one? If HIV can be caught in the 12-month period, I do not see the need for those who take PrEP to be deferred for five years.

An Cathaoirleach: The Minister of State probably cannot add much more.

Deputy Helen McEntee: To reiterate, there are two groups of sexually transmitted infections and individuals infected by some of them are permanently excluded from donating. Perhaps that is the reason. As I said and as the Senator said, the lifting of the lifetime ban and other changes introduced recently were to ensure a fairer system. We need, however, to ensure we take precautions to protect not only the recipient but also the donor. I ask the Senator to write to the Minister to clarify the cases in question. That might help.

Energy Regulation

An Cathaoirleach: I welcome the Minister, Deputy Denis Naughten, and wish him a speedy recovery from his recent incident. He went through severe trauma and I wish him the

best of health.

Senator Ned O’Sullivan: I, too, welcome the Minister and wish him a speedy recovery.

This is a subject on which I have spoken on many occasions in recent years. It is timely that I raise it again today. The Minister stated at the energy security conference just this week that the question of importing liquefied natural gas to the island and the role of natural gas storage would be under consideration by his Department. I warmly welcome that statement. The Minister is to be commended for organising such an important energy conference at this time, especially in the light of the very real threat to our future energy security posed by Brexit. We are almost totally dependent on the United Kingdom for our gas supply. Over 90% of our supply in 2015 was from the United Kingdom. Even with Corrib gas coming on stream, it is estimated we will have a dependency rate of 85% by 2025. Bearing in mind that we have a reserve capacity of only 5%, Ireland is clearly disadvantaged. This must be very worrying, as the Minister recognised in his statement. The Oxford Institute for Energy Studies reached the same conclusion in its January report. I referred to that last Thursday, fortuitously anticipating the Minister. I drew attention to the report.

It is most fortunate, therefore, that we currently have in place the Shannon LNG project in north Kerry. This was first announced by Deputy Micheál Martin when he was Minister responsible for industry, almost ten years ago. It has advanced very significantly in the intervening years. Strategic planning approval was obtained in April 2008. Pipeline construction approval was granted in May 2009, and foreshore leases and licences were obtained in December 2010. At that stage, the project was “ready to bid”, as goes the expression. I happened to be Mayor of Kerry and a director of Shannon Foynes Port Company when the project was initiated. It is quite remarkable that such a valuable project has taken so long to come to fruition.

To date, approximately €67 million has been spent on this project, including on engineering, site investigation, lease costs, pipeline rights of way and land acquisition. The project hit a wall in 2012 when the energy regulator created new tariffing arrangements that had serious implications for a commercial liquefied natural gas, LNG terminal. These new arrangements would compel any new entrant to the energy market to contribute millions of euro annually to the interconnector network whether or not it required access to the interconnector. Shannon LNG most certainly does not require such access. Shannon LNG, in simple terms, is a self-standing buy and sell operation. It should never have been penalised in this way. I do not think the European Union ever envisaged such penalties obtaining in this case. As the Minister knows, there is a clear and present danger posed by Brexit to our energy security. It is stated Ireland is a special case within the European Union because of our close dependence on the United Kingdom for so many aspects of our economy, not least energy. As a result, if the European Union is serious about assisting us through Brexit, this is one litmus test of its commitment. Many aspects of the regulator’s decisions must be reviewed urgently. These regulations are going to have to be reassessed.

The Government will have to be more hands-on regarding the Kerry project, taking equity in it if necessary. Shannon LNG which has been long anticipated in an area that is devastated by unemployment and emigration will finally become a reality. If the Shannon LNG project did not exist, the Government would have to invent it. Clearly, much of the heavy lifting has been done and the operation is by a private company with full back-up and full support from all of the State agencies, the harbour, the local authority and, most importantly, the community of north Kerry, which has embraced this and has such high hopes for it. I hope the Minister will be able

to give a favourable response to my presentation and move this project forward.

An Cathaoirleach: That was a very well researched question to the Minister. I hope his answer will fulfil the Senator's dreams.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I thank the Cathaoirleach and the Senator for their good wishes.

Brexit is the most significant economic and social challenge for Ireland in the past 50 years. It will impact on our economy and society due to the close links between Ireland the United Kingdom. It has implications for everyone on this island, North and South. Many sectors of the Irish economy have high levels of trade with the United Kingdom. However, the energy sector has one of the highest levels of interdependence with the United Kingdom, and one of the key links is energy, as most of the energy we import comes via the United Kingdom. Natural gas is a significant part of our energy mix, meeting approximately one quarter of all our energy needs. We use natural gas to generate over 40% of our electricity, heat many of our homes and fuel a significant amount of our businesses and industry. In 2015, 97% of the natural gas used in Ireland was imported via the United Kingdom. We also have our own indigenous source of natural gas, the vast majority of which comes from the Corrib gas field, which started production at the end of 2015. In the short term, Corrib will supply over half of our natural gas needs. However, it is expected that these supplies will deplete in the next seven to eight years, and by 2025 Ireland will most likely again be reliant on the United Kingdom for around 85% of our natural gas needs.

The proper functioning of the economy and society is reliant on energy. As the report referred to by the Senator suggests, the issue of security of supply is extremely important, and preserving the existing structures with the United Kingdom is the best way to ensure this security. In this regard, the continued secure trade in energy between the United Kingdom and Ireland as part of the 27 member states of the European Union is a priority for me. I will work to ensure the current strong energy relationship with the United Kingdom continues but in the European context. Ireland is, and will remain, a committed member state of the European Union, and our energy future will be very much as part of the European internal energy market. I note that Ireland has an existing intergovernmental arrangement with the United Kingdom in regard to trade in natural gas across the two interconnectors connecting Ireland with Scotland. In addition to these bilateral arrangements, there are arrangements and protocols in place between the transmission system operators in Ireland and Great Britain.

Gas Networks Ireland is also in the process of doubling the onshore section of the gas pipeline in Scotland to further enhance the resilience of our gas supplies from the United Kingdom. The report referred to by the Senator goes on to state that, in the absence of the existing structures with the United Kingdom, an LNG regasification terminal might be needed. LNG is one option that will be considered to ensure our security of supply. I agree that the potential benefits of importing LNG directly onto the island of Ireland and also the role of natural gas storage must be examined in the context of Brexit. A Programme for a Partnership Government, agreed in May 2016, commits to examining if there are ways to facilitate LNG on the island of Ireland. This is in line with the Government's energy policy paper, Ireland's Transition to a Low Carbon Energy Future 2015 to 2030, which commits to conducting a thorough analysis of options for increased gas storage and LNG potential. My Department has recently commenced the process of developing a report to identify options in order to ensure Ireland's resilience to a long-term gas and electricity disruption. Part of this report will identify potential options to improve re-

silience, including the potential for LNG, storage, interconnection and fuel diversification.

I share the Senator's concerns and my Department and I are working to identify the appropriate solutions that are in the best interests of the people. We have a number of options available for LNG, both on-shore and off-shore options. We will explore all those options. I have spoken with my Latvian counterpart about the off-shore option that has been used and been hugely successful in Latvia in driving down the cost of energy. All these options are on the table. I know there is an issue at the moment with the development of the site in Foynes and the port company is dealing with that. Once those issues are resolved, we are quite willing to engage with the successful bidders to see how we can explore the progression of this project.

Senator Ned O'Sullivan: I thank the Minister for his reply, which I find encouraging. In fact, I am very pleased with it. The Minister has been engaging since he was appointed Minister. He met all of the players some time ago in a delegation headed up by the Mayor of Kerry. There are no politics at play in this. All my Oireachtas colleagues from Kerry, both in the Dáil and the Seanad, are at one on this issue. It just happens that on this occasion we *11 o'clock* have tried to spearhead the initiative through the Seanad. It might just be the right thing to do. We all know that Britain is going to play Brexit in a way that will get the best deal for the United Kingdom. The United Kingdom is the priority. We in Ireland are committed to Europe, as the Minister stated. It is important that this project gets over the line. It will be good for Ireland and our security needs and for my area and for jobs. It will also be good for the whole European project to show that we can work out the best possible scenarios after Brexit.

Deputy Denis Naughten: I thank the Senator. He is correct that the United Kingdom is going to look at this issue from its own perspective, for which we cannot blame it. We would do the same. However, the United Kingdom is the United Kingdom of Great Britain and Northern Ireland. We have a single electricity market on the island of Ireland, North and South. Some 40% of all power generated on that grid comes from gas. That interconnection is vitally important for Northern Ireland also. We have always had a strong relationship with Whitehall in the energy area because of that interconnectivity.

Every European country must have 90 days oil storage within its own jurisdiction or within another member state of the European Union. Some 90% of our 90-day oil storage is on the island of Ireland and we are the only sovereign holder of oil storage on this island. There is a huge interdependence and, from a strategic point of view, what happens in the Republic of Ireland is as important from an energy perspective to the British Government as it is to the Irish Government because of the interconnected relationship with Northern Ireland.

I agree with the Senator that our natural gas supply is critical for energy security. While overall policy is a low carbon energy future, natural gas is a key part of the transition and potentially an important part of the low carbon economy.

In that regard, all options, including LNG, would be given full consideration to ensure the best options at least cost for the consumer are identified. In regard to the proposed LNG terminal at Ballylongford in north Kerry, A Programme for a Partnership Government expressed support for the proposal to construct an LNG terminal as it would bring connectivity for the first time to the global LNG market. It is also important to point out from discussions with my European colleagues that we are looking at trying to connect up LNG facilities right across Europe. Many of my colleagues in Europe, particularly in central Europe, are quite critical of the

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lack of connectivity between LNG terminals on the coast of Europe connecting with the main grid networks throughout Europe. We need to be conscious of that also.

My Department has supported this project in becoming an EU project of common interest and, although not successful, it also supported the application for funding from the Connecting Europe Facility for the gas pipeline from the proposed terminal into the gas network itself. In terms of engaging with the promoters of the Ballylongford project, as the Senator is aware, I met the principal parties and my parliamentary colleagues to discuss the project. Officials in my Department have also engaged with the relevant parties to assist, as appropriate. However, while I will provide any support I can in regard to assistance sought from the European Union, this is a commercial project and, therefore, the question of Exchequer or other public funding for this project does not arise.

I acknowledge that the development of an LNG terminal is one possible option to secure our natural gas supply in the context of Brexit. However, the continued trade in energy between the United Kingdom and EU member states is a priority. As I pointed out at the civic dialogue on Brexit, which I hosted in Boyne in County Roscommon earlier this week, we must be careful not to over-commit on particular technologies. I will consider the outcome of the study by my Department on the resilience of the long-term gas or electricity disruption and the recommendation it presents before making any decision on our long-term energy security.

As someone who in a previous life was a spokesperson on transport, shadowing the late Seamus Brennan, I took a huge interest in Foynes Port and the huge potential of the Shannon Estuary. I have spoken to the outgoing US ambassador to see if we could get pre-clearance for goods and have a facility developed in Foynes that would allow direct access into the United States. It is something that I intend to explore again with the new ambassador. What the levels of trade will be in the future I do not know. I will leave that to Senator Billy Lawless to decipher-----

Senator Ned O’Sullivan: I wish the Minister well.

Deputy Denis Naughten: -----but I am very positively disposed to seeing development taking place on both the northern and southern sides of the Shannon Estuary.

An Cathaoirleach: I thank the Minister. I always realised Roscommon bowed to pressure from the Kingdom.

Employment Rights

Senator Gerald Nash: Last December I met a group of 40 Egyptian fishermen who are, or have been, working in Ireland. They travelled across the country to my home town of Drogheda to tell me their individual stories on foot of a report in *The Guardian* in November of 2015. The then Government, of which I was a member, moved to introduce an atypical permit scheme for non-EEA fishermen. It sought to do a couple of important things. It introduced a work permit and visa scheme which would bestow all rights of Irish employment law on non-EEA fishermen who applied for and received valid permits and contracts of employment. It also sought to ensure there was a steady flow of legal and legitimate labour to work in an industry which depends on a predictable flow of skilled labour from Egypt and the Philippines, in particular, but also other states.

In creating that new system what we sought to do was to help restore the reputation of an industry that had been tarnished and, importantly, to protect the dignity and rights of those working in Ireland in a very exposed, fragmented and difficult to reach sector. For the first six months of the scheme, applications were limited to those who were already here, but from what I have learned from the fishermen I have met, the International Transport Federation and from compliant trawler owners, with whom I have engaged, it is hard to conclude that the scheme has been a success. There is a gulf, for example, between the official figures for permits issued and the reality on the ground. I have encountered situations where some workers who have valid permits are effectively on the run because of disputes that they have had with skippers on the trawlers on which they were working. One worker from Egypt, who has been here for a number of years, has effectively been banished from the community in which he works because of a very legitimate dispute over the non-payment of wages. He has a valid permit, but he is receiving absolutely no protection from the State. I have, in some cases, sought emergency social welfare payments to assist some of these people to make ends meet only to be told that, in the first instance, they must report to the Irish National Immigration Service or the Garda National Immigration Bureau. I have heard testimony from some that they were being paid the national minimum wage rate for a 39-hour week, which would amount to around €360, while working on vessels for in excess of 100 hours per week in many cases. This is illegal and these claims need to be investigated. The rights of these workers need to be vindicated by the State.

Months into the operation of the scheme, as I said, I met 40 fishermen from across the country in Drogheda. I was alarmed that of those 40 workers with whom I spoke only four claimed to have valid permits to work. The Minister may have seen a report by Lorna Siggins in yesterday's *The Irish Times* that a Mr. Elsis from the Egyptian embassy said he believed up to 2,000 Egyptians are working on Irish trawlers, North and South. The scheme limits the number of permits to be issued to 500, and nothing even close to that number has been issued. I have in my possession a letter of approval from the Department of Justice and Equality, issued in November of 2016, to allow a certain Egyptian fisherman to come to Ireland. The truth is that the said fisherman was already living and working here since 2014. The terms of the scheme were, in fact, broken by the Department of Justice and Equality, the Department which has been charged by the State to operate the scheme.

I have spoken to a number of decent, compliant trawler owners who wanted the scheme to succeed and who have pointed out the flaws in the scheme to Departments. They want to be able to hire the skilled workers they need to operate their businesses and they also want to see those who are thumbing their nose at the scheme to be held to account and to be taken to task by the agencies which are obliged to enforce the terms of the scheme.

There is some common ground-----

Acting Chairman (Senator Ned O'Sullivan): The Senator has gone a good bit over time.

Senator Gerald Nash: -----between the International Transport Federation, the trade union representing the workers, and the industry. Both want to see the scheme reformed and want to see a new scheme in place to protect workers and works for the industry. That is something I believe that the agencies of the State need to consider seriously and urgently.

Deputy Denis Naughten: I thank the Senator for raising this important matter and to apologise on behalf of the Tánaiste Minister for Justice and Equality, Deputy Frances Fitzgerald, who cannot be here.

It is now almost 18 months since the issue of the employment of non-EEA crew members in the Irish fishing fleet was highlighted in the media as an issue of concern. *The Guardian*, in particular, highlighted issues, with claims of exploitation of migrant workers on Irish fishing trawlers. Following these revelations, the Government moved swiftly to address the concerns and abuses highlighted through an interdepartmental task force chaired by the then Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, which was established in November 2015. The task force, of which the Senator in his then capacity as Minister of State with responsibility for business and employment was an active member, met on a number of occasions and a new scheme was developed that addressed the issues of concern, improved the situation for non-EEA workers, reduced the possibility of abuse and allowed the fishing industry to meet its labour needs. As one of the authors of the report, the Senator is aware that the scheme only applies to crew members working on licensed and registered fishing vessels in the polyvalent, beamer and other specific segments of the Irish fleet where the vessels are more than 15 m in length overall, multi-crewed and labour intensive.

The role of the Tánaiste's Department comes at the end of a process that clears the way for a non-EEA national to be employed on a particular boat after the input of the various departmental and statutory bodies with oversight of the sector. The Department of Justice and Equality provides, through a special atypical working scheme for seafarers, work permission for non-EEA fishermen. This permission provides an appropriate pathway through which this category of worker can be lawfully employed within the industry. Following this, the relevant statutory bodies responsible for implementing employment law, including employment protection, can effectively discharge their responsibilities as part of the overall regulatory regime for the employment of non-EEA workers. The programme commenced on 15 February 2016 and, for the first three months, applications were confined to non-EEA crew members who were already working in the Irish fishing industry. However, owing to the slow uptake of the scheme, the Department extended the initial three-month period from 15 May to 30 June 2016.

The new scheme required the establishment of the central depository of contracts, managed by the Department of Agriculture, Food and the Marine, to record, examine and monitor the number of contracts in the scheme which was to be capped at a maximum of 500; a pre-clearance system managed by the central depository to be introduced for all applications; and the grant of atypical working permission. Like many others, the fishing industry is not immune to abuse by unscrupulous employers. Therefore, it is important that these overall arrangements which involve the co-operation of all stakeholders remain a deterrent to such abuses to protect employees. To that end, officials in the Department of Justice and Equality have worked with others within the industry to ensure compliance where issues arise that were not dealt with by the appropriate authorities. Officials from the Department of Justice and Equality have contacted their counterparts in the Departments of Agriculture, Food and the Marine and Jobs, Enterprise and Innovation with a view to meeting to assess the overall operation of the scheme to date.

Senator Gerald Nash: I am glad that there are moves afoot to review the operation of the scheme, but it has been brought into disrepute to a certain degree by what I have heard directly from fishermen from Egypt, some of whom have been in Ireland for years and are still operating without permits. I was shocked to read testimony in *The Irish Times* yesterday in an article by Lorna Siggins who had attended a meeting organised by the International Transport Workers Federation in Liberty Hall. It is unprecedented for a representative of a foreign embassy in this country to draw the State's attention to a matter of this seriousness through the national media

and make a claim that, of the approximately 2,000 of the representative's fellow countrymen operating in Ireland, many hundreds were without valid permits, even though a permit system was in place. The scheme could be better enforced. There were difficulties in getting it off the ground. The Minister alluded to this when he stated the initial three-month period had to be extended for a variety of reasons, even though it had been intended to limit the scheme to those living in Ireland. There is some common ground between employers and the trade union representing workers. The common view is that the scheme can and should be improved. We all agree that the industry cannot continue to contribute to our economic development in the absence of a scheme to allow non-EEA skilled labourers to work in the sector.

Acting Chairman (Senator Ned O'Sullivan): As we are in danger of running late for the Order of Business, I ask the Senator to conclude.

Senator Gerald Nash: Those who come to Ireland in good faith need the State's protection to vindicate and enforce their rights, but I cannot conclude that this is happening to a successful degree. Efforts are being made, but more needs to be done.

Deputy Denis Naughten: I can give the Senator a copy of my prepared response, but this matter is close to my heart. As I am from an inland county, I am not just referring to fishermen but also to undocumented workers. The Senator is aware of my background in that regard. If he wants to drop details of his specific concerns into my private office, I will bring them directly to the attention of the Tánaiste and ask that the relevant issues be included in any review of the scheme.

Local Authority Boundaries Review

Senator Tim Lombard: I am proposing the establishment of a boundary commission to review local government constituencies. After the 2011 census, the then Minister, Phil Hogan, established a boundary commission in 2013 to consider introducing local government municipal districts. The subsequent proposals must be reviewed. The figure of 1,653 representatives - 883 councillors and 773 town councillors - has been reduced to approximately 950. The main issue with municipal districts is that there is none in any of the three major cities of Cork, Galway and Dublin. That makes no sense.

There are other flaws, one of the greatest of which was that we used electoral districts as a means of sorting out constituency divisions. That made no sense either. For example, the town of Carrigaline which has a population of 20,000 people has been split in two because of an electoral district divide. Half of the town is in the Carrigaline-Ballincollig electoral district, a ten-seat constituency, while the other half is in the Bandon-Kinsale electoral district, a six-seater. That is illogical. The town was divided because the Department used the electoral districts which were formed in 1850, at the time of the Famine, as guidelines.

We must re-examine the system for devising all boundaries, be they for Dáil, European Parliament or local government elections. The world has moved on. In using electoral districts we are going nowhere. We must move forward. The Department needs to consider using an up-to-date system to divide constituencies. Illogically, we have created ten-seat constituencies. Adopting the criteria used in the previous review, most are six to ten-seat constituencies. Ludicrously, Ireland now has six ten-seat, 13 nine-seat and 23 eight-seat constituencies. One of the ten-seat constituencies in Cork covers more than 70,000 people in Carrigaline, Ballincollig and

the southern half of Cork city. That is the size of a Dáil constituency. There is no representation on the ground because these areas are too vast. The old constituencies had three to seven seats. We need to return to them in order that there can be actual local government. The current system needs to change because it is not working.

We must consider other issues. Previously, there was one councillor per 4,800 people outside the two major cities of Cork and Dublin. We limited the number of councillors in Cork to 55 and to 63 in Dublin, which made no sense in the context of the principle of one person, one vote. On the other side, as the Acting Chairman knows better than me, is the county council constituency of west Cork which stretches for 110 miles. It starts at Courtmacsherry and ends beyond Glengarriff near Kenmare.

The entire system needs to be reviewed. We have seen what happens when we stick to electoral districts. They do not work. The census has been carried out and the elections will be held in 2019. The preparatory work must start now. If we go into it in the way we did previously just nine months before the local elections, we will not achieve the desired result. We need to examine the geographical areas in order to ensure constituencies are not too big and do not consist of eight, nine or ten seats, yet still provide good representation.

Acting Chairman (Senator Ned O'Sullivan): The Senator's points have been very well made and represented the views of many.

Deputy Denis Naughten: I am replying on behalf of the Minister for Housing, Planning, Community and Local Government who cannot attend.

The reviews and revisions of local electoral areas have been carried out over the years in response to changing needs, including population changes. The most recent review was carried out in advance of the 2014 local elections. Before that, reviews were carried out in 2008, 1998 and 1985. Unlike the position for Dáil constituencies, there is no constitutional or legislative requirement to review local electoral area boundaries. Having said that, the Minister for Housing, Planning, Community and Local Government is empowered by section 23 of the Local Government Act 2001 to divide each county, city or city and county into local electoral areas and to amend those areas. Each of them must have a council. This can be done following a review by a boundary committee established under the Local Government Act 1991. The terms of reference for a local electoral area boundary committee are set by the Minister of the day.

The terms of reference for the last review included a requirement to have regard to the new arrangements for local government set out in the Government's action programme for effective local government. The review had the specific goal of achieving a better balance and consistency in representational ratios than were in place before that time. The committee was asked to design local electoral areas on the basis of there being one member for every 4,830 population in each council area. This was subject to a minimum of 18 and a maximum of 40 members in every authority with exceptions for Cork County Council with 55 members and Dublin City Council with 63 members. Local electoral areas were to be represented by between no fewer than six and no more than ten members.

The Local Electoral Area Boundary Committee was established in November 2012 and reported to the Minister at the end of May 2013. The Minister accepted the recommendations of the committee in full. The new local electoral areas were specified in 30 statutory instruments made in January 2014. At the 2014 local elections, 949 councillors were elected in 137

local electoral areas to 31 local authorities. These local electoral areas provided the basis for the configuration of the new municipal districts that came into operation following the 2014 local elections. These structures are the framework for the new model of municipal governance that was introduced in the Local Government Reform Act 2014. This new model was designed primarily to strengthen local government within counties and address the widely acknowledged and long-standing weaknesses and anomalies in the previous system.

In 2015, the first full year of the revised local government structures, a broadly based advisory group was convened to carry out a review of their operation. This was done in conjunction with the local government forum for the engagement with the Association of Irish Local Government. Feedback from these deliberations, as well as the results of surveys of local authority members and chief executives, indicate that the revised structures are generally operating well but need more time to bed down fully.

Acting Chairman (Senator Ned O’Sullivan): I thank the Minister of State. Is Senator Tim Lombard happy with the reply?

Senator Tim Lombard: I welcome the Minister’s response. I recognise that my Commencement matter does not come within his brief and belongs to another Minister.

Councillors face an election in 2019, which is just two years away. Two of the key issues for them are certainty and what will happen in the future. I hope we will debate this issue in the House. It is important to invite the Minister to the House for a debate because we need to know whether there will be a boundary review and, if not, how he will work with the satellite towns that are divided in two. I have mentioned Carrigaline because it does not make sense to have 8,500 on one side and 12,000 on another side. Major anomalies exist locally and in other counties.

The structure for municipal districts has worked. Local authorities need to have an idea where structures will be placed. The knock-on effect of imposing different constituencies eight or 12 months before a local election is due to take place will mean different structures. In other words, districts will change as will the management, population and everything else. Clarity is required. If we have clarity, the management and public representatives can make plans. It is the people who need representation but large ten-seaters do not represent people properly. In terms of geographical areas that are 100 miles long, as most of us know, whether one is from Cork or Kerry, they make no sense whatsoever.

Deputy Denis Naughten: The Senator is right about the municipal districts and I have seen it happen in my constituency of Roscommon. The Athlone Municipal District of Monksland runs from Shannonbridge in County Offaly to halfway down the country. There is no connection between the areas. The communities do not even know how to get from one end of the district to the other. The districts are all six-seaters in Roscommon owing to the population. Sometimes these districts do not work that well when the population is dispersed.

The Senator is right that we must examine anomalies and challenges, particularly on a geographical basis. The idea behind local government is to have local councillors and that connection has been broken in many parts of the country.

The Senator raised the interesting issue of a review of district electoral divisions that dates back to 1851. If a review were to take place, it would not be done for the next local elections. A review of the district electoral divisions would be complex, slow and expensive. The Senator

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made a valid point for a review by pointing out that many towns are divided by district divisions. My constituency is divided by a district division. The town of Dunmore is in two Dáil constituencies. Part of the town is in the constituency of east Galway and the remaining part is in the constituency of Roscommon-Galway. Most towns and rivers have a drain or a river running through them, which causes problems in terms of district divisions. The same applies to disadvantaged areas. Electoral division is a very complex area and is a matter about which one must think long and carefully.

Acting Chairman (Senator Ned O'Sullivan): I thank the Minister.

Sitting suspended at 11.30 a.m. and resumed at 11.35 a.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, Civil Liability (Amendment) Bill 2017 - Order for Second Stage and Second Stage, to be taken at 12.45 p.m. and conclude not later than 2.45 p.m., if not previously concluded, 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 called on to reply to the debate not later than 2.35 p.m.; No. 2, statements on amendments to councillors' conditions, to be taken at 3 p.m. and adjourned not later than 4.30 p.m., if not previously concluded, with the contributions of all Senators not to exceed five minutes each; and No. 3, Derelict and Vacant Sites Bill 2017 - Second Stage, to be taken at the conclusion of No. 2, with the time allocated for the debate not to exceed two hours.

Senator Catherine Ardagh: I read today in *The Irish Times* and saw yesterday at the health care committee that the chief of the HSE made a statement that the HSE could not progress the national children's hospital at the St. James's Hospital site. This is absolutely shocking. The Government knew about this hospital being constructed before the general election. It waved the site around. It has already spent money on consultants, on a board and on liaising with local residents. It is absolutely shocking to hear now, just when contracts were about to be signed, that this hospital will not go ahead. It is like a couple without a deposit or any mortgage approval saying they are going to buy a house. What this Government has done is absolutely disgraceful. It dangled a beautiful hospital in front of the eyes of the sick children of this country when it had absolutely no intention of going ahead with it. It is a disgrace. I would like the Minister for Health to attend the Seanad today to explain to us exactly what is going on and what his intentions are for this hospital. This hospital must go ahead. It is so important that the children of this country have the highest quality standard of care. Anything less than that is unacceptable.

I would also like to raise the issue-----

An Cathaoirleach: Is the Senator proposing an amendment to the Order of Business?

Senator Catherine Ardagh: I am proposing that the Minister for Health attend the Seanad today to address us and give us a proper detailed update on what is going on with the national children's hospital.

An Cathaoirleach: Is the Senator proposing it as an amendment to the Order of Business or simply making a proposal?

Senator Catherine Ardagh: I am proposing an amendment.

An Cathaoirleach: I apologise for interrupting. I just wanted to clarify the matter.

Senator Catherine Ardagh: The second matter I would like to raise is the job losses in Leixlip at the Hewlett Packard plant. It was confirmed just before we came into the Seanad today that these job losses will go ahead. It is a massive blow to the local economy which has apparently been in recovery since 2014. I have worries that this may be a sign of one of Mr. Donald Trump's protectionist policies. However, the use of cartridges is on the decline. My heart goes out to the families of the 500 people who have suffered these job losses. I hope the Government will take steps to replace these jobs and ensure IDA Ireland makes a trip to Leixlip in order that the workers do not go too long without employment.

An Cathaoirleach: I call Senator Rose Conway-Walsh. There is a gap and she is the only one in line.

Senator Rose Conway-Walsh: There is a gap and I am very happy to fill it.

An Cathaoirleach: Good girl.

Senator Rose Conway-Walsh: That is okay.

Senator Jerry Buttimer: In fairness, the Senator is more than that.

Senator Rose Conway-Walsh: I thank the Leader. Listening to yesterday's debate on the scandal of waiting lists, I very much welcome Fine Gael's conversion to Sinn Féin's position, one that has been roundly criticised as fantasy economics by the Leader on many occasions. For many years Sinn Féin has produced alternative budgets that honestly set out the measures needed to address the shortcomings in the health service. On many occasions, the Leader has used these as a stick to beat Sinn Féin.

I would also like to see a debate, as was called for by Senator Martin Conway yesterday, on exactly how we fund health care in the future, rather than statements on the difficult choices regarding tax and expenditure that will have to be made. In the last budget Fine Gael and Fianna Fáil chose the €290 million in tax cuts over increased capital spend. Sinn Féin clearly demonstrated how €267 million extra could be spent on 500 additional hospital beds, reducing the prescription charges by €1 each and increasing ambulance cover, as well as improving mental health services.

What is difficult for an economic illiterate like me to understand is why the Government would choose to facilitate a tax avoidance measure for foreign vulture funds amounting to up to €350 million while at the same time denying citizens vital treatment unless they have the money to pay privately. I cannot reconcile that. At this moment, I know a man who is in absolutely excruciating pain waiting for vital treatment in my constituency in County Mayo. We have continued over successive Governments to give away all of these tax breaks and provide loopholes for people who do not need the money. That we are giving away all of this money is impossible for me to understand. I would welcome it if the Leader of the House and the leader of Fianna Fáil explained to me why these choices are made. I cannot explain to the people I am here to serve why it is done.

This morning my colleague, Michelle O'Neill, has confirmed a financial package to deal with waiting lists in the North after the Assembly elections. However, the real solution lies

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in an all-Ireland health service, which would mean people not having to travel from County Donegal to Galway for chemotherapy owing to a lack of staff in Letterkenny. Any debate here on the future of health care must include a discussion on an all-Ireland approach to health which is an all-island issue.

I hear the Leader constantly talking in the background about tax. I am not proposing a high-tax option; it is a fair-tax option providing for a proper education service and particularly a proper health service for all the people on the island.

An Cathaoirleach: I am sure the Leader will give a satisfactory response.

Senator Rose Conway-Walsh: I doubt if it will be satisfactory, but I wait in anticipation for words of wisdom.

Senator Maria Byrne: The “Prime Time” television programme recently highlighted the primary school in Moyross that introduced mindfulness into teaching in the classroom. The effects were found to be mentally, emotionally, socially and physically stimulating for the children. Perhaps it is something that might be spread across all schools throughout the country, starting with primary schools and moving on to secondary schools. I recently attended a secondary school event with the Minister of State, Deputy Helen McEntee, along the same vein. There were dance classes as well as songs. It was all about working together in unity and harmony. It was a very positive initiative.

Senator Paul Daly: I second Senator Catherine Ardagh’s amendment to the Order of Business.

There have been five confirmed cases of the H5N8 avian bird flu in Ireland. In December the Minister for Agriculture, Food and the Marine, Deputy Michael Creed, introduced regulations under the Animal Health and Welfare Act 2013 requiring the compulsory housing of poultry, which I welcome. It was a necessary move in order to avoid the spreading of the disease.

Last night’s “Ear to the Ground” programme indicated that a major problem was coming down the tracks for poultry farmers who sell their produce as free-range. Hens that are housed for 12 continuous weeks will lose their free-range status. I want the Minister to address the issue and outline the provisions he may be putting in place. It would be serious for those producers to lose their free-range status due to their prudence in obeying the rules to try to avoid the spread of the disease. There needs to be a plan for the status of those free-range producers if the 12-week period is reached. Can some alternative rules be put in place temporarily because of the special nature of the current situation?

Senator Paul Gavan: As some Senators will know, Tesco is Ireland’s largest private employer, employing more than 11,000 staff. Unfortunately, Tesco has also decided to go down the road of union busting. It has hired a specialist firm of lawyers who engage in union busting as a career. It is trying to drive Mandate, a fine trade union, out of Tesco. We know this because some of the most loyal and hard-working staff in Tesco have been told their terms and conditions are to be cut unilaterally later this month. As a result, Mandate has had no choice but to ballot its members and as things stand today they are to go on indefinite strike across nine stores with probably another 15 to follow from 14 February, St. Valentine’s Day. Tesco is not making these cuts because it is somehow short of cash. In fact, it has just bought out the biggest wholesaler in Britain. It is doing extremely well. It will not reveal its profits in Ireland, but we believe they are in the region of €200 million to €250 million a year. It does not have to do this;

it is not in financial difficulty. Its sole reason for doing this is greed. It wants to cut the terms and conditions of the longest-serving staff purely to increase its profits further. It is the largest private-sector employer in the State. I am asking the Leader to bring the Minister for Jobs, Enterprise and Innovation to the Seanad to discuss the matter which affects people throughout the State and to make a clear stand on this. Nobody in this Chamber should stand over Tesco's policy of greed and disloyalty to its longest-serving staff. I would welcome a clear statement of condemnation from the Leader on Tesco's despicable behaviour towards its own staff.

Senator Michelle Mulherin: I ask the Leader to invite the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, to come to the House to discuss the implications of apparent and obvious changes in American policy on immigration and trade. Last week the Ornuá chairman, Aaron Forde, pointed out that already five Ornuá graduates have been refused visas to enter the United States and two staff in the United States were initially refused a renewal of their visas, although I understand that has been sorted out. That is notwithstanding 30 years of operating in the United States, marketing Irish dairy products. Its success is shown by the 20,000 tonnes of Irish cheese and butter sold in the United States, with Kerrygold the flagship company there. This obviously has serious implications, not just for Ornuá.

In addition, we heard the bad news of job losses in Leixlip. Some 150,000 people here work for US multinationals and 250,000 people work in Irish companies in the United States. We also have the issue of the 50,000 undocumented Irish in the United States. Many of us might not agree with the approach of the current US President in putting America first, in terms of making the country safer and his attitude to Muslims, in particular. We are seeing fall-out in the tightening of regulations affecting Irish people who have obviously a track record there and in respect of whom there should not be a question about getting visas.

There are issues related to trade - America requires trade as do we - and illegal immigrants. When one talks about making America great, if the people concerned were not in America, how great would it be? It seems that many people living there do not want to do those particular jobs. It is now more important than ever that the Taoiseach should meet President Trump and have a conversation in the real world and keep communications open. In the meantime I would welcome a debate here grounded in the reality facing Irish companies, Irish citizens and the undocumented from the fallout from the changes that are apparent in the new Administration there. That would be a more constructive debate for this Chamber to have, rather than some of the side jabs being made.

Senator Aodhán Ó Ríordáin: I do not know what to say after the previous contribution. I seem to remember the very same voice in this Chamber on the day after the American presidential election saying we needed to get used to the new world order and that the era of political correctness was over. A congratulatory message was sent from the same individual to the newly elected President. I am delighted we have had such a Pauline conversion to the realities of the new regime in America.

That is not the reason I am contributing. I congratulate the Minister of State, Deputy Catherine Byrne, on her achievement yesterday in getting the medically supervised injection centre proposal through the Cabinet. This incredibly important legislation being shepherded by the Minister of State will save lives. Often in the Chamber we debate health and public policy issues, but, as this legislation comes to the House, I appeal to all parties that I know support the legislation to do so robustly and without fear because the issue of street heroin injection means we are dealing with the most vulnerable of citizens. I was involved in the formulation of the

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legislation in the previous Government and I am delighted to see the Government has taken it on. It is in the programme for Government and being delivered. It is not the role of people in opposition to pick holes in Government policy all the time. We will oppose when necessary, but we will also support when necessary. The Minister of State is to be congratulated. It is a proud day for her and the Oireachtas that our drug policy is becoming much more enlightened. She is doing an excellent job in that regard. I hope to stand in the Chamber and see the legislation go through the House in the coming weeks.

Senator Grace O'Sullivan: We will discuss the Derelict and Vacant Sites Bill in the Chamber with the Minister today. I tabled the Bill as a member of the Civil Engagement group and a member of the Green Party. Both groups are motivated by a desire to increase fairness in our society while working with politicians of other parties and none to advance fairness and equity. The Bill is not radical. From speaking to those involved in the formation of existing Government plans, it is clear the Department and the Minister wish to go further in applying a levy to derelict and vacant sites and get them back into use. The Government's incentive initiatives to enable people to get the sites back into the housing supply are welcome. My aim with the Bill is to help the process and add another weight to the scales of ridding cities and towns of eyesores and empty spaces. Government plans simply do not go far enough to address the issue. Derelict sites can be covered up with paint and they are no longer considered derelict. Vacant sites the size of a basketball court are exempt from the levy. These do not reflect the urgency of the housing crisis. It is not our desire to penalise or afflict the comfortable. We are simply trying to work with the Government and others to ensure the best outcomes for all. Should the Bill not make it through to Committee Stage, such a measure cannot be brought forward again for six months. If Senators are wavering in their support for this common sense legislation, I appeal to them to discuss their concerns with me or my colleagues. We are interested in advancing any action to improve the homelessness situation in the country through any measure that will help restore viability and livelihood to our urban and rural communities. I hope in particular that Fianna Fáil and Fine Gael Senators will consider the common-sense measure contained in the Bill to be worthy of depth and examination. If anyone has any doubts we are available, and we respect-----

An Cathaoirleach: I am not sure whether canvassing is allowed, but the Senator has made her point.

Senator Colm Burke: I am interested and intrigued by the contribution of Senator Rose Conway-Walsh on Sinn Féin's position. Sinn Féin's position on our jobs policy was that we were getting it all wrong. We have created 188,000 jobs in the past five and a half years. Unemployment has decreased from 15% to 7.1%. As a result, we now have more money coming in to provide a better health service. An extra €1 billion is being provided this year to the health service which we would not have been able to put in if people were not back at work. I remind the Senator the level of corporation tax has increased by more than 70%. It is at its highest level ever and will continue to rise in 2017 and 2018 because of the number of companies, the number of people employed, the amount of work being done and the amount of exports. We face major challenges in health and there is no question about this, but we need to look at the entire area.

When Fianna Fáil was in government, it abolished the health boards. The idea was to have a central management system, but it is quite obvious now that this is not working. As I stated previously, the number of managers keeps increasing as does the number of clerical assistants. We have more than 16,000 people in administration. It would be interesting to look at the ra-

tio of administrators to front-line staff in other jurisdictions. This is an area where we need to examine major reform. We need to get value for money. I am not convinced we are getting value for money. We are the second highest contributors to health care in the OECD but we are not getting value for money and we need to look at reforming the system. I ask the Leader for a debate on how we bring about this reform. It is not just with regard to hospitals. Sinn Féin proposed-----

An Cathaoirleach: The Senator is testing my indulgence. He should resist making party political statements.

Senator Colm Burke: Sinn Féin proposed that we reduce consultants' salaries to less than €100,000 a year. Its members seem to have forgotten that.

An Cathaoirleach: The Senator can make these points in the forthcoming debate.

Senator Trevor Ó Clochartaigh: Ba mhaith liom mo dhíoma agus inní a léiriú faoin ráiteas a rinne ceannaire an DUP, Arlene Foster, le cúpla lá anuas, maidir le hAcht na Gaeilge agus nach mbeidh a leithéid ann má bhíonn an DUP sa rialtas ó Thuaidh. Ba mhaith liom a mheabhrú don Cheannaire go bhfuil dualgas ar an Rialtas anseo, mar go bhfuil Acht na Gaeilge mar dhlúthchuid de Chomhaontú Aoine an Chéasta, oibriú leis na páirtithe ar fad le déanamh cinnte go gcuirfear Acht na Gaeilge i bhfeidhm. Tá súil agam go ndéanfar raiteas láidir ag cáineadh an méid a dúirt Arlene Foster ó thaobh Acht na Gaeilge.

Go deimhin, bhí ráitis mhaslacha anseo an tseachtain seo caite ó thaobh lucht na Gaeilge ag an Seanadóir Ó Ríordáin. Sílim gur chóir dó leithscéal a ghabháil le pobal na Gaeilge mar gur chuir sé-----

Senator Aodhán Ó Ríordáin: Níl-----

Senator Trevor Ó Clochartaigh: -----i gcomparáid iad leis an Talibán.

Senator Aodhán Ó Ríordáin: An Talibán. Tá difríocht ann.

An Cathaoirleach: Ná cuir isteach air. Ar aghaidh leat, a Sheanadóir Ó Clochartaigh.

Senator Trevor Ó Clochartaigh: On Monday, Mr. Artur Mas, the former president of Catalonia, with two former Ministers, came before the High Court in Barcelona for a five-day trial. Tens of thousands attended the demonstration in support of the defendants, who are being prosecuted for helping to organise a non-binding vote on independence in 2014 in which more than 2 million people voted. The vote took place because the Spanish Government refused to facilitate a democratic vote on Catalan independence. The impressive turnout sent a clear message that the Catalan people want a democratic, legal and binding referendum to be held. They are being accused of civil disobedience for organising an informal independence consultation. If found guilty, they could be banned from public office for ten years. There is also the continued prosecution of the speaker of the Catalan parliament, Ms Carme Forcadell, for facilitating a debate and vote on independence in the Catalan Parliament. The prosecution of democratically elected politicians for holding popular polls and consultations puts at risk the very democratic standards that people hold dear throughout the world. We should send a very strong statement from the House that we do not agree with what is happening. I call on the Leader to facilitate a discussion on the prosecution of politicians in Catalonia for supporting a democratic vote on independence. I also ask him to call on the Minister for Foreign Affairs and Trade to come to

the House to outline the Government's stance on this issue.

Senator Frank Feighan: I also commend the Minister of State, Deputy Catherine Byrne, for opening the first injection centre in Dublin. It does much to show that we are trying to tackle the serious drug addiction problem, particularly in Dublin. As did Senator Aodhán Ó Ríordáin, I very much welcome it.

Several months ago, Ms Nicola Sturgeon addressed the House and everyone called for Scottish independence. She received a rock star welcome. It was ironic to see every Senator taking selfies with her. There was a certain mood and there still is now. I see today in a poll in the *Scottish Herald* that 49% of people, an increase of 3%, state they want Scottish independence as against 51%, a decrease of 3%.

It quite obvious that there will be Scottish independence which will have huge implications for the island of Ireland. We are living in interesting times, all as a result of Brexit. The Republic of Ireland will, however, remain a committed member of the European Union, in which many are not fully aware of the position of the island of Ireland. The mood is in favour of Scottish independence; one never knows, therefore, what will happen on the island of Ireland.

Senator Pádraig Mac Lochlainn: It is a pity Senator Colm Burke has left the Chamber because I was given an education on how we had got to where we were in the health crisis. The Minister for Health appeared on the national broadcaster to say he was ashamed and heartbroken at the revelations made. I think he is a decent man, but the policies he has put in place and the ones put in place by Fianna Fáil before him are indecent. There has been chronic underinvestment for many years in every corner of the health service, from primary care services to home care packages, nursing units, community hospitals and acute hospitals.

12 o'clock When there is such a situation, it creates the bottlenecks that result in so many citizens being on trolleys. In recent days we have learned that in nursing units and community hospitals in County Donegal and, no doubt, throughout the State elderly people are being told that no respite care services will be available to them because beds need to be freed up for patients from the major acute hospitals. We are robbing Peter to pay Paul again. Similarly, if one looks at the numbers on waiting lists, the reason they are increasing and there are so many cancellations is the use of the full capacity protocol whereby people are told their procedures or operations have been cancelled because beds must be freed up in hospitals in which so many beds have been closed. One could not make up this stuff. Let us be real. The solution to the crisis lies in adequate investment. I argue that there is a need for a five-year plan to ensure adequate investment in the provision of beds and nurses. The crisis will not be solved overnight, but a clear five-year plan needs to be outlined now. It is not enough for a Minister to say they are ashamed or heartbroken at the latest crisis or scandal.

My next point concerns broadband. I propose that the Minister for Communications, Climate Action and Environment come to the House to update us on the timeframe for the roll-out of broadband. The rural development action plan was launched recently, but everybody who represents a rural area knows that we need a timeframe for the provision of broadband for every home. Will the Leader, therefore, ask the Minister to come to the House to debate the matter?

Senator Aidan Davitt: I concur with Senator Catherine Ardagh on the devastation felt by the employees of Hewlett Packard who are to lose their jobs. It is very harsh news to receive and my thoughts are with them on this very bleak day for them and their families. A lot of people living in Mullingar travel daily to the Hewlett Packard plant. As I know quite a number

of those involved, my thoughts are certainly with them at this difficult time for them and their families.

I agree with my fellow Senators in calling on the Minister for Health to come to the House. If it is true that the waiting list figures are being massaged and that we have not been hearing the full truth, it is alarming. The people of Ireland are certainly entitled to better than this.

Senator Rónán Mullen: Last week the director general of the Irish Prison Service, Mr. Michael Donnellan, told the Committee of Public Accounts that Irish jails had become modern asylums, with many inmates suffering from severe mental health issues. One aspect of the problem concerns the welfare of prisoners discharged from the Central Mental Hospital in Dundrum and transferred to prison. They may have posed a danger to themselves and others but integration into the prison environment poses further challenges for them. Last week one man said on “Today with Sean O’Rourke” on RTE that he had been treated in the Central Mental Hospital for 15 years having been found not guilty of a crime by reason of insanity. Depending on their condition, other patients spend far less time receiving therapeutic care at the Central Mental Hospital and are returned to prison following a clinical assessment. I would like the Ministers for Justice and Equality and Health to provide a detailed update on provisions for the continuity of psychiatric care and the monitoring of such persons on entering the prison system from hospital. What support do these inmates specifically receive prior to discharge and what follow-on treatment and health services can they expect to receive subsequently while in State custody? I echo the call of the Irish Penal Reform Trust for the roll-out nationwide of institutional high support services for mentally ill prisoners, including those in Mountjoy Prison and Cloverhill Prison. In August 2006 a 21 year old man was killed in Mountjoy Prison by another inmate who had been transferred there from the Central Mental Hospital. The 2014 report on his death highlighted failures on the part of prison and psychiatric services. Up to 30 people who are psychotic or awaiting admission to an acute mental health facility are in prison at any one time. How are these waiting lists managed? What is the current level of communication and co-operation between health care and prison staff in the different institutions in dealing with these cases? We need to look very seriously at this issue. Prison is the last place people who are mentally ill should be incarcerated. There is an urgent need for the Government to address this growing problem among the 3,700 inmates in custody.

Senator Diarmuid Wilson: I sympathise with the 500 people who will lose their jobs following the announcement made by Hewlett Packard this morning. It will affect not only Kildare and Dublin but also counties like my own, as well as Longford, Leitrim, Sligo and others.

Like others, I was horrified watching the “Prime Time Investigates” programme on Monday evening on waiting lists. Unfortunately, the news was not new to some of us as public representatives. We knew that it had been happening for quite some time, but it had been denied on a regular basis by the HSE. Having listened to commentators in the past couple of hours, many international experts suggest the availability of funding is not the difficulty. A total of €15.1 billion is to be invested in the health service this year, yet there is a chronic shortage of health personnel, some of whom we discussed during a debate on legislation yesterday. There are horrendous waiting lists. Somebody somewhere must be responsible for managing this colossal amount of money and it is time that this question was asked. Regarding Senator Rose Conway-Walsh’s comments on the new leader of Sinn Féin in Northern Ireland and her commitment to tackling waiting lists there, per head of population they are worse than in the Twenty-six Counties-----

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Senator Rose Conway-Walsh: That is why we need a united Ireland and a whole island approach, as the Senator knows.

An Cathaoirleach: Please allow Senator Diarmuid Wilson to conclude.

Senator Diarmuid Wilson: Senator Rose Conway-Walsh and her colleagues who have been in government in the Six Counties with the Democratic Unionist Party for the past ten years should be ashamed of themselves. They cannot wash their hands of the responsibility they bear as members of a government for ten years.

An Cathaoirleach: The Senator should address the Chair, not invite debate.

Senator Diarmuid Wilson: Let me address the position in the Twenty-six Counties and Sinn Féin policy.

Senator Rose Conway-Walsh: Yes.

Senator Diarmuid Wilson: If we had followed its policies and its record in Northern Ireland is anything to go by, we would have had an even worse disaster.

Senator Trevor Ó Clochartaigh: Fianna Fáil did a great job in government, did it not?

An Cathaoirleach: As the Leader has all of the answers, give him a chance.

Senator Jerry Buttimer: I thank the 15 Senators who raised matters on the Order of Business. I join Senators Catherine Ardagh, Aidan Davitt and Diarmuid Wilson in offering solidarity and our thoughts to the men and women employed at Hewlett Packard in Leixlip who have this morning heard the appalling, tragic news of job losses. It is most disappointing and words will be of little solace to those who work there. I hope the arms of State will work to assist them in re-engaging in the workforce as quickly as possible. I have heard the contributions of some Senators, but this has nothing to do with Brexit or the policies of President Trump; rather, it is about the company restructuring its policy globally. There are other Hewlett Packard entities in Galway and Cork and it is important to stand with the workers today. The Minister for Jobs, Enterprise and Innovation, Deputy Mary Mitchell O'Connor, has engaged with the company. As Senator Diarmuid Wilson said, this is not just about the plant in Leixlip where 10,000 people are employed, although it is a pivotal flagship for IDA Ireland. It is important, however, that we engage proactively with the men and women who work there to assist them in every possible manner.

Senator Catherine Ardagh referred to the national children's hospital. As a former Chairman of the health committee who was on the St. James's Hospital site with Senator Colm Burke and others, I played a role in ensuring the project would be prioritised. The contract has been awarded to BAM and is worth €3 billion. The comment of the chief executive of the HSE was made at a private meeting of the health committee, although, in my opinion, he should not have made it because it has muddied the water. I share Senator Catherine Ardagh's concern and join her in asking for the position to be clarified. I ask her not to push the matter to a vote because the Minister for Health who is prepared to brief her and any other Member of the House personally has to make a business case to the Government which is committed to this flagship project. The contract has been approved by the HSE directorate. The priority of the Government is to ensure the project is built. The discussion has moved on from considering the different sites proposed. We have a site and there is a contract and the Minister has to make a business case to

the Cabinet in order that the project can begin. As we are all united on the need for a national children's hospital, I appeal to the Senator to allow what I have outlined to happen, rather than divide the House.

Senators Rose Conway-Walsh, Colm Burke, Pádraig Mac Lochlainn, Aidan Davitt and Diarmuid Wilson touched on the importance of the health service to us as a nation. Leaving aside the harrowing distress outlined on the RTE programme, in 2017 the Department of Health will have funding of €14.1 billion to meet current expenditure and €454 million to meet capital expenditure. Going by the economics and mathematics of Senator Rose Conway-Walsh which are of a higher standard than mine, these figures represent an increase of €977 million on the budget for 2015, or an increase of 7.4% on the original voted budget and 3.5% on the final projected outturn. I agree wholeheartedly with Senator Diarmuid Wilson that if the voodoo economics of Senator Rose Conway-Walsh's party in the North were to be transferred to the South, there would be bedlam. We would have tractors on Grafton Street.

Senator Rose Conway-Walsh: What nonsense.

Senator Jerry Buttimer: Its Members can come into the House and spout their great theories, but it is a high tax and high spend party.

Senator Rose Conway-Walsh: Can the Leader explain why so many people are in pain?

Senator Jerry Buttimer: The Senator is not interested in the answer.

Senator Rose Conway-Walsh: I am really interested in it.

Senator Jerry Buttimer: The Senator is never interested in it.

An Cathaoirleach: I ask the Leader and the Senators who are interjecting to, please, respect the Chair.

Senator Paul Gavan: This is a never-ending lecture.

Senator Jerry Buttimer: Senator Rose Conway-Walsh is never interested in knowing the real facts. Her party wants to tax people and spend its way out of everything.

Senator Paul Gavan: We learned the real facts on Wednesday night.

Senator Jerry Buttimer: There is an election in the North and some day it will be found out up there also. Its policies have done nothing to help communities in the North.

Senator Trevor Ó Clochartaigh: How many Fine Gael politicians stand for election in the North?

Senator Jerry Buttimer: The Government must balance the need for foreign direct investment and to create jobs. Senator Colm Burke is right: when we took over in government, 15% of citizens were unemployed; today the figure is 7.1%. That means more men and women are at work, contributing to the State in order that more can be spent on health services. There is an extra €2.6 billion for capital infrastructure, but Senator Rose Conway-Walsh's party wants to tax people and spend, while forgetting about the borrowing constraints and the need to save for a rainy day. It cannot be done. They are not adolescents at home who are depending on mummy and daddy for pocket money. The State has an obligation to spend and provide for its citizens. That is what we will do.

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Senator Rose Conway-Walsh: It also has a responsibility not to leave hundreds of thousands of people in pain, which is what the Government is doing.

Senator Jerry Buttimer: This and the last Government rescued the people-----

Senator Paul Gavan: That is why they are in America and Britain.

Senator Jerry Buttimer: -----with no thanks due to Sinn Féin which both here and in the Dáil opposes everything every day.

Senator Rose Conway-Walsh: It has not rescued people who are in pain and waiting for treatment.

Senator Jerry Buttimer: One cannot have it both ways.

Senator Rose Conway-Walsh: The Leader cannot have it both ways. If he was not full of admiration for himself-----

Senator Jerry Buttimer: The Senator's party has discovered in government in the North that it cannot do everything. The proof lies in the economy. Farmers will receive no payments from the European Union.

Senator Trevor Ó Clochartaigh: The Government is withholding GLAS payments.

Senator Jerry Buttimer: It is also reflected in hospitals and the education system. Schools and police stations have been closed, while the health system is in rag order.

Senator Maria Byrne referred to the subject of mindfulness. I will be happy to have the Minister for Health come to the House to discuss it. The Minister of State at the Department of Health, Deputy Helen McEntee, was here last week to speak about it.

Senator Mark Daly referred to the importance of the poultry industry. While I did not see the programme last night, I will be happy for the Minister for Agriculture, Food and the Marine, Deputy Michael Creed, to come to the House to discuss the issue. It could also be the subject of a Commencement matter. As it is linked with Brexit, it is important to debate it.

Senator Paul Gavan mentioned Tesco. During the week I received a response from Ms Christine Heffernan. I am not sure if the Senator received one, but I will be happy to send him a copy of it. She said there had been no change to the contracts and that Tesco and the unions were in discussions. She also said Tesco was happy to engage with the mechanisms of the State.

Senator Paul Gavan: That is not true.

Senator Jerry Buttimer: I will forward a copy of the e-mail after the Order of Business. I share the Senator's view that there is an obligation on Tesco, as an employer, to treat its workers fairly and with respect. That means combining pay and conditions together because, in some cases, workers are on or just above the national minimum wage and require protection. If what the Senator says is true, it is not good enough.

Senator Paul Gavan: There is a mandate to ballot.

Senator Jerry Buttimer: I appreciate that, but it is important to note that there are mechanisms of the State that could and should be used by all sides in that regard.

Senator Michelle Mulherin raised the issue of immigration. While we have discussed it, I will be happy to have the Minister responsible come to the House to discuss it again.

Senators Aodhán Ó Ríordáin and Frank Feighan thanked the Minister of State, Deputy Catherine Byrne, and complimented her on the initiative to establish injection centres. It is important to credit the Minister of State for being able to pursue and have the legislation approved. As Senator Aodhán Ó Ríordáin said, it will help to save lives.

Senator Grace O'Sullivan raised the issue to be debated during Private Members' business. All I can say as Leader of the House is that the Government has engaged with the Senator and is willing to engage further with her on it. It is one for the Minister to discuss in the House today.

Senator Ó Clochartaigh, tá díomá orm freisin faoin ráiteas a rinne an Príomhaire, Arlene Foster. Tá an-tacaíocht ag an Rialtas dár dteanga dúchais. As I said yesterday in response to Senators Lorraine Clifford-Lee and Mark Daly, I agree that the decision made by the DUP on the Irish language and the Irish language Act was very short-sighted. One day they said "No" but the following day they found the money for Irish summer schools and to implement the Irish language Act. It is important that, as a state, we continue to support and promote the use of our language under the Good Friday Agreement in both the North and the South. It is the first language of the State and I hope that, as part of the ongoing Brexit negotiations, post-Brexit and following the elections in the North, those who want to speak the Irish language will be supported in any manner or form. I stand with Senator Trevor Ó Clochartaigh in that regard.

I am not going to get involved in the dispute or issue of a Catalan referendum on independence. Anybody has a right to express a viewpoint, whether he or she is a parliamentarian or a citizen. That is what we cherish in a democracy. Certainly, I would not support the imprisonment or reprimand in any shape or form of anybody for expressing a view or protesting about it within the laws of the land.

Senator Rónán Mullen: Will they keep denying Catalonia independence also?

Senator Trevor Ó Clochartaigh: And Irish independence.

Senator Jerry Buttimer: The issue of the unity of the country is not the preserve of Sinn Féin.

Senator Trevor Ó Clochartaigh: It was.

Senator Jerry Buttimer: It is the preserve of all of us. If one goes back to the Good Friday Agreement, it is about consent and all of us working together if we share that viewpoint, as I do. As such, it is not the preserve of Sinn Féin but about all of us having that aspiration.

Senator Trevor Ó Clochartaigh: I never said it was not.

Senator Jerry Buttimer: I am just making the point. Every day Sinn Féin Senators mention a 32-county Ireland. Every political party is in favour of that principle. How we get there is what we must work on. It is important to make the point that it is not just the preserve of Sinn Féin.

Senator Trevor Ó Clochartaigh: Absolutely.

Senator Rose Conway-Walsh: We absolutely welcome that statement.

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Senator Kieran O'Donnell: We do not need to be patronised.

An Cathaoirleach: I ask Members to, please, respect the Chair.

Senator Rose Conway-Walsh: We look forward to the Government putting pressure on the British Government to open the legacy files.

An Cathaoirleach: Please allow the Leader to conclude.

Senator Jerry Buttimer: I have every confidence in the Taoiseach who is leading the negotiations for us on Brexit. He has done a very good job in the six years since he took office.

Senator Pádraig Mac Lochlainn raised the issue of broadband. I will be happy to have the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, come to the House to discuss it because the Senator is right that the roll-out of broadband is central to the development of rural Ireland to 2040 and as a counter to Dublin and urban areas. We need to expedite the provision of broadband in rural areas.

Senator Rónán Mullen raised the very important issue of prison services and referred to the remarks of Mr. Michael Donnellan on myriad issues. I will be happy to have the Tánaiste and Minister for Justice and Equality, Deputy Frances Fitzgerald, and perhaps the Minister of State at her Department, Deputy David Stanton, come to the House to discuss them.

I mentioned Senator Diarmuid Wilson when I discussed health issues.

I ask Senator Catherine Ardagh not to divide the House but to allow me to get the Minister for Health to brief her. I have asked him to come to the House to discuss the matter.

Senator Catherine Ardagh: The amendment is being pressed.

An Cathaoirleach: Senator Catherine Ardagh has proposed an amendment to the Order of Business: "That a debate take place today with the Minister for Health on progress on the national children's hospital."

Amendment put:

The Seanad divided: Tá, 24; Níl, 17.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Bacik, Ivana.	Buttimer, Jerry.
Clifford-Lee, Lorraine.	Byrne, Maria.
Conway-Walsh, Rose.	Coffey, Paudie.
Daly, Mark.	Coghlan, Paul.
Daly, Paul.	Conway, Martin.
Davitt, Aidan.	Feighan, Frank.
Devine, Máire.	Hopkins, Maura.
Gallagher, Robbie.	Lawless, Billy.
Gavan, Paul.	Lombard, Tim.
Higgins, Alice-Mary.	McFadden, Gabrielle.
Humphreys, Kevin.	Mulherin, Michelle.

Kelleher, Colette.	Noone, Catherine.
Mac Lochlainn, Pádraig.	O'Donnell, Kieran.
Mullen, Rónán.	O'Mahony, John.
Murnane O'Connor, Jennifer.	O'Reilly, Joe.
Nash, Gerald.	Reilly, James.
Ó Clochartaigh, Trevor.	
Ó Ríordáin, Aodhán.	
O'Sullivan, Grace.	
O'Sullivan, Ned.	
Swanick, Keith.	
Warfield, Fintan.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Paul Daly and Diarmuid Wilson; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared carried.

Order of Business, as amended, agreed to.

Civil Liability (Amendment) Bill 2017: Order for Second Stage

Bill entitled an Act to amend the Civil Liability Act 1961 to provide for the award of damages by way of a periodic payments order in certain circumstances where a plaintiff has suffered catastrophic injuries; to amend the Insurance Act 1964; to amend the Bankruptcy Act 1988; to amend the Taxes Consolidation Act 1997; to amend the Civil Liability and Courts Act 2004; and to provide for related matters.

Senator Martin Conway: I move: "That Second Stage be taken now."

Question put and agreed to.

Civil Liability (Amendment) Bill 2017: Second Stage

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

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I am very pleased to introduce the Civil Liability (Amendment) Bill in this House and look forward to our discussion on its provisions. The purpose of the Bill is to empower the courts to make awards of damages in cases of catastrophic injury by way of periodic payments orders, PPOs. The Bill will apply in cases involving both State and non-State defendants. It addresses the concerns that have been raised repeatedly by the courts that the absence of such legislation has meant that the best option for a catastrophically injured person in the form of a periodic payments order has not been available.

I acknowledge the work that has been done by the High Court working group on medical negligence and periodic payments in bringing this matter to the fore. Since the publication of

the working group's report on this issue, my Department has been working with Departments, State agencies and stakeholders to develop the provisions of the Bill before us. As Senators will be aware, damages for personal injuries are currently paid by way of a lump sum. The damages awarded to compensate for personal injuries are intended to put the injured party in the same position as they would have been in if they had not sustained the wrong for which they are now receiving compensation. Damages are assessed at a certain point in time and a lump sum is awarded which is intended to compensate for all past and future losses, including the cost of care, medication, aids a person might need and treatment. The lump sum is intended to represent the capital value of future loss. The working group on medical negligence and periodic payments noted in its report:

The "lump sum" approach dictates that there is no recourse for a plaintiff who exhausts his fund by exceeding his [or her] projected [for example] life[time] expectancy... Many catastrophically injured persons have spent their final years... without the means to pay for their care because the damages awarded have proved inadequate... Similarly, a defendant has no recourse if a large lump sum is paid to a plaintiff who succumbs to his [or her] injuries earlier than expected.

This, of course, means that the next of kin in some instances have received unintended multi-million euro amounts.

The principal recommendation made in the working group's report was to address the deficiencies in the lump sum system by giving the courts discretion to impose, with or without the consent of parties, periodic payment orders in catastrophic injury cases. The working group recommended that periodic payment orders should be calculated to meet the cost of permanent and long-term care and treatment and should be index-linked. The principal advantages of introducing periodic payment orders include the fact that inadequate compensation will be avoided as payments will be tied to the actual rather than the expected cost of care and treatment; that inappropriate compensation will be avoided as payments will be linked to actual rather than expected duration of life; and that, in addition, the payment of enormous lump sums will be avoided.

Since the publication of the report of the working group, the courts have made more than 50 interim periodic payment orders. These interim periodic payment orders are subject to review by the courts on relevant returnable dates. However, the courts have indicated that they do not favour settlement of claims by periodic payment order in the absence of legislation. This Bill provides that a court shall have the power to award damages by way of periodic payment orders, where appropriate, having regard to the best interests of the plaintiff and all the circumstances of the case. It contains provisions regarding the security and indexation of periodic payment orders. In addition, the Bill will ensure periodic payment orders will not be subject to income tax and that such payments will not be taken into account in the event of bankruptcy. The introduction of the legislation will have a positive impact on persons with catastrophic injuries who require long-term care and assistance as it will ensure that they will have security with regard to the costs of care in their lifetimes.

Before moving to provide the House with details of the provisions of the Bill, I hope to bring forward a number of Committee Stage amendments relating to the issue of double recovery of health benefits and also in relation to open disclosure provisions which deal with supporting the open disclosure to patients of patient safety incidents. We are working closely with the Department of Health on these matters.

I will outline briefly the provisions of the Bill. Section 1 is a standard provision.

Section 2 is the main provision regarding periodic payment orders and sets out what we need to do to introduce them. Section 51H is an interpretation section for the new Part. Senators should note that catastrophic injury is defined as meaning “a personal injury which is of such severity that it results in a permanent disability requiring the person to receive life-long care and assistance in all activities of daily living or a substantial part thereof”. As Senators can imagine, this definition has been the subject of much discussion among stakeholders.

Section 51I is the central provision relating to the power of the court to award damages by way of periodic payments orders. Subsection (1) provides that, where it is awarding damages for personal injuries to a plaintiff who has suffered a catastrophic injury, a court may order that all or part of the damages for future medical treatment, future care of the plaintiff and the provision of assistive technology be paid in periodic payments. Where the parties agree to do so, damages in respect of future loss of earnings may also be paid in periodic payments under the order. Subsection (2) sets out the issues which the court must consider in deciding whether to make a periodic payments order. The court must have regard to the best interests of the plaintiff, the individual circumstances, the nature of the injuries suffered by the plaintiff and the form of award which would best meet the needs of the plaintiff having regard to the preferences of all parties. Subsections (4) and (5) deal with stepped payments. A court may make provision that a periodic payment order may increase or decrease from a specified date to cater for anticipated changes in the plaintiff’s needs. Changes in circumstances which may form the basis of a stepped payment include entry into primary, secondary or third level education, reaching the age of 18 years or changes to the care needs of the person, which could include a transfer to residential care.

Section 51J deals with the vitally important issue of the security of periodic payment orders. The section provides that a court may only make a periodic payment order where it is satisfied that the continuity of payments under it is reasonably secure. The next section provides that a paying party must make an application to the court where it proposes to alter the method of payment of a periodic payment order. I have mentioned that these will be index-linked and the next section deals with the indexation of payments.

Section 51M relates to the assignment, commutation or charging of a right to periodic payments. This section seeks to address the risk that it could undermine the operation of the Bill if the right of commutation were not restricted, as a claimant could be encouraged to agree to commute their periodic payments order into a lump sum payment, even if there were compelling reasons for the claimant to receive periodic payments. The section provides that an application must be made to court for approval if a plaintiff wishes to assign, commute or charge the right to a periodic payment order. Various appeals are allowed.

Section 51O provides that the new Part will apply to proceedings that are brought on or after the commencement of the Part or in respect of which no final decision has been made on the date of such commencement. I will examine carefully the wording of this section between now and Committee Stage to ensure that the new provisions on periodic payment orders can apply to cases where a court has already made an interim order. As stated, approximately 50 of those orders have been made already and we want to ensure, if it needs further amendment to do it, that such amendment is brought forward on Committee Stage.

Section 3 amends section 3 of the Insurance Act 1964. Section 3 of the Insurance Act, as

amended, deals with payments from the insurance compensation fund where an insurance company goes into liquidation. Subsection (4) of the section deals with the maximum amounts that may be paid from the fund in the event of a liquidation of an insurance company. It provides that the total amount that may be paid out of the fund in respect of any sum due to a person under a policy shall not exceed 65% of that sum or €825,000, whichever is the less.

Section 3 provides that the limits specified in the Insurance Act 1964 shall not apply where the court has made a periodic payments order. Consequently, where an insurance company becomes insolvent, the full amount due to a person entitled to receive payments under a periodic payment order will be paid from the insurance compensation fund.

There is a number of technical amendments to the Bankruptcy Acts. Section 5 provides an exemption, as I have mentioned, from income tax in respect of payments made to persons under a periodic payments order.

Section 6 relates to costs in personal injury cases.

People have spoken about the Bill for a long time. It is believed and understood that this is a far better way to approach these tragic cases. The Bill will make a difference to the lives of people who have suffered catastrophic injuries by enabling the courts to give them what is in effect much needed financial security that is based more on their needs, including emerging needs, than a projection into the future. The new measures can also support catastrophically injured persons without imposing undue liabilities on insurance companies or other defendants.

I commend the Bill to the House and hope Senators will support it.

Senator Lorraine Clifford-Lee: I welcome the Tánaiste and Minister for Justice and Equality and thank her for her statement on the Bill and comprehensive run-through of its provisions. Fianna Fáil is happy to support the Bill. It is long overdue and we are very happy to see it before the House.

As a practising solicitor, I know that it will have a very real impact on people's lives. It will take away from the battle parents often have to face for many years to obtain adequate compensation for a catastrophically injured child.

The enormous lump sums paid out in the past often placed a huge burden on families who were already dealing with a large burden. It involved their investing and taking care of the money over the lifetime of the injured party, which was often far beyond their ability. The Bill removes that burden from families which, of course, is very welcome.

The provisions on payments falling outside the Bankruptcy Act are very welcome. Some families who received large lump sums fell into financial difficulty in recent years. The measure in this regard is very welcome.

The projected lifespan aspect is very important to consider because, as medical procedures and medications are improving, people's lifespan is extending. Therefore, the provisions for periodic payments will help affected persons and ensure they will be provided for adequately for the rest of their lives. We are very happy, therefore, to support the Bill.

Senator Martin Conway: I welcome the Minister and commend her for successfully getting the sexual offences Bill through the other House. It criminalises the use of prostitutes and we all look forward to getting it through the Seanad. The previous justice committee worked

very hard on it and I certainly believe it will result in the protection of vulnerable women, something we all want to achieve.

From time to time, we have legislation in the House that we know will have a really meaningful effect on the lives of citizens who find themselves in very difficult and challenging circumstances. We had a grotesque phenomenon called the Celtic tiger in the first decade of this century. Many people who received significant payments as a result of catastrophic injuries would have found themselves in circumstances in which these payments were not channelled properly. Deals might have been done for their care that were not in their best interests. What we are seeing is a steadying of the ship that will ensure people's care is protected in the longer term. Periodic payment ensures that if particular cost-punitive treatments not yet available are required in the future to deal with a catastrophic injury, we will be able to address the matter. Thus, we will be able to provide the best possible care in 2027, just as we desire to have the best possible care provided in 2017. That is what we all want to achieve. Nobody ever wants to be in these circumstances, but when they are, we have a responsibility to ensure the proper checks, balances and protective mechanisms are in place to ensure their care is secured into the future. Those who find themselves in these circumstances are equal to citizens who are in a position to go to work and earn a decent living.

The Bill can be described as technical because the courts have been making periodic payments. However, the legislation adds a structure to process. That is what the courts wanted. The structure is extremely important. The Bill might be technical, but it will undoubtedly have a major effect on the lives of citizens. I have no doubt all parties in the House, in addition to my own, will support the Bill as we are here to do the right thing. The Bill represents one of the right things being done. As Senator Lorraine Clifford-Lee said, it probably should have been introduced years ago, but many things that should have happened years ago did not. If everything happened when it should have, there would be no need for us. The Bill is good and I hope it will pass speedily through the House.

Senator Paul Gavan: The Tánaiste is very welcome. Sinn Féin welcomes publication of the Civil Liability (Amendment) Bill 2017 which, if enacted, will enable the courts to award periodic payment orders, PPOs, to compensate injured victims in cases of catastrophic injury where long-term permanent care is required instead of awarding lump sums in damages, as is the norm in these cases.

The Bill arose from the recommendations of the working group on medical negligence and periodic payments. It was established in February 2010 under the leadership of the then justice of the High Court Mr. John Quirke to examine the system in the courts for the management of claims for damages arising from alleged medical negligence and to identify shortcomings within that system. The group concluded that the system for awarding damages for future pecuniary losses - the lump sum award - was inadequate and inappropriate and should be replaced by periodic payments. An observation I would make on the working group's report concerns the membership of the committee. It included representatives of the various relevant State Departments and the persons with whom the group engaged. There was much discussion with the insurance companies but consultation with the families of those tasked with the care of their loved ones or the persons with catastrophic injuries who still had capacity was sadly lacking. I would like to see this issue being addressed by the Minister. Perhaps there might be an opportunity to address it when the Bill makes its way to Committee Stage. It has been a long-standing issue for many families where there has been a victim of medical negligence which has resulted in catastrophic injury. I note, in particular, the calls made by Ms Karen O'Mahony over a number

of years. She ended up having to go to the High Court three times to secure a settlement for her son who had suffered a brain injury owing to medical negligence when in 2001 Cork University Hospital failed to provide proper post-operative care in treating a brain tumour. Following his catastrophic injuries, Eoin O'Mahony was quadriplegic and suffered from locked-in syndrome which required him to receive 24-hour care from a team of professionals. It should not have taken the O'Mahony family 14 years and three trips to the High Court to secure a settlement to guarantee the necessary care and support throughout their son's life. Owing to the lack of PPOs, Ms O'Mahony and her husband were compelled to endure arduous court battles to ensure their son received the care he needed. In the aftermath, they were vocal about their belief this legislation was needed.

While we recognise that legal costs can be incredibly high, it is disappointing that the State Claims Agency and others have seen fit to tarnish the lawyers who advocate for families and individuals who suffer from catastrophic injuries as vultures out to milk the HSE when, in fact, it is the State Claims Agency that fights tooth and nail before inevitably admitting liability and negligence. Families should not be made to feel like pariahs for seeking payment to access the care their loved ones need. It should not come as a surprise when the option of mediation is often turned down.

We have some concerns about the Bill that warrant further scrutiny. I note, in particular, section 51L which deals with the indexation of payments. It will allow for the adjustment of a PPO in line with the cost of living. It is the cost of labour, however, that is the main component of care costs. This may be an issue down the road.

While there are people such as the O'Mahonys who would like PPOs to be introduced, there are others who want things to be over and done with in one go because they cannot face sporadic engagements where the costs of care go up or down. The difficulty with lump sum awards arises when a person exceeds his or her life expectancy. Suddenly, the money to provide care is gone and the State is obliged to fill the gap with varying degrees of success. Very often, persons are compelled to invest the award in order to make it last. The austerity years demonstrated just how difficult that was for persons who needed a guaranteed return to fund their medical care in the long term.

The report of 2010 recommended that the variation of PPOs be permitted where it had been determined that the plaintiff's condition would seriously deteriorate or improve. Given the nature of catastrophic injuries, we recognise that miracle recoveries are rare but, that aside, we do not want to see circumstances in which families are dragged back to court for contested PPO hearings where they are unnecessary.

We will allow the Bill to go further and will be suggesting further amendments on Committee Stage. Ultimately, we want to see a patient-centred approach that has the best interests of the person in need of care at the core of any new legislation.

Senator Catherine Noone: I welcome the Minister. I also welcome this legislation which will give necessary financial security to those who require life-long care and assistance following a catastrophic injury. I welcome this legislation which will provide the necessary financial security to those who require life-long care and assistance following catastrophic injury.

The absence of a statutory alternative to lump sum payments has meant that the best option for a tragically injured person in the form of a periodic payment order, PPO, has not been avail-

able to date, unlike in the United Kingdom. In my job as a solicitor down the years, I dealt with many UK-based insurance companies that were regularly bemused by how we did not have PPOs. It is welcome that they are now being introduced.

The Bill empowers the courts to make awards of damages in cases of catastrophic injury by way of PPO, thereby providing financial security for the injured person. I have a background in medical negligence cases and, more recently, regular broader personal injuries defence work. That the Bill is meeting the significant need for certainty is welcome.

I hope to see this much needed Bill enacted as early as possible in 2017. However, it contains a number of slight limitations. I shall elaborate on them shortly. In addition to giving the courts power to award damages by way of PPOs, the Bill will set out principles regarding the security of PPOs, provide that they shall be subject to yearly indexation, and amend the Insurance Act 1964, the Bankruptcy Act 1988 and the Taxes Consolidation Act 1997. It will also amend the Civil Liability and Courts Act 2004 to provide for formal orders of settlement and costs in personal injury actions involving PPOs. These measures stem from the recommendations of the report of the High Court working group on medical negligence and periodic payments, chaired by Mr. Justice John Quirke. The report was produced following an intensive policy analysis and consultation process involving various Departments, including the Departments of Finance and Health. Representatives of the insurance sector and the Injuries Board were consulted.

The Tánaiste has gone through the Bill's provisions. Section 51H is crucial, in that it defines "catastrophic injury" as meaning "a personal injury which is of such severity that it results in a permanent disability requiring the person to receive life-long care and assistance in all activities of daily living or a substantial part thereof". The section also provides a definition of "activities of daily life" as including dressing, eating, walking, washing and bathing. It is clear that the persons at whom this legislation is aimed are vulnerable and do not need to have the financial worries that often go with such injuries. Every Senator has heard of cases in which lump sums were paid to individuals who might not necessarily have the best ability to balance their books and had run out of money. Such cases can be tragic. As such, the Bill's measures are welcome.

In deciding whether to make a PPO, the court must have regard to the best interests of the plaintiff and take account of the circumstances of the individual case, including the nature of the injuries suffered by the plaintiff and the form of award that would best meet his or her needs, having regard to the preferences of all parties. A court may order that a PPO will increase or decrease from a specified date by a specified amount - a stepped payment, as such - to cater for anticipated changes in the plaintiff's needs, for example, entry into primary, secondary or third level education, reaching the age of 18 years or changes to the care needed, including transfer to residential care.

The Bill only applies to catastrophically injured people. Furthermore, a periodic settlement can be awarded unilaterally by the court for the costs of future care, but it can only be awarded for the loss of future earnings if there is agreement between the parties. This is a limitation in the Bill and we should strive to increase the provision. As a result of this limitation, a significant number of patients will still be paid by lump sum. If the injured party lives for a long time with a permanent disability, it is almost inevitable that the award will run out, consequently leaving the injured party in a vulnerable position. I would be in favour of a level playing field. An injured plaintiff should be able to choose between a periodic payment and a lump sum in all large cases involving substantial special damages. Perhaps that might not be possible in this

Bill, but we should strive towards it. The Helmut case in Guernsey is an example. Cases of this type involve a sizable and permanent loss of earnings, as well as a lack of support for dependants. Surely such cases ought to have the option of a fully periodic award that can provide for people's long-term needs without the threat of lump sums running out.

The current proposals may be too rigid and we could work towards improving certain points in the coming years. There is no logic in allowing future care costs while permitting a defendant to veto a PPO in respect of lost earnings. Why would loss of earnings not be routinely compensated by periodic payments? We are familiar with old age pensions, permanent health insurance benefits and disability pensions, all of which are paid periodically. The objective is to strike a balance of fairness. We must also be wary, in that the State Claims Agency and insurance companies will want to restrict the use of periodic payments as much as possible. The Bill does that, but, as legislators, we must take a more balanced view and ensure the consumer does not bear the brunt of this legislation.

I welcome the Bill and commend the Tánaiste and her officials for their work in that regard.

Senator Ivana Bacik: I welcome the Tánaiste and echo Senator Martin Conway's welcome of the passage through the Dáil of the sex offences Bill which I look forward to being before the Seanad next week. I hope the Bill's reform of prostitution law will be brought into effect swiftly, as per the justice committee's recommendation. I commend the Tánaiste in that regard.

On behalf of the Labour Party group, I welcome the Civil Liability (Amendment) Bill 2017. It has received a general welcome as a sensible and long-overdue measure that needed to be introduced in the interests of individuals who have suffered catastrophic personal injury. As the Tánaiste and others acknowledged, there is real human tragedy behind the Bill's purpose. Any of us who has practised law will have encountered cases involving horrific injuries from time to time. They are reported on in the courts occasionally.

It is good to finally see the Bill. It is more than six years since the final report of the working group was published in October 2010. At the time, it was anticipated that this legislation would be introduced swiftly. Soon after the report's publication, parties to personal injury cases began to negotiate informal interim settlements involving periodic payments. The Tánaiste has acknowledged that more than 50 interim PPOs had been negotiated and made since 2010. However, the delay in introducing this legislation has caused serious problems. I am grateful to the Oireachtas Library and Research Service for documenting for us some of the impacts that the delay has had. We saw the creation of a special personal injuries list in the Dublin High Court following the publication of the working group report in anticipation of legislation being swiftly passed that would provide a structure for PPOs. However, six years passed. Last year the President of the High Court, Mr. Justice Peter Kelly, stated it was shameful that legislation had not yet been introduced to provide for a system of PPOs in a case involving a 13 year old boy suffering from cerebral palsy due to medical negligence during his birth. In 2016 the court finally approved an €8 million lump sum payment following a number of adjournments to see if periodic payments could be made.

The delay in the legislation's passage has had an impact. It is very good to see it finally, but the delay does need to be emphasised. As we have said, it is clearly in the interests of those suffering catastrophic injury that this would be available to them. It has been available in the United Kingdom for many years already. The Minister has said that the purpose of the Bill is to secure the financial future of those who have suffered catastrophic personal injury. Clearly the

idea behind the provisions is to take account of changing needs over time and to guard against what we have seen before with lump sum payments where people have had, for example, poor investment advice and have found then that the money provided for in the lump sum simply was not adequate to meet future needs. Others have rehearsed the disadvantages of the lump sum payments. I will not go back over them. They are set out in the working group's report. I think we are all convinced of the need to allow for these payments to be made. For that reason, we all very much welcome the Bill.

I note Senator Catherine Noone's comments about the definition of catastrophic injury and was very interested to look at that definition. The Senator is right to say this is something that deserves very careful consideration. I know that the Minister has said that she and her officials have already given the definition a great deal of attention and it is difficult to achieve a satisfactory definition, but clearly this sets the definition of catastrophic injury at a very high bar - "a personal injury which is of such severity that it results in a permanent disability to the person requiring the person to receive life-long care and assistance". There may well, therefore, be others who would suffer injuries which we would describe in lay terms as catastrophic but which will not reach that high bar of necessitating life-long care. Perhaps in future legislation, I wonder if we can look at some way of achieving more flexibility in payment orders in those sorts of cases, while acknowledging that clearly there are quite a number of cases, for example, cerebral palsy arising from negligence at birth, where it is clear that they will fit the definition of catastrophic injury provided for in the Bill.

Another issue that Senator Catherine Noone raised that I thought was interesting was about the loss of earnings. This particular provision requires written consent of parties. I note that is in line with the recommendation of the working group that there would be a consent requirement built in regarding compensation for future loss of earnings. However, was consideration was given to leaving it out? Why was that particular recommendation taken on board?

Given the long delay that we have had already, will the Minister say when the Bill will be commenced once it is passed? Is there any particular reason it will require a commencement order rather than coming into force on the day it is passed? I note that the Minister has said amendments are being considered in relation to section 51O, which is to be inserted by section 2 and which will provide for the issue of "personal injuries actions relating to catastrophic injuries" and the timing of the application of the Bill. The new section 51O clearly states:

This Part applies to personal injuries actions relating to catastrophic injuries—

(a) that are brought on or after the commencement of section 2 of the Civil Liability (Amendment) Act 2017, or

(b) in respect of which no final decision has been made on the date of such commencement.

The Minister has said she is going to look at amending this section to cover the situation where courts have already made an interim award in anticipation of this legislation coming in. That is a good idea as there has been much anticipation that this legislation would come in and indeed a lot of court proceedings taken and people having expectations on that basis. That is appropriate.

The Minister also said that she will be bringing forward Committee Stage amendments on double recovery of health benefits. I note that this is also directly related to one of the working

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group recommendations. I see that point, but the Minister has said there will also be amendments on open disclosure on patient safety. Will she say if that is unrelated to the issue of periodic payment orders? I do not see reference to it in the working group recommendations. Is it to do with these periodic payments? Will it have any bearing on them?

Overall, apart from raising a few small queries, like others, I very much welcome this important Bill and acknowledge the human suffering that has given rise to the need for it.

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I thank the Senators for their responses to the Bill and the very constructive approach they have taken. I think everyone has recognised the importance of this legislation and the difference that it will make in people's lives. I certainly acknowledge, as a number of Senators, including Senator Paul Gavan, have pointed out and spoken about the huge stress that has been and is caused for families because of uncertainty surrounding the care of their children or their relatives who have suffered catastrophic injuries. As this has been recommended, as Senator Ivana Bacik said, for quite a long time, I am very pleased that we have it here and I hope that we can work it through the different stages fairly quickly.

I will be tabling a number of amendments, but obviously if there are amendments being proposed that I am in a position to accept, I will of course do so.

There were a number of specific points made on the indexation of periodic payments. Senator Paul Gavan brought up that issue. There were various recommendations on how to deal with it. An interdepartmental working group to examine the technical aspects of periodic payment orders considered it further. It concluded the most appropriate indexation measure would be the Irish harmonised index of consumer prices, HICP, which measures changes in consumer price inflation across the eurozone and aims to be representative of developments in the prices of all goods and services available for purchase. The interdepartmental group recommended that the effectiveness of that index should be reviewed after five years of operation. That was to deal with the point that the Senator made about the average hourly rate of pay, for example, for certain persons including nurses, physiotherapists or various people, the average cost of medical procedures for the treatment of persons injured and the estimated average cost for medical aids and appliances. That is the best recommendation we have in how to deal with this over a long period and with a review built in at the final stage.

Senators Catherine Noone and Martin Conway both welcomed the Bill. Senator Catherine Noone made a number of points about the scope of the legislation and the boundaries. Undoubtedly there will be some cases that will fall outside that definition. Where there are ongoing costs that is quite a difficult issue to decide on. The courts will be looking at that definition and determining precisely who falls within it. We can have a look at that issue on Committee Stage, but I make the point - Senator Ivana Bacik referenced it - that a lot of work, thought and consultation has gone into it. It is extremely difficult when one is bringing forward legislation that has to deal with a definition such as this. I would not be optimistic about changing it because we have done so much consultation on it, but we might be able to examine some pathways forward or issues that need to be addressed in relation to the points made by Senator Catherine Noone.

The Bill is short but the provisions are quite complex. Before introducing it we had to consider very carefully a number of issues: obviously the scope of the legislation, which is the precise point Senators have raised; the powers that we would grant to the courts in respect

of periodic payments; the security of periodic payments; the indexation, a point that was also raised here; the treatment in bankruptcy; and the treatment of periodic payments for income tax purposes. The point was also made that this is about the consumers. This is about ensuring dealing more effectively through the court processes with people who have been catastrophically injured is at the centre of this legislation.

Again, I thank the Senators. Everybody has supported the Bill. There may be some technical points to look at on Committee Stage, but I think everyone agrees that it is important legislation to ensure people will receive the care and assistance they need over the course of a lifetime.

Question put and agreed to.

Acting Chairman (Senator Catherine Noone): When it is proposed to take Committee Stage?

Senator Martin Conway: On Tuesday, 14 February.

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

Committee Stage ordered for Tuesday, 14 February 2017.

Sitting suspended at 1.30 p.m. and resumed at 3 p.m.

Business of Seanad

Senator Jerry Buttimer: I propose an amendment to the Order of Business that No. 3a, statements on progress on the national children's hospital, be taken at the conclusion of No. 3, with the time allocated for the debate not to exceed 45 minutes. The contributions of group spokespersons shall not exceed six minutes and the Minister will be given four minutes to reply.

An Cathaoirleach: Is that agreed? Agreed.

Amendments to Councillors' Conditions: Statements

An Cathaoirleach: I welcome the Minister, Deputy Simon Coveney, for this very important debate.

Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney): I am pleased to have the opportunity to provide the Members of Seanad Éireann with an update on improvements to the financial supports for elected members of local authorities. Local authority elected members are now midway through their first term of serving under the new framework established following the implementation in 2014 of the most radical changes in local government structures for many decades. The changes include enhanced roles for local authorities in local and community development, the dissolution of local authorities in Limerick, Tipperary and Waterford and the establishment of new merged entities in their place, the replacement of town and borough councils with municipal districts and the reconfiguration of regional structures.

There was also a series of new governance arrangements such as an enhanced policy-mak-

ing role for elected members, new citizen participation measures, local authority service delivery plans, the redesignation of the position of manager to chief executive and stronger oversight powers for elected members in the implementation of policy. Together, these measures represent significant reform. Benefits from the measures include efficiency and economies of scale from the local authority amalgamations in Limerick, Tipperary and Waterford. At sub-county level, municipal districts now cover the entire territory of each county, reflecting European norms. We have removed outdated boundaries and ended the anomaly of small towns having municipal starters and dual representation, while some larger centres and rural areas lacked any sub-county governance.

In July 2015 the Department initiated a review of how the new structures were operating on the basis of the experience to date. The objective was to consider the operation to date of the revised local government arrangements. The work included a survey designed to secure the first-hand views of elected members. It focused mainly on the operation of the new system of municipal districts but also dealt with relevant questions on the operation of plenary councils and councillor workload. A modified survey was also issued to the six local authorities where no municipal structures were in place. The surveys issued to all 949 councillors and more than 500 participated. The results indicated the revised structures are generally operating well but need more time to bed-in fully. Particular concerns were expressed about growing work demands and the increased size of electoral areas, particularly in rural areas where local electoral areas can be very big in terms of the geographical footprint.

I am fully aware of the extraordinary number of hours given to provide the optimum service to the public at local level. Serving as an elected member of a local authority is not a job of determinate hours. Councillors are continuously on-call for their constituents. The unique nature of their duties also means they incur expenses in their role as public representatives. As the House is aware, a range of financial supports is already in place to assist councillors in their vital work. These include a representational payment, fixed annual expenses allowances, travel and subsistence allowances, a mobile phone allowance, a retirement gratuity as well as conference and training provisions.

A Programme for a Partnership Government includes a commitment to review the supports provided to councillors, involving consultation with the Association of Irish Local Government, AILG, and the Local Authorities Members Association, LAMA. Shortly after taking office last year, I met representatives of the AILG and LAMA, as well as attending the autumn seminars of both organisations. I listened carefully to the concerns of elected members about the increased workload being experienced. I also reflected on a range of important issues at stake in this area. I spoke to quite a number of Members of this House, from all parties, about their concerns in that regard. Last month my Department advised local authorities that, in order to support elected members more fully in their public roles, I had decided to alter the arrangements governing elected members' annual expenses allowance. These changes are a response to the increased workload experienced by elected members arising from the reforms of 2014 and, in particular, to the allocation of new statutory functions in that regard. Elected members now generally have a broader portfolio of functions and represent larger local electoral areas than before. There has been a substantial decrease of 41% in the overall number of elected members, from 1,600 to under 1,000, combined with a growing population of constituents to serve.

I intend to make changes on two fronts. At present, elected members are able to avail themselves of a fixed allowance to cover expenses, other than travel and subsistence, which are reasonably incurred in the discharge of their official functions and duties. This amounts

to between €2,286 and €2,667 per year, depending on the council concerned. It operates on an unvouched basis. In the future each elected member may choose to continue receiving the current unvouched fixed allowance at the existing rate or opt to receive a new expenses allowance, which will be up to a maximum of €5,000 per year and operate on a fully vouched basis. The allowable expenditure categories and documentation required of this new vouched system will be aligned, as appropriate, with the arrangements in place for Members of the Oireachtas. It is envisaged that the following categories of expenses could be claimed for under the new vouched system: leaflets and newspaper distribution; web hosting and other related computer costs; hiring rooms for clinics and other meetings; advertising related to the performance of duties as an elected member; and the purchase of secretarial support. Fuller details of allowable expenses will be issued in due course.

The second change I have made is to bring in a new municipal district allowance. The new municipal districts require councillors to service larger local electoral areas than previously was the case. At the same time, the reductions in overall councillor numbers were concentrated in areas that now have municipal districts. The 2014 reforms involve the formal assigning of specific statutory functions to be performed by municipal districts themselves. In recognition of these specific new factors arising from the 2014 reforms, there will be a new municipal district members allowance worth €1,000 per year to apply to the 25 local authorities that now have municipal districts. I intend that the new arrangements will come into effect from 1 July 2017 following engagement with the Department of Public Expenditure and Reform and consultation with the Revenue Commissioners and, of course, local authorities.

I am aware that there have been calls for an increase in the representational payment that councillors receive. Since its introduction in January 2002, the payment has been linked to a Senator's salary under the relevant regulations which provide that when a Senator's salary is altered, the payment also changes by the same proportion. Elected members benefitted from this link to a Senator's salary over the period 2002 to 2008 when the payment increased by 60%, from €11,000 to €17,604. The payment was then reduced by €1,039 to its current level of €16,565 in the period 2010 to 2013 in line with the reductions in a Senator's salary under the FEMPI Acts. Of course, councillors will benefit proportionately from future pay-restoration measures that will increase a Senator's salary. In addition, my colleague, the Minister for Social Protection, recently introduced changes to the PRSI status of elected members. These changes mean councillors, by virtue of their PRSI payments, will now have access to relevant social insurance benefits.

This is an area in which it is very difficult to reach a broadly acceptable solution because different people have different priorities. Different people structure their local public representation differently. The voter-councillor ratio is higher in some built-up urban areas than in some rural areas, where there are huge footprints to be covered. As Senators know, the changes resulted in many more councillors per local electoral area in many cases. I intend to consider a review of local electoral area boundaries after we have the review of Dáil electoral areas, which will be finished at the start of the summer in a few months' time. There are issues that we need to consider.

I know that there are councillors in the cities of Dublin, Cork and Galway who, in the light of the allowance of €1,000 for all the councillors with a new statutory responsibility for municipal districts and the associated workload, feel somehow left out of that particular element of the reform. As a Minister, however, I have to ensure taxpayers' money is spent in a way that is transparent and that it is fully accounted for. I must have clear reasoning as to why we

should introduce new allowances. There is very clear reasoning in the setting up of municipal districts and all that comes from it. The truth is that, in some of the urban areas, there was far less change in terms of the numbers of councillors representing those areas and the new structures that were necessary to put in place after the abolition of town councils. I have to be honest about it. Obviously, it would be more politically acceptable for me to simply grant an allowance for everyone but I have to be accountable for the decisions I make. I have to go through a process and obtain a series of recommendations that are independently put together based on statutory responsibilities that people have and not based on how hard people work. I know how hard councillors work. I was a member of Cork County Council before any of these supports were in place. Some councillors work extremely hard. The vast majority do; otherwise they would not stay elected. Local government is now a very competitive environment.

Not quite, but nearly half of councillors at local level, are full-time. It is from this that they derive almost all their income. It is important for the public to understand someone who is a full-time local public representative is not paid well. They choose this because they are seeking to change their local community and improve circumstances for people. They get a buzz from public representation and politics and it is fair to say they are certainly not in it for the money. Sometimes they get very bad coverage in respect of the motivation behind the decisions they make. From my experience with local government, I believe people are sincere, hard-working and operating in a very competitive environment from election to election. They put very many personal resources into trying to stay elected. I am happy to make the changes because I do not want circumstances in which people cannot afford to stand for local government. That is what we are approaching in some cases, which is why it is necessary to consider further support in respect of legitimate expenses incurred by public representatives. It is also important that there be transparency in that regard, which is why it is very important that expenses be fully vouched and accounted for under the increased package.

I ask Members to work with me. I know that many Senators in this House are very engaged with local government and councillors. Many have come from local government in advance of coming into this House and talk to representative bodies on a regular basis. Some people are very happy with these changes; some wanted me to go further and some feel left out. Others believe it has been handled in a fair and transparent way. There has been no change to the supports for councillors for over 15 years, through very good times and through a very dark period in the economy. What I am trying to do is recognise the increased workload that has come from the changes made through that period and recognise the increased statutory responsibilities in law that councillors have to accommodate in their day-to-day lives, particularly in municipal districts, and reflect them in a modest new allowance. I also want to recognise the increased professionalism within local government, where a much higher percentage of people now than ever before are full-time councillors. We need to try to reflect that in the supports available in a transparent way for legitimate expenses incurred in the work that they do. That is my only motivation and I hope this House will recognise what we are trying to do and work with me on it.

An Cathaoirleach: I thank the Minister. There are 68 minutes left and I have 25 names. Unfortunately, not everyone will get to speak. Senators might, therefore, consider sharing time. The bigger parties will suffer. I will be extremely strict on time. As everyone wants to speak, if a Senator has two or three minutes I will cut him or her off when the time is up as otherwise there will be mayhem. If we had two further hours, we could use them, but we do not.

Senator Jennifer Murnane O'Connor: I wish to share time with Senators Mark Daly and Diarmuid Wilson.

I thank the Minister for his kind words. As I was a councillor for 18 years, I know exactly how councillors feel. My bugbear is the fact that town councils were abolished in 2014. In 2014 we had 1,627 councillors. We now have 949, giving a loss of 678 councillors. That is an absolute disaster. From the funding for local authorities, extra workload and even the survey to which the Minister referred which shows that 500 councillors replied, the issues were extra work and bigger areas.

I have spoken to many of the councillors and they are happy that the Minister has agreed to give a payment, which is good to see. However, the payment should be left as is and the €2,500 the Minister has agreed to give should be vouched with the other payment. That is a balance. We need to have a balance because the issue is the extra workload as result of 678 councillors not being there anymore.

With regard to city councillors, we have four Dublin municipal councils and Cork and Galway councils. They did not receive the extra payment of €1,000 a year. That is unthinkable. There are 232 councillors who deserve that payment. That is something the Minister needs to address urgently.

An Cathaoirleach: I thank the Senator.

Senator Jennifer Murnane O'Connor: Am I finished? I have so much more to say to the Minister, but I have to share time.

An Cathaoirleach: I presume there is no objection to anyone sharing time.

Senator Mark Daly: I thank the Minister for coming to the House.

Deputy Simon Coveney: If anyone is rushed, I am happy to speak to anybody after the debate offline if they have issues they want to raise.

Senator Terry Leyden: I would prefer for it to be on the record, if the Minister does not mind me saying so.

Deputy Simon Coveney: I am sure the Senator would prefer that to be the case.

(Interruptions)

Senator Mark Daly: I thank the Minister for coming to the House. I have to reflect the views of the people who have contacted me and say there is grave disappointment about the offer on the table. In many counties and in many cases, even with what is on the table, people will be €5,000 worse off than they were five years ago.

The feedback I am getting is that the fixed allowance which is obviously an increase in many instances should continue under the current system and the €1,000 under the municipal district payment, while welcome, is discriminating against councillors in Galway, Cork and Dublin, as my colleague pointed out. The Minister has explained it, but that is the feeling and we should have equity wherever we go.

The Association of Irish Local Government and the Local Government Members Association have engaged with the Minister, as have many Senators and other public representatives, but what they are looking for is fairness. When one looks at the overall issue regarding their payments compared with what happens in Northern Ireland and England, Scotland and Wales,

there is not the same parity of esteem, to use a term from the peace process, when it comes to public representatives at a local level. If we want public representatives to continue in the role across the country, we must ensure we give them the payments and the supports that will ensure they will be there. Otherwise we will have mass retirements as happened in Dublin City Council, when in one year, 20% of the councillors retired because of pressure of work in one election term.

Senator Diarmuid Wilson: I welcome the Minister. To save time, I endorse everything that my previous two colleagues said.

As the Minister is aware, a Fianna Fáil motion supported by all parties and none was passed in July last year. That called on us all to work together to see what we could do to benefit hard-working councillors. The Minister was good enough to meet us and we had a long, detailed meeting. We put forward the arguments that we felt best supported councillors. I am disappointed that the Minister did not come back to us before he made his announcement. However, he has made the announcement and we are where we are. We accept what he has put before us, with concerns that we will outline privately, as well as what my colleagues said. There is not enough time to do it and repeat it again.

We are all proud, as is the Minister, of councillors. I am proud of the work they do for their communities. They are at the coal face on a daily basis in their communities in working hard for them. It is time that we gave them the respect they deserve and tackle head-on the representational allowance. Taking bits from here and there is not good enough. They should be linked, at a minimum, with one third of a Senator's salary and given some of the basic respect to which they are entitled.

Senator Victor Boyhan: I thank the Minister for coming to the House to listen to us. I will keep my remarks to the circular issued by Mr. Gary McGuinn, assistant principal officer, which was circulated to us, which was really the announcement of what the Minister is talking about. I want to address a few points the Minister raised in the circular and which he outlined. I note that he was a county councillor in Cork County Council. That is one of the councils not affected by the withdrawal or cutback of €1,000.

The Minister is very aware of the councils and their role and functions. I commend him, as I have done before, for Rebuilding Ireland and his reform of local councils. However, his brief covers housing, planning, community and local government, which sometimes people forget. He is often seen as just the Minister for housing, but we know that his brief is far bigger than that and that there are many more issues that he wishes to bring before us. I know how it works, having been a councillor first elected in 1999. I am not going to give a history lesson on councillors. We know that there are 949 city and county councillors. We know from independent surveys that they work approximately 44 hours per week. We know that 40% of the councillors are full-time and that their only earned income is their €16,000. We know that many councillors, particularly women, tell us that they are constantly dipping into the family income, their housekeeping money, to subsidise their work on behalf of their communities. Councillors are usually the first responders at crises in their communities, as the Minister knows. There are a variety of councillors, be they party councillors or independent councillors working for communities.

The reality of the Minister's decision regarding not giving the €1,000 to some councillors will affect 31 Cork city councillors, 18 Galway city councillors, 62 Dublin city councillors, 40

in South County Dublin Council and 40 in Dún Laoghaire-Rathdown County Council, of which I was a member for many years. That is a total of 232 councillors out of 949. As many of the Senators present were councillors, they know and understand how it operates. I have told the Minister that many young people have told me in the past few months that they are considering leaving local government. They are good, young, talented men and women who want to bring something to their communities, but they simply cannot afford it. Not all councillors have ambitions to be in the Seanad and not all have ambitions to be in the Dáil. They are happy, content and fulfilled working for their local communities and we should support them. Not all of them will be doing newsletters, making circulars, photocopying or all the other things the Minister mentioned regarding expenses. They are happy to communicate with their little parish, their ward or their community for their betterment. Councillors want to work with the Minister. He spoke about boundaries and the reform of local councils and he has a lot of things on his agenda. He knows what all 31 councils are up to. I am looking for fair and equal treatment of all councillors which the Minister can deliver.

I will ask a few things of the Minister. We do not have to make a decision today and he can go away and think about it. He has time to reflect on it. If councillors had fair pay in the first place, they would not be coming back to us all the time. I want fair pay for a fair day's work for county councillors and the Minister to look at pay restoration. I am in receipt of a circular from a senior staff member in his Department who set out the relationship of Deputies, Senators and councillors and how councillors could possibly benefit from pay restoration. It makes for a sad picture. In 2008 there were in excess of 1,700 councillors and there are fewer now. I want the Minister to reconsider the question of doubling the existing fixed allowances. I acknowledge his colleague, the Minister for Social Protection, Deputy Leo Varadkar, and what he has done in respect of making the PRSI system more fair and have no doubt that the Minister played a part in it. Let us have equal, fair treatment of all councillors. I ask the Minister to come back to us and we will have opportunities to discuss it at the Joint Committee on Housing, Planning, Community and Local Government.

Senator Jerry Buttimer: I thank the Minister for the initiative and for acknowledging the presence of the councillors in the Visitors Gallery from the AILG and LAMA. The Minister has engaged with representative groups of councillors and with us. It is the first time in 15 years that we have seen the advancement of the cause of councillors. Many of us have served on local authorities and recognise the importance of being a councillor. As Senator Victor Boyhan said, many are happy to have a role developing their city or county and community. This debate is about how we can collectively enhance the supports available to councillors and local authority members.

As the Minister has heard the concerns of the representative groups, I will not articulate them. However, I reiterate the importance of the allowance for city council members. It is also important to pay tribute to the members of LAMA and the AILG for the presentation they gave us today in advance of this debate, which outlines in stark terms their increasing workload and the increase in their geographical areas. I welcome the announcement made by the Minister on the possible change to boundaries in that regard.

We also need to look at how we can change local government and the Minister spoke about changing the role of the Lord Mayor of Cork City Council. I will support him in that regard. We are working to ensure we can take on board the concerns articulated to us by members of the AILG and LAMA in order that the package - the first in 15 years - can be really tangible. Other Ministers have talked, but the Minister is delivering. It may not be perfect for everybody

but there are changes which will be of benefit. We must ensure, together, that we bring more change and more benefits. In the cities the workload has increased and the number of meetings have increased. We are also probably dealing with more people than in similar rural constituencies, although I recognise that rural constituencies and municipal districts have a wider geographical area.

Senator Paul Coghlan: I welcome the Minister and all of our councillor colleagues. We all accept that councillors up and down the country do tremendous work serving their communities and that for too long they have been grossly underpaid, and maybe undervalued. Equality is very important and we cannot make fish of one and fowl of another. Quality of treatment is a *sine qua non* and the imperfections must be ironed out. I look forward to engaging in further constructive dialogue and welcome what the Minister said about boundary changes which are very necessary in lots of cases.

Of the total of 949 councillors, 232 in Dublin, Cork and Galway do the same kind of work, with similar duties and workloads, but are now involved in community and economic development. The Minister has found a formula for municipal areas, but cities have area committees which are exactly comparable and it is essential we iron out imperfections such as this. I know that the Minister will engage further with us to make the improvements that are necessary and tweak the details.

Senator Rose Conway-Walsh: I thank the Minister and broadly welcome the recent changes he announced, as well as the modest increases in salary and expenses. They should be applied across the board and not just to rural councils. Being a county or city councillor is more than a full-time job and all we are looking for is equality and fairness across the board. I was elected to serve the west Mayo area for seven years and covered an area stretching 123 km, requiring a four-hour round trip. Like many councillors, I worked day and night and tried my best to serve the people who had elected me. The increases of €1,000 in salary and €2,000 in vouched expenses will improve the situation but they must be only a start. Sinn Féin recognises that the increased workload of local representatives should be reflected in increased remuneration.

I acknowledge the work done by the AILG and LAMA and their determination to get a fair deal for councillors. It is important not just to retain local representatives but to make it attractive to those who may consider representing their community's interest in the future and that includes representation from all walks of life. People should not be deterred by the low remuneration and barring those with children or other expenses from being local representatives is not tolerable.

We have one of the weakest systems of local government and Sinn Féin would like it to be strengthened. There are two key deterrents to councillors influencing policy. One is the imbalance of power between central government and local government which needs to be seriously addressed. The other is the imbalance between the chief executive and local representatives. The chief executives of councils have all the authority and the councillors are left with low remuneration and all the responsibility. I did a thesis on this issue as part of a master's degree in local government and would be happy to provide it for the Minister to give him an in-depth analysis of local government in this and other countries. The pay of councillors has to be set against the massive salaries paid to CEOs and the upper management of local authorities. In Dublin the city manager earns €189,000 per year. How can that be comparable with the remuneration councillors receive? More powers need to be transferred and local representatives

rewarded, valued and respected in local government.

Senator Máire Devine: We need to recognise the role of the councillor.

Senator Rose Conway-Walsh: They provide this public service in an admirable and hard-working manner.

The councillor is undervalued, as we have all said. There is an increased workload on local councillors who are now expected to be available in the community on an almost 24/7 basis, 356 days of the year. The proposal that rural councillors receive an outright pay increase while their urban-based colleagues receive zero is ludicrously unfair. There is no justification for it. The Minister's assertion that it is clear and reasoned is also ludicrous. Hundreds of councillors and I disagree. Nobody could support the unfairness, inequality and lack of parity involved. It would be like me asking Members to support unfair measures in other occupations. We could not do so in all sincerity. It even makes less sense not to give the urban councillors of Dublin, Cork and Galway the increase, given their higher cost of living, higher rents, parking charges, child care fees and household taxes. Funds to pay these increases need to be found by the Government, rather than by local authorities which have been stripped in the time of austerity.

Sinn Féin wants to see the terms and conditions of councillors improved. They provide a vital public service and are at the coal face. In their own right, they are first responders in the many crises in their communities. We are happy to engage with whatever Minister, Department, committee or forum is required to play our part in delivering adequate remuneration for our colleagues. I hope the Minister will listen to us and the councillors' forum on which I sit.

An Cathaoirleach: I thank the Senator for being so concise.

Senator Frances Black: I wish to share time with Senator John Dolan.

An Cathaoirleach: Is that agreed? Agreed.

Senator Frances Black: I welcome the Minister and acknowledge the planned changes to the members' annual fixed allowance. In particular, I note his acknowledgement that the changes are a response to the increased workload of elected members arising from the local government reforms of 2014, in particular the allocation of new statutory functions. I also welcome the city and county councillors who are in the Visitors Gallery. They do very hard work, as the Minister said.

I have never been a councillor, but my experience with them was when I sought election to the House. It was my first time understanding and realising the fantastic work they do. I see Councillor Joe Malone in the Visitors Gallery. I got to meet people who worked extremely hard every single day. I was really amazed by it. In my work with the RISE Foundation and working with the drugs task force, on which many councillors sit, I see every day the fantastic work they do. I got a really good understanding of their work. It is safe to say that no one becomes a city or county councillor for financial reward, about which there is no doubt. The rate of pay works out below the minimum wage for most of them when the long hours are taken into account.

The Minister mentioned the survey. I am glad that he did because I was struck when I read it by some of the quotes from county councillors, in particular. One woman said it was nearly impossible to be a mother and an elected representative while holding down another job on the payment councillors received. On my travels, I met a woman who was a county councillor who

also had to do nursing at night. Her husband was ill. She was an amazing woman. She really wanted to do the work, but she could not, unfortunately. This is really important.

I encourage the Minister to think about the €1,000 allowance and the inequality and unfairness of the fact that Dublin, Cork and Galway city councillors are not getting it. I wish he would consider that issue. I would like to work with him on it.

Senator John Dolan: The Minister is welcome back to the House. He brings a good heart and good intentions to this issue. Reflecting on it and listening to other Members, it appears to me that the ways and means committee might need to do a little more work on it. However, it goes in the right direction. The whole issue of having a fair and equitable system which is seen as such by all involved is critical.

I focus more on context, ambition and where things are moving to. Certainly, there have been many developments in the past few years. I note the community development element, the economic side of it and whatever. That is very important. We have three Houses of the Oireachtas in the Presidency, the Dáil and the Seanad. As such, it is time to have the ambition to see local government and councillors stretching to be involved, while staying rooted in their communities, in whole-of-the-nation issues from a local perspective. That is important.

Councillors need resources. There is an income issue, but there is also the issue of resourcing them to be better able to do their work. I am thinking of one thing, in particular. There are a lot more civil society groups in Ireland today than there were 20, 30 or 50 years ago, including sports clubs, disability groups, local cultural groups, economic groups and farming groups. Councillors should be able to work in a more consistent and organised way with those groups and bring that thread into it. We have seen the change in the last number of years as councillors have stretched themselves to new areas of work. I see no reason that will not continue.

Like Senator Frances Black, my experience over the course of the Seanad election campaign was of meeting people with good hearts and intentions who were looking to do the right thing. They were stretching themselves beyond regular local authority and health issues to help people. We have a lot of people who are not happy about politics and politicians in general. The place to start to bed down, consolidate and bring people back to an involvement in politics is at local level with local authorities and organised groups.

An Cathaoirleach: The next speaker is Senator Catherine Noone. I remind Fine Gael Senators that eight want to speak but the maximum who will get in is four because they are not prepared to share time. Eight speakers will need over 40 minutes and even if we were to extend the time, we would not finish.

Senator Jerry Buttimer: To be helpful, if Members want to share time or extend the time available at the end, I am happy with that.

Senator Catherine Noone: I welcome the Minister and those in the Visitors Gallery. I commend the Minister for his work to date. It must be said he is the first Minister to make some positive change for councillors, which has to be welcomed. I welcome broadly the measures that have been made. All of us who are in regular contact with councillors are aware of their immense dedication and workload. The reality of councillors' day-to-day lives is that they are on public duty full time and available to all citizens in their areas day and night. One of my colleagues said that if one were to break down the hourly rate, they would be well below the minimum wage.

Since the reform of local government structures in 2013 there have been positive changes, but there is no disputing the significant increase in the workload of elected members arising from new structures and legislative obligations. I will elaborate on them later. While I have said I welcome these positive moves and do not want to be overly critical, the most pressing issue is one of equality for all councillors. That must be addressed as a matter of priority. While I welcome the €1,000 increase, it is not fair, as other speakers said, that it has not been extended to councillors in Cork, Galway and the four Dublin authorities. That is a total of 232 councillors. Like their county council counterparts, they do a tireless job. However, they are excluded from receiving the municipal districts members' allowance of €1,000. Inequality, especially when it comes to this positive change, is hard to take for the councillors in question. To give an example, among the councillors present in the Visitors Gallery, we have Councillor Geoghegan from Waterford, Councillor Cronnelly from Galway and Councillor Ward from Dublin, only one of whom will not receive the additional allowance, despite doing largely the same job. This is unfair and hard to take, especially for local authority members in Dublin, Galway and Cork.

Another glaring example of inequality is that local authority members are one of the only groups who cannot present a medical certificate to explain absences from work or meetings in their case. While it is fair enough to require members to attend more than 80% of meetings to receive allowances, there are instances when people cannot attend meetings for reasons of illness, bereavement, maternity or paternity reasons. I ask the Minister to address this issue because it could be easily changed. If a councillor is unavailable for work due to illness, bereavement or, most glaringly, maternity reasons, he or she should be allowed to present some form of presentation to excuse an absence.

As previous speakers noted, the substantial increase in the workload of councillors has been exacerbated by the reduction in the number of councillors from 1,627 to 949. Many councillors are faced with much larger electoral areas, for example, in west Mayo, west Clare and south-west Kerry, and must provide a service for areas that take a four-hour round trip to cover. It must also be remembered that councillors in city areas are serving areas with growing populations.

I welcome the positive changes in respect of PRSI and the efforts being made by the Minister who is the first Minister to face up to this issue. The longer term objective for Senators must be to seek an increase in and realignment of councillors' representational payment to bring it to a realistic level, perhaps to one third of the salary of a Senator, as Senator Diarmuid Wilson stated. This would reward them for their hard work and commitment. As previous speakers noted, there is a danger that we will lose great people. While campaigning in the recent Seanad election, I met councillors who asked what they were doing with their lives and why they were working so hard for so little remuneration.

Senator Denis Landy: I welcome the Minister and the councillors present in the Visitors Gallery. I thank councillors from across the country who have contacted me since the circular was issued. I will try to address a number of specific issues. On the vouched list, the Minister stated fuller details of allowable expenses would be issued in due course. I could list items that should be added to this list based on my experience as a public representative for almost 30 years, including 23 years as a councillor. The current list is very short and not suited to the types of expenses councillors incur daily.

What is the rationale for excluding city councillors from the proposed measures? The Minister's argument, which I am sure was presented to him by the officials who drew up the cir-

cular, is at best weak and frail. He indicated that the statutory responsibilities of municipal districts constitute the reason for the proposal to provide an increase for municipal district councillors and not for city councillors. The latter, whether in Cork, Galway or Dublin, have the same responsibilities as the former, albeit in city hall. They have the same responsibilities, even if they do not exercise them at a lower level. I ask the Minister to reconsider his position on this matter as his argument does not stand up.

The Minister referred to the review initiated in 2015, during the term of the previous Government. I was the only Oireachtas Member on the review group, which was top-heavy with officials as opposed to elected representatives. The only councillor on the group was Councillor Pádraig McNally from County Monaghan. I am disappointed the group did not issue a final report. The Minister should ensure the group's work is finalised. One of the facts to emerge from its deliberations, one which was not disputed by the officials on the group, was that councillors worked at least 35 hours per week. This is a critical issue in any discussion about payment. The linkage with Senators' remuneration must be removed because it is no longer relevant. It was established more than 20 years ago when salaries for local authority members were first introduced as a means of comparing the work of councillors with the work of Senators and Deputies. This approach is no longer relevant because the workload of councillors has increased substantially in the meantime. Rather than having a link to Senators' pay, the Minister should establish an independent commission of three members to examine local authority members' pay. It would not have an axe to grind and I am confident that if we allowed the axe to fall - no pun intended - it would result in councillors being paid a proper and fair wage for the work they do on behalf of their communities. They are not being paid a fair wage and two and a half years into the current term of local government, councillors from all parties are resigning because they cannot make a living or sustain a second job. Local authority membership has become a full-time job.

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Two speakers described the allowance of €1,000 as an increase in salary. My understanding is that it is an allowance.

Deputy Simon Coveney: It is an allowance, rather than part of a salary.

Senator Denis Landy: Following representations, I have been unable to obtain clarity on whether it will be treated as a taxable or non-taxable allowance. Will the Minister clarify the position? I am informed that Revenue is examining the issue, which is not good enough, given that the circular was issued approximately one month ago.

Some 43 Senators work for the betterment of those who put them here, namely, councillors. I acknowledge that the Minister has introduced a package of measures. Councillors have endured a terrible period in which they did not receive any increase in pay. This was necessary to reflect the economic climate but the economy has picked up and unemployment has declined and this should be reflected in the treatment of councillors. I ask the Minister to consider the points I have raised.

An Cathaoirleach: I understand Senators Aidan Davitt, Robbie Gallagher and Keith Swanick are sharing time in the next slot. As with Senator David Norris, I will allow Senator Brian Ó Domhnail, who is not a member of any group to contribute for two minutes. I wish to be fair to the Senator as he has indicated that he wishes to speak.

Senator Aidan Davitt: I acknowledge the work the Minister has done on this issue, on which there have been a few false dawns. In my time as a member of the executive of the Association of Irish Local Government, AILG, I was involved in a number of negotiation processes involving the AILG and Local Authority Members Association, LAMA. A number of those in the Visitors Gallery were instrumental at the time. They include councillors Pat Daly and Damien Geoghegan who have all been members of the AILG executive.

I ask the Minister to make two amendments to the circular. The €1,000 increase in remuneration should be for all local authority members. With regard to the additional €2,500 in expenses, I ask the Minister to maintain the *status quo* and require only that the additional expense be vouched. These changes are reasonable and would not give rise to a significant cost. While we can seek all things, I am a firm believer half a loaf is better than no bread. I ask the Minister to give wholeheartedly in that regard. He has come this far and made a genuine effort and shown much more sincerity than some of his predecessors. I would appreciate if he would consider the points I have raised.

Senator Robbie Gallagher: Cuirim fáilte roimh an Aire go dtí an Teach. “Respect” and “fairness” are two words that should be central to any debate on councillors’ remuneration. Having been a county councillor for 18 years, I have no doubt that being a county councillor is a full-time job. The workload has increased and is now unrecognisable. Unfortunately, the salary available to councillors does not reflect the fact that they perform a full-time role.

I challenge anybody to live on €16,000 per year and still afford to run a car or pay a mortgage. This package will chase people out of local government at a time when we should be encouraging them to become a councillor. We are fortunate to have dedicated people working as councillors. They are definitely not in it for the money. God save us and bless us, if they were in it for the money, they chose the wrong job. The councillors are dedicated and want to help the communities in which they live. No one should be scared to raise his or her hand and fly the flag or colours for councillors’ terms and conditions. All they seek is fairness and respect, which they deserve.

Senator Keith Swanick: I thank the Minister for taking the time to come to the House to

address the concerns of local authority members. While not always a common feature in this House, there is unanimous support to have councillors' pay and conditions comprehensively addressed.

Last year I compiled a comprehensive research report on mental health among local authority members that I sent to the Minister's office. The findings give a stark insight into the immense pressures on local authority members. In 2014 local government legislation reduced the number of local authority members, but, as the Minister will know, increased the size of the areas covered. The measure had a knock-on effect on workload. It is little wonder that 82% of local authority members believe their responsibilities had increased in recent years; 79% said the role had impinged on family life; 68% said the demands of the job would make them consider not running for office again, as alluded to by Senator Victor Boyhan; 67% have experienced mental stress as a direct result of their role; and over 50% have experienced sleep disturbance. The term "24/7" was by far and above the most used phrase that appeared in the responses provided by the local authority members. The duties undertaken by local authority members are endless. As one respondent said: "Councillors are like social workers and sometimes we are the first to get a call when people are in trouble."

There is a direct correlation between the terms and conditions of local authority members and the work, stress and pressures in their lives. One only needs to consider the sensible and realistic solutions given by councillors on how to alleviate some of their concerns. I beseech the Minister to listen to them and sort out this matter once and for all. I concur with Senator Aidan Davitt's approach and proposals.

An Leas-Chathaoirleach: I call Senator Joe O'Reilly as he is next on my list. Does the Senator propose to share his time?

Senator Joe O'Reilly: No. The next two colleagues are sharing their time. I thank the Leas-Chathaoirleach.

I welcome the Minister. I acknowledge his sincere engagement with this question and that this is the first time that this issue has been debated in a while. I also welcome the representatives from the AILG and LAMA.

Councillors are the cornerstone of democracy. They should not and cannot be taken for granted. They act as a buffer between the public and the Houses of the Oireachtas. There is enough going on in the world to underline the importance of democracy and the fact that it can never be taken for granted. That is all the more reason we should support local councillors. They operate in an increasingly challenging environment. It is one of multi-media where instant responses are needed. We also have a multicultural and multiracial society. The role of local councillor is very challenging.

I agree with my colleagues that city and county councillors face similar challenges. I appeal to the Minister to look at the question of city versus county and to bring parity as he fine tunes his proposal. The point has been made that area committees must be serviced in the city. I join in the appeals that have been made to the Minister to extend the increase in pay and allowance to personnel in the city. It would be fair to extend the increase. We do not want to create a division between city and county. We do not want to create an unpleasant competitive atmosphere among colleagues who work for the good of everyone.

Councillors have meetings at least two days a week and more in some instances plus related

constituency work on other days. Therefore, they cannot hold down a normal job. This morning I met a councillor who told me that he physically could not get a job because of the amount of meetings that he must attend. He chatted to me and the LAMA people. He told me that he possibly had three days free to do other work but nobody wanted him. In other words, he cannot have a normal job. That is a shocking state of affairs that needs to be addressed.

There has been a 41% decrease in the number of elected members. The number has decreased from 1,627 down to 949. The decrease has greatly increased the challenges faced by the remaining elected members. The job requires a huge time commitment, a considerable amount of personal expenses and additional meetings. Plus the job is much more complex.

What has been done so far is welcome. We need to extend the measures further and continue to engage. I appeal to the Minister to consider the equality issue. I appeal to him to continue an engagement with councillor organisations or the two representative bodies, with a view to addressing councillor issues on a continuous basis and addressing the salary. There is a real issue. I do not think it in any way diminishes the great amount of voluntary work that councillors do. No matter what we do, even if there are radical changes, we will not come close to compensating councillors for the amount of hours involved. It is good and I am glad that there has been unanimity in the House on this issue. There is general recognition of this issue across communities. As somebody who has been involved at both Seanad and Dáil level, if one took councillors out of the equation then democracy would be threatened and thus the link with the public. Councillors play a serious and important role in democracy. Anyone who studies the current situation in the world and the potential threats in Europe should value what we have and realise it is worth supporting.

Senator Terry Leyden: I welcome the Minister for Housing, Planning, Community and Local Government. I congratulate the AILG and LAMA and their executive members for the extremely good and conscientious work they have done for a long period. Today's proposal is the best news since Noel Dempsey was the Fianna Fáil Minister who introduced the best changes ever to local government, as far as local authority members are concerned. I recognise his work today.

As far as linking the salaries of councillors with those of Senators, I encourage an increase of at least 30% of a Senator's salary as I believe it would be fair and equitable. My daughter, Orla, is a councillor and chairman of a local municipal authority. Therefore, I know from personal experience about the enormous amount of work that she and all of her colleagues do. Roscommon County Council was reduced from 26 members to 18. Nothing concentrates the mind greater than the guillotine or the leadership of a political party. I wish the Minister well with his proposal which involves a figure of 10% for councillors.

Senator Lorraine Clifford-Lee: I thank the Minister for coming to the House. Like many of my colleagues said, this package is welcome.

I also want to speak about the unequal treatment of the 232 councillors in the Dublin local authorities, Galway city and Cork city. They do not qualify for the extra €1,000. I understand the reason given is that they are not part of municipal areas. They are all part of area committees that undertake the same work as municipal areas, a fact that should be acknowledged. There are more councillors in city areas, but they must deal with a high population. The issues with which they must deal such as housing put a great strain on councillors and result in very large workloads. Being a councillor is not ideal. We will be unable to attract people with the

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appropriate level of commitment that a local authority member requires if we do not address this matter. I urge the Minister to address this unequal allowance.

Senator Paul Daly: I welcome the Minister and the councillor representatives. I agree with everything that has been said. It is most unusual in a debate to agree with everything that has been said by all parties across the House and none. Such unanimous agreement about an issue gives it greater validity.

As a former councillor, I know that councillors work 365 days a year. If a water main bursts on Christmas Day it is the same as a Wednesday in the middle of June because a councillor will still be called, even though he or she earns just €16,000 per year. We have a fear of being seen to give politicians a pay increase. If anyone else was on-call 24/7 for 365 days a year, he or she would not be expected to work the same conditions as a councillor. We do not want to be seen to give a fellow politician a pay increase. We are running scared just because they too are politicians. That is the kernel of the issue.

I do not know why the Minister decided to have a different allowance for city and county councillors. I am afraid that he used the old battle ploy of divide and conquer. How could one discriminate against councillors who are working equally as hard doing a similar job with the very same responsibilities based on their geographical location? I think the Minister will have to revisit that issue.

An Leas-Chathaoirleach: I understand Senators Gabrielle McFadden and Maria Byrne are sharing.

Senator Gabrielle McFadden: I was to share with Senator Kieran O'Donnell.

An Leas-Chathaoirleach: Senator Maria Byrne is next and I had thought she was sharing with the Senator.

Senator Maria Byrne: I am sharing time with Senator Frank Feighan.

Senator Gabrielle McFadden: I thank the Minister for being in this House to discuss this very serious issue and his work on it to date. I had mixed views on the Local Government Reform Act 2014, which was the most radical reform of local government in over a century. This legislation has led to large-scale reorganisation of local government throughout the country. With the reduction in the number of elected councillors by more than 40% and the reorganisation of structures, as well as the allocation of additional powers, the work of a councillor has increased dramatically. This increase in workload has brought to the fore the issue of the remuneration of councillors.

I am very conscious in this Chamber that councillors elect the members on the panel to the Seanad. It is very important that we would not be tempted to look for headlines but would be encouraged to look for solutions. As chairman of the cross-party group representing councillors, this is not my first time to speak on the topic.

Last week I welcomed the Minister's announcement on the increase in expenses and allowances for councillors. I see that announcement as an acknowledgement that the remuneration up to now was insufficient, but I also see it only as a first step rather than a resolution of the issue. Having previously been a town and county councillor, I know how strongly many councillors feel about the issue. I know first-hand the workload and the long hours involved in rep-

resenting constituents, writing letters, making calls, arranging clinics and attending meetings. The increased workload, combined with a negative media portrayal of public representatives in general, is having a very demoralising effect on public representatives and is making public service a less attractive option for many.

For many, being a councillor has become a full-time commitment, as has been said previously, and the allowance they are paid represents considerably less than the minimum wage if calculated on an hourly basis. Therefore, I believe we must increase the basic salary paid to all councillors to reflect the long hours worked every day of every week by each and every councillor in order to represent their constituents.

I am asking the Minister, together with the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, to use the opportunity of the upcoming negotiations on the successor to the Lansdowne Road agreement to look anew at the remuneration for public representatives. I urge him to please reflect on the basic representational allowance currently on offer to councillors and put in place a remuneration package which reflects the actual work carried out by these councillors, the long hours, the meetings, the clinics, the travel and e-mails, as well as many community events that councillors must attend.

With the local elections not too far away, many councillors are considering whether they will contest the election. If the remuneration package on offer currently is not improved, many will decide to call it a day. We do not want to see this as a situation where we only have people who are independently wealthy, those who have other objectives or agendas or those sponsored by wealthy interested groups can afford to run for office. In local councillors we have an experienced cohort of able individuals whose contribution is for the good of their community. They are willing to serve.

As the Minister said, nobody gets into local politics to make money, but in setting their terms and conditions we should not exploit that willingness to serve, rather we should reimburse all councillors appropriately.

Senator Kieran O'Donnell: I am delighted to be able to speak. I welcome the representatives from both the AILG and LAMA in the Visitors Gallery. We are speaking about politicians, but I think the most important thing is that the debate is not turned into a party political issue. I was a councillor and there is a completely legitimate and empirical reason given as to why this should happen. The AILG and LAMA have been very constructive in putting forward the arguments as to why councillors require these increases. They are not huge. The issue in terms of the €1,000 allowance not applying to more than 230 councillors needs to be considered. When one looks at the changes in the boundaries since 2014, the increase in the area and the increased workload in terms of the economic remit with more and more coming under the local authorities, there is an empirical and logical reason it should be extended, apart from parity.

The second issue is many councillors are now full-time councillors. The role has changed with the advent of social media and mobile phones. The type of work that a councillor carries out has changed beyond recognition. It is very much welcome that the Minister has brought forward these measures. This is a constructive debate and we should find cross-party support for a fair solution.

An Leas-Chathaoirleach: Senators Ned O'Sullivan, Catherine Ardagh and Brian Ó Domhnaill are sharing time.

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Senator Ned O’Sullivan: I commend the Minister for being, as Senator Terry Leyden said, the first since the former Minister Noel Dempsey to address the question of councillors’ pay and remuneration. The then Minister brought councillors’ terms and conditions from the Stone Age to the Middle Ages, but the Minister has the chance to change the whole lot in what he is offering. However, he is light years away from what is required. Nonetheless he is making a start and I encourage him to keep at it.

Senator Denis Landy’s suggestion of establishing a commission on local authority pay and conditions is the way forward. I entered into local government in 1985 and was 22 years a councillor before I was elevated to this House. For the entire period I served I lost money every day. I was a self-employed businessman and had to put in replacement staff when I was away. Some of my colleagues were employees who had to take their holidays and time off to cover the council meetings. All of that went unheralded. The media would have a major expose on councillors’ expenses, never looking into the sacrifices they made. Councillors are never away from work as long as they have a phone in their pocket. We all know that so well.

The Minister will have to do better. Councillors deserve better than this. Councillors are the sinews of their communities. They love their communities. They are not doing it for money. They love their communities and work to serve them. They give leadership to them. It will be a bad day for democracy when that effort goes unrewarded.

Senator Catherine Ardagh: I thank the Minister for being present in the House. I agree with all of the sentiments my colleagues have expressed. I was very proud to be elected to Dublin City Council in 2014, having run in 2009. I was doing the work of a councillor for many years without being an elected councillor. I enjoyed the work and did it with pride.

Being a public representative and being elected to the local authority is a full-time job, but it is not just a full-time job. It is very much a vocation. I grew up in household similar to that of the Minister, where our hall door was open 365 days a year. As soon as I could read and write, I was taking notes for my father for his clinics. We all took on board his job and tried to relieve him of some of that pressure. He was self-employed, just like Senator Ned O’Sullivan, and made a great many sacrifices in his business in order that he could enter public life on a vocational basis.

We have discussed the concept of a living wage and for those full-time councillors and for those who make sacrifices, we have to look at it, not just for other members of our community but for councillors also. Councillors need to have a living wage. They need to be able to pay a mortgage, have a car loan and live a life. A great many councillors are not doing so. The idea of increasing the basic wage from a meagre €16,000 to a little less meagre €23,000 is not unreal. I really hope the Minister will push this because it is not a massive concession to make, rather I think it is a fair concession and if the Minister could do it under the umbrella of a living wage, that is how it should be approached.

Senator Brian Ó Domhnaill: I am conscious of the time.

I commend the Minister for having the courage to come forward with these proposals. However, there is a question of equity, whereby 25% of the total number of councillors in the country have been excluded from the additional €1,000, which is wrong. That issue needs to be addressed immediately. All councillors should be treated equally in terms of the payment.

When we consider councillors throughout the country, many of them are earning less than

those in receipt of social welfare payments and doing nothing on behalf of the State. We have to take a reality check and decide whether we want democracy that is fully functioning and responsive to the needs of the citizen. If we do, we must resource those who provide it. For example, the average county manager earns between €124,000 and €175,000 in Dublin, plus allowances and expenses. Councillors do at least half the workload of any county manager and are on call 24/7. I am not sure a county manager is available after 5 p.m. but councillors are always available. I agree with the concept of setting up an independent commission, which has been done in other jurisdictions. I have studied and examined it. It does work. If we take the example in Scotland and England, the average councillor earns approximately £17,000 sterling as a base pay, which is about €20,000 to €22,000 given today's exchange rate. That is the point from where we should be starting and then we should examine the possibility of the commission and take it forward from there.

An Leas-Chathaoirleach: Senator Maria Byrne is sharing with Senator Frank Feighan. Is that correct?

Senator Maria Byrne: Yes.

I agree with all that has been stated. I served as a councillor for the past 17 years - 15 years on a city council and then two years on the amalgamated council - prior to being elected to the House. It is welcome that the Minister is bringing forward increases and that changes are coming is to be commended. I went full-time into politics in 2008 when I was on the city council, the reason being that the workload was increasing and I was very busy. We are now looking at the creation of a two-tier system. At the end of the day, councillors, be they city councillors, county councillors, or both, are all public representatives. The document that was circulated by the Department referred to public representatives in a lot of cases but then there was the division into a two-tier arrangement. This is something that I would like the Minister to examine. From my experience as a city councillor and as a councillor in the amalgamated council, the workload has increased for everyone, regardless of whether they represent city or county. They all have local community development committees, LCDCs, both in the city and the county, and there are many voluntary organisations. Further, the work of a councillor is not 9 a.m. to 5 p.m., five days a week. Often there are meetings at night-time or early in the morning. Councillors link the community with the local authority and the national authority. This is something that we perhaps have to examine on a cross-party basis. All public representatives should be supported and councillors should be given a proper salary and considered in a fair manner.

Senator Frank Feighan: I thank the Minister, the Local Authorities Members Associations, LAMA, and the Association of Irish Local Government, AILG, for working so hard to bring this to a virtual conclusion. I broadly welcome these commitments. I would like to see the 230 councillors included in some way and know that in working together we may be able to do it. I was elected to Roscommon County Council in 1999. I was twice elected in Roscommon-South Leitrim as a Teachta Dála and have been twice in the Seanad. I can absolutely say I worked as hard as a councillor as I did as a Teachta Dála and a Senator. I think most people agree. That was when we had 26 councillors. I was in the fortunate position of having my own business and would have bank-rolled to a certain extent what I was doing because the council certainly did not pay my way at the time.

At the last local election, we lost many local councillors. They were very disappointed and hurt but they did tell me that, although they were honoured to be elected, they are probably better off financially and in terms of their family lives by being out of the council. We need to work

extremely hard to ensure that these are the bridge between the communities and the councils. They work in the best interests of the municipality or the council and need to be paid a fair wage for the vast amount of work they do.

Senator Billy Lawless: I thank the Leas-Chathaoirleach and welcome the Minister. I also welcome the support given to councillors, who in this day and age should be on the living wage. I live in Chicago most of the time and can tell the House that the aldermen in the city council there are not alone paid more than the living wage but have a fund-raiser every second week as well where us business people have to go digging in our pockets. I think the councils here are barred from doing anything like that. Those aldermen receive a living wage. When I go home to Galway at the weekends, having been here in the Seanad, every time I see my friend and colleague, Councillor Conneely, his phone never stops. It is going morning, noon and night. I am sure it is the same with councillors throughout the country. They must be supported because they are at the coalface dealing with our citizens.

An Leas-Chathaoirleach: Well said.

Senator Kevin Humphreys: I acknowledge the work the Minister has done on this issue and his efforts to resolve it. Like Senator Frank Feighan, I too was elected in 1999. Working in the private sector, one finds oneself working 16 to 18 hours a day between the private sector job and trying to do what basically was and is a voluntary undertaking. If we consider the salaries paid to councillors, when more and more councillors are expected to be engaged on a full-time basis, especially in urban areas, in many ways we are excluding ordinary people from being active in democracy. It is a thankless job in many ways, but they are expected to be available to the public 12 to 14 hours a day. In urban areas, they have to attend area committee meetings, local forums and policing forums - the list goes on - as well as having several directorships and being on regeneration boards, which are all unpaid and are all demanding. There is also the criterion that if one does not attend X amount of meetings, one loses one's position.

If we want to allow what I would call an ordinary working person to be involved in democracy in some way, we have to recognise that there is a cost to them and their families. If we are going to pay them a very low amount, people that are working in the private sector who are not self-employed or members of the legal profession will not be able to get involved in their communities and councils. Given how driven it is, it is not possible to manage a career in the private sector and make a contribution to one's local community.

I have asked the Minister to re-examine the situation concerning urban councillors and their treatment under the legislation and to re-examine the work done on the area committees and whether a chair of an area committee should get some financial reward. I was chair of an area committee. Having looked back on the records relating to the workload involved, there would possibly be four or five meetings with the area manager on preparing the area committee and ensuring that the right people were there to deal with the questions and the issues raised and then to follow-up with the area committee. That is what a proactive chair of an area committee does. In fact, many city councils would not work effectively without active area committees because local area issues keep coming to the surface at city council meetings when area committees do not work.

I honestly recognise that the Minister has made sincere efforts in this area, but I ask him to look at how urban councillors are being treated. I also support Senator Denis Landy's proposal. We need to break the link between their salaries and that of Senators and have an independent

look at what they are paid.

Deputy Jerry Buttimer: I propose that we extend the debate by 20 minutes.

An Leas-Chathaoirleach: Is that agreed? Agreed. I have four speakers left on this side and call Senator Maura Hopkins who is sharing time with Senator Tim Lombard.

Senator Maura Hopkins: I too emphasise the very positive work being done by councillors. I also emphasise the positive work that has been done by the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, in the past few months.

I speak to councillors on a daily basis. I completely understand the value of the work they are doing, whether dealing with flooding, safety, meeting individuals in regard to housing and many other areas, with the obligations of attending council and committee meetings. We know - the Minister has stated it - that the role of a councillor has changed in the past few years. Councillors have been given increased responsibility under the Local Government Reform Act 2014, particularly with regard to local economic and community development. The number of councillors has been reduced. Many councillors have been faced with larger electoral areas, some have to represent an area of more than 100 km from end to end. In the cities they are representing ever-growing populations. I am fully aware that the Minister has engaged with LAMA and the AILG which I compliment on the hard work they have done and are doing in working constructively with the Minister in requesting proper financial recognition for the true costs of being a councillor in terms of the workload and the legitimate expenses incurred.

Different areas have different demands, whether that be geographical challenges in rural areas or an ever-increasing population in urban areas. I too join other Senators in asking the Minister to consider reviewing the proposed allowance of €1,000 and extending it to all councillors.

Having been one of the youngest councillors on Roscommon County Council for two years, we need to ensure we encourage young, capable and able candidates to put their names forward for election. The Minister has stated correctly that we are reaching a point where councillors cannot afford financially to stand for local government. We need to ensure councillors are treated fairly and with respect and that the terms and conditions reflect the work they do.

Senator Tim Lombard: I was a member of Cork County Council for 13 years. It was a great honour and privilege to be co-opted on to the local authority in place of the Minister, Deputy Simon Coveney. I think the work councillors do on the ground is very important. That must be recognised.

Members have made good statements on the terms and conditions of councillors. We have to look at local government in its entirety and how we will drive that agenda forward. A young Fine Gael county councillor aged 28 years, Mr. Noel O'Donovan from Clonakilty, stepped out from Cork County Council. The issue is how we can ensure we can get the talent and the people we require to serve in local government. Senator Maura Hopkins is correct, that is the real challenge and the issue of the debate. The Minister has brought forward good proposals. They are the most ground-breaking proposals since those of the then Minister Noel Dempsey in 2002.

The real debate will be on having a template in place between now and 2019 on how we will have a local government structure put in place to ensure people will put themselves forward to serve in local government. My real fear is that people will not come forward to serve and that it will not be viable financially to serve on the council and they will not give it the time required.

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We have to reform the boundaries. The local area electoral boundaries were set up in the 1850s and we need to step away from them. We also need to look at the ten-seat constituencies because they are not working. These issues need to be looked at and sorted out in the next year in order that they will be sorted out before 2019. I think we must adjust the terms and conditions to attract young people to serve on local authorities.

An Leas-Chathaoirleach: I understand Senators Colm Burke and Martin Conway will share time.

Senator Colm Burke: I will be brief because what I wanted to say has been said.

I thank the Minister for coming to the House. I thank him for the work he has done to date; however, I think the proposals by LAMA and the AILG must be taken on board.

Senator Ned O'Sullivan raised the issues that arise for councillors who are self-employed and trying to take time off work while managing a business. It is getting more difficult for those who are employed to take time off work and try to hold down a full-time job while serving on a council. It is not easy for employers to be flexible with time. We are losing some very good people.

We also need to take on board the position of young people serving in local government. In the case of a people with a young family, there is a loss of income if they take time off work and then they have to manage to find the time to make representations and serve on the council. We need to have a broad range of people involved in the council. If we want to ensure we will have that, we need to ensure there is adequate provision made to cover their expenses and their costs in serving and giving leadership in the community.

The vast majority of those who end up serving on a local authority are there because they have already been providing the leadership in their local community and have already made a significant commitment to their local area. They now want to continue that and make a contribution to further development and forward planning.

An expert consultant making a presentation advising a meeting of 20 councillors for one hour will be paid more for that hour in all likelihood than what the combined 20 councillors could claim in expenses for the same hour. We have to view the matter in that context.

What the AILG and LAMA are looking for is not unreasonable. Their views need to be taken on board.

Senator Martin Conway: One could not but agree with everything that has been said. The vast majority of Members have come up through the local authorities and still work closely with them. Members have lifelong friends who are councillors and members of local authorities.

I commend the Minister for at least responding to the calls that have been made over time. I believe the municipal district structure is unworkable in many parts of the country. I know that the Minister will realise, on reflection, that the scenario where urban councillors are worse off than rural councillors needs to be put right.

I have a further proposal. The Minister recognises that the workload of councillors has been undervalued. When he brings forward the proposal to ensure that this takes effect in July, I suggest he backdate the payments to 24 May 2014 because the work has been done by councillors since they took up office on that date. That would be an appropriate gesture to councillors who

have been short-changed. Whether we like it, councillors have been short-changed and this would be a token of respect and engagement with those who serve on local authorities. I ask the Minister to rectify the urban-rural difference and to backdate the payment to 24 May 2014.

An Leas-Chathaoirleach: I thank all those who have contributed.

Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney): I should have taken the opportunity when I was speaking earlier to acknowledge the presence of the councillors in the Visitors Gallery. I thank the AILG and LAMA for their engagement on these issues. We have had multiple meetings at which we have had honest and blunt discussions with both organisations on what we need to try to do. Those meetings have been honest, blunt discussions about what we need to try and do. They have reflected the concerns of many councillors around the country through representative bodies that have been very effective in putting arguments together.

There is a broader perspective that I think we all need to consider. My job is to provide good local governance in Ireland or to at least put a policy framework in place to ensure we can, and to work in partnership with local authorities right across the country, in cities and rural areas, in suburbia and so on. We have many challenges to resolve together and we have just come through a period where there has been a real shortage of financial resources for many local authorities and nationally. When we make choices about how we spend money, we need to think about all of the competing demands that are looking for and deserve increased resources. That is the context in which I am making a decision to spend and commit more taxpayers' money to support councillors in the work that they are doing. I am also trying to look after people who are living on our streets. I am also trying to get a new housing strategy up and running. I am also trying to get social housing provision intact. We are trying to get roads, footpaths and all the other things that local authorities rightly have to try and deliver for the constituents that they represent.

It would be very strange if we were to make dramatic changes on remuneration, supports and pay at a time when resources are still very scarce for a lot of basic services. People would rightly question my priorities if I did that. That is why I have gone through a process that has been very robust and transparent where I have asked others in the Department and outside the Department to look in an independent way at the role the councillors play, the importance of that role, and whether or not they can function in that role in a fair way with the financial pressures that are put on them. Of course, it would be a popular thing for me to make dramatic changes. We are spending nearly €28 million a year to support councillors through representative payments, which is not actually a salary, but a representative payment. A distinction was made when that was put in place. It is approximately €16,500. It is true that it is linked to a Senator's salary. That is still a considerable amount of money and we are proposing to add to that, with approximately €1.8 million for improved levels of support, primarily through a vouched expenses system. We also recognise that there is a statutory legal change in the responsibilities that some councillors are now required to accommodate through a municipal districts structure.

I am not trying to create two tiers of councillors. This is not adding to the representative payment. This is a separate allowance, just like if somebody is on the Council of Europe, or if somebody is chair of a committee that has an allowance that comes with it. It is a separate allowance, because of an increased statutory responsibility that goes with it. I am not advocating and I am not proposing to increase the representative payment for rural councillors by €1,000 and not for city councillors. That is not what we are proposing. What we are proposing is an

allowance to match the increased statutory responsibility that is there for councillors that now have to make the municipal structures work. I really hope city councillors do not take this up the wrong way because I know many city councillors work just as hard as councillors in county areas. However, if one looks at actual numbers in terms of changes that were made, while the vast majority of parts of the country have seen a significant reduction in the number of county councillors in particular, by more than 50% in some areas, if one looks at Dublin, the number of councillors has increased from 139 to 183. We have seen big changes moving both ways. That increase in Dublin was justified because the population has increased significantly and I am not suggesting otherwise.

What I am saying is there is a consequence to abolishing town councils. The consequence of the policy of having town councils, in towns represented by councils, being replaced by a municipal district system and structure, is that there is a statutory legal responsibility on some councillors and not on others in the country because municipal districts were not rolled out in urban areas. All we are doing here is reflecting the fact that there should be some recognition of that increased statutory allowance. I am not creating a difference. There is a difference and it has been legislated for. It is part of the last local government reform process. I am simply reflecting it now in a €1,000 allowance that reflects what town councillors would have received on an annual basis in recognition for the work that they are doing on town councils.

We are in a process of reviewing the three cities with city councils that are subject to not being able to access the allowance. Local authority structures there are all under review. In Galway we have a report recommending a merger between the city and county, for example. We have to move through that process. Many councillors do not want to do that, but some do. We have a process by which we are going to finalise how that is going to work. Undoubtedly, that is going to impact some change on Galway city, and if there is a change in statutory responsibilities, I will respond to that when that happens, by recognising that and with allowances. Likewise, I am going to get recommendations in the next couple of months around whether Cork city and county should be merged, or if not, if there could be some new structure for the relationship between the city and county. There will be change in Cork just like there will be change in Galway because there needs to be. We will have to work out the form that that takes together.

In the context of that change, if we ask increased statutory responsibilities of city councillors, of course, we will have to reflect that in any future allowances. Likewise, as other parties will know, we are working on changes in Dublin too, to see if we can have a directly-elected mayor in Dublin. We are working, in particular, with Fianna Fáil and the Green Party, but I am sure Sinn Féin, the Labour Party and others will input into that process also. When there is structural change and when that has a knock-on impact on the statutory responsibilities of councillors, we cannot just make that change and expect the councillors will adapt with no financial recognition for that change. All I am reflecting on the municipal district allowance is what has happened historically which was not recognised with regard to the supports that need to come with that increased statutory responsibility. On the other side, which is something from which I hope everybody will benefit, is a system of a more realistic assessment of what it costs a councillor to operate on a day-to-day and week-to-week basis, for communicating with the people that expect instant responses and so on. I have heard what the Senators have to say and I hope I have shown that when I come into this House, I do listen to what is said.

Senator Catherine Noone, although she has left the Chamber, raised the issue of councillors essentially not being able to get a doctor's note for being at meetings and needing to meet a

certain quota in order to be able to get basic supports. We will look at that issue. Unless there is some legal impediment to me changing it, we will change it. It does not seem to be a fair system and if it is-----

An Leas-Chathaoirleach: The Minister's time is just up.

Deputy Simon Coveney: If I can, I will finish one or two points.

An Leas-Chathaoirleach: I am bound by the order of the day.

Deputy Simon Coveney: On the issue of vouching, I hope everybody recognises that we now live in a very different world from 20 years ago. The public expects a very different level of accountability and transparency for how public money is spent. We want to make that as easy as possible within councils, in terms of how it functions, and I hope people will work with us. It would, of course, be simpler to have no vouching and automatic payments, but I cannot stand over such a system. We all recognise that point.

The changes made by Noel Dempsey were welcome at the time, but it was a very different Ireland in terms of the availability of resources for local and national government. I have a responsibility to make sure the budget I have for local government is spent primarily in the interests of the thousands of people and families who rely on local government to deliver services. The majority of the new money we have to spend has to go on delivering those services.

In order to ensure services are delivered, we must have councils that function and councillors who feel valued, respected and want to stand for election for local government in order that talent is willing to put itself forward. That is why we are making changes. I am sure I will get some criticism from outside the House for even touching the issue of councillors' conditions and support. I have already received such criticism. The approach to date has been fair and balanced. I have listened to the comments of Members and will bear them in mind, but, if I am honest, it is unrealistic to expect backdating.

Derelict and Vacant Sites Bill 2017: Second Stage

Senator Grace O'Sullivan: I move: "That the Bill be now read a Second Time."

I welcome the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, who has been in the House for quite a long time.

The Derelict and Vacant Sites Bill 2017 is designed to address the issue of empty, derelict and undeveloped land being held inactive and unused across the country, at a time of unprecedented crisis in the housing system. Developments in recent months such as the occupation of Apollo House, have shown us the strength of feeling on the idea of prime land and buildings sitting empty in areas of high demand. Public anger continues to rise in the face of land hoarding by vulture funds, leaving investment land undeveloped all over city centres, while new builds further expand the sprawl of cities and towns. At the same time, homelessness figures are rocketing up, with over 7,000 homeless for the first time in Ireland. The Government's approach in the Rebuilding Ireland programme is to do what it can to incentivise supply, which is to be welcomed, such as the provision of new units and support schemes that make it more attractive to get stock into circulation, but it is also very problematic when it involves tax breaks that simply serve to raise prices, particularly in urban areas.

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The Rebuilding Ireland programme has as its fifth pillar utilising existing stock. It states that there are 198,358 vacant properties around Ireland, yet we have 7,000 people without a home to call their own. Between July 2014 and December 2016, there was a 234% increase in child homelessness, according to the Central Statistics Office, CSO, figures. This is nothing less than a national crisis and scandal.

The situation is not normal. For once, expert advice seems to be united on this matter. We need stronger action to get derelict sites around our towns and cities back into use and for vacant land that is undeveloped to be put into action and developed in areas where strong demand is met by inadequate supply. Fr. Peter McVerry has stated the significant level of vacant properties in Ireland is a unique feature of the housing system. Simon Communities and DIT's Dr. Lorcan Sirr have stated vacancy rates in Irish housing are about twice as high as should be expected. Yesterday, the Housing Agency, a Government body, released its National Statement of Housing Supply and Demand 2016 and Outlook for 2017-18, in which it affirmed that greater attention needs to be paid to the issue of vacant housing. The Simon Community and Focus Ireland, with other civil society groups, academic and housing agencies active in the area, have been in touch conveying the importance of stronger action.

Dereliction has other consequences beyond just homelessness. Unused buildings with wooden hoardings in their windows degrade urban spaces, damage the sense of community space and are simply an eyesore. They can become a focus for crime and drug use, and a source of environmental and even aesthetic degradation as they fall apart through lack of care. Senator Jennifer Murnane O'Connor raised the issue of illegal dumping and other aspects of dereliction when this matter was discussed at last week's meeting of the Joint Committee on Housing, Planning, Community and Local Government. These sites are a burden on our already overburdened local authorities, and they contribute nothing but a dark air of misery to the streets, roads and estates they occupy.

Vacant sites are a similar detriment to town life. Undeveloped land that is simply sat on, whether it be for understandable reasons, is not socially fair at a time when not enough areas are available for development in urban areas where there is strong demand. This, in turn, forces our already severely sprawling cities, in particular Dublin, to advance outwards into their greenbelts. This exacerbates the existing problems of dispersed communities, lack of public service provision in health, education and more and the attendant transport issues that are already causing such problems for the capital and other major towns.

A staggering 28,000 planning permissions in Dublin remain uncommenced, something of which the Minister is well aware. Across the country, the total number of vacant sites is almost 200,000, as mentioned previously. In some cases lands had the benefit of tax incentives, yet still have not been built upon. The Government's existing plans are not adequate to deal with the scale of the problem. The previous Government took welcome measures in initiating the process of a register for vacant sites, to match the existing register of derelict sites. It also mandated the levying of a site tax from this register to come into operation in 2019. At 3%, the derelict and vacant sites taxes are too low to act as a true incentive. The vacant site tax will also only apply to areas larger than 0.05 ha, an area a little larger than a basketball court, and will exclude a large number of sites around the spaces where new development is most needed. The Bill which I have proposed with my colleagues in the Seanad Civil Engagement group aims to tackle these shortcomings. Our group has been working together since the beginning of the Twenty-fifth Seanad on the issue of fairness, provision and security in housing. In doing so, we have focused on being open to working with the Government, Opposition parties and other

Independents in trying to get the best solution for these problems.

I am entering into today's debate in the same spirit of openness and compromise. With that in mind, I commend the Minister and his office for being so open to consultation and debate on this Bill. I am relatively new to the Chamber and politics in general, but I appreciate and acknowledge the open manner in which his staff have worked with me on the Bill..

It is my belief the Minister is doing his best on the matter of tackling homelessness. While he and the Civil Engagement group and the Green Party may not always agree on the best way to proceed, I know that his conviction is sincere. It is my belief he has similar goals to those outlined in the Bill but is constrained by legal and departmental advice and party politics. I hope he might consider that the Bill is not huge and that the issues in it are not solely the property of me or anyone else. Whatever happens today, the pressures will remain to be dealt with by Fine Gael councillors, as well as those of Fianna Fáil, the Labour Party, Sinn Féin, the Green Party, Independents and others.

The Bill is essentially an amendment to the current Government's plans and contains a number of small independent parts. It would remove the minimum site size from the current legislation, which would bring far more vacant sites under the scope of the legislation; increase the rates on vacant and derelict sites from 3% to 5% with increasing penalties for every subsequent year a site remains derelict or vacant after being designated as such; create a transparent process by which derelict sites are added to the register; ensure vulnerable people like those in respite houses or care homes are not affected by levies; move forward the implementation of vacant site levies by two years in order that they would apply from mid-2017 onwards; and ensure that businesses involved in dealing with land cannot avail of a 0% or low vacant site levy due to negative or low equity. The Bill also explicitly states that a derelict or vacant site can be compulsorily purchased by local authorities. We have included an amendment recommended by Focus Ireland that would stop people being evicted from a tenancy if their house is subject to an investment mortgage. This applies only in the case in which the property was bought solely as a non-primary private residence.

On the issue of a public register for derelict sites, greater transparency is needed to ensure that the current situation in which a property can have some paint applied to its window and no longer be considered derelict is amended. This is clearly a nonsense and makes a mockery of the current register. It has to be amended. On the matter of compulsory purchase orders, CPOs, of vacant land, just this week, even the UK Tory Government announced that it will allow local authorities to CPO land in order to tackle the huge problem of land banking. This is not a radical measure and is already partially in existence in current legislation.

Some have expressed concerns about empty family homes in rural areas. This Bill is carefully targeted, as are the Government plans, to apply these levies only in areas where demand for housing is high and where there is insufficient provision of social and affordable housing. We have no interest in taxing for the sake of taxes. We want useful land back in circulation. This is a common sense proposal, not an ideological one. Others have stressed the constitutional concerns and the challenges posed to the private property protections that so often interfere with attempts at action in this policy area. I understand these arguments and that they constrain any member of the Cabinet that is bound by them. I remind the House, however, that we were previously informed that any limiting of the rate of increase in rents would be unconstitutional, yet, as of December, we have such measures, as proposed by the Minister. Such reconsideration is welcome and I hope to add to the pressure for such a move on vacant and derelict sites

by tabling this Bill.

The Minister cannot push the boundaries of the legal advice he is bound by and takes. I understand he is constrained by it. We can have these debates about the balance between the need to respect private property and the need to serve the public good, and we can do it in a transparent fashion. Considering the scale and severity of the challenge we face regarding housing in Ireland, if this Bill were to pass in its current or modified form and were to be challenged in the courts, so be it. That is what the courts are there to do, that is, protect the Constitution and set out the parameters of the law. It is our job to focus on doing what we can to improve the lives of all our citizens, particularly the more vulnerable.

There have been concerns expressed to me on the issue of the tenancy protections in this Bill, particularly from Fianna Fáil colleagues. I am grateful for their forthrightness on this issue and emphasise that no part of the Bill is entirely sacred. My colleagues and I in the Civil Engagement group remain open to co-operation and consensus building on the Bill, if only it would be allowed to proceed to Committee Stage, the most appropriate stage for legislation to be considered in depth.

In the meantime, this issue is not going away any time soon. Voting the Bill down would be to keep any such legislation off the agenda for a further six months. As some Senators already know, my office assistant is the great grandson of the great patriot and land agitator, Michael Davitt, Mr. Ed Davitt.

Deputy Simon Coveney: Is that right?

Senator Grace O'Sullivan: In the time of Michael Davitt's youth, rates of homelessness and destitution in an Ireland far more populated than it is today stood at 11,000 people. Can we stand by and watch as the Ireland of today faces homelessness of almost the equivalent size?

Senator Colette Kelleher: I thank the Minister for coming in again. He has had a long session with us today, but we are delighted that he is here to hear us out. I am delighted to second this Bill which I believe accelerates measure and improves existing housing policy at a time of a national housing crisis. The Bill will improve the cities and towns in which we live. Above all, it will make a real difference to the thousands of people who desperately need long-term decent homes in which to live out decent and ordinary lives.

There is no doubt that we are in the midst of a catastrophic housing crisis. I was just reading about a family with a child with autism which is being evicted. One can imagine the trauma in that family home tonight. Nationwide, there are families living in bed and breakfast accommodation, young people sofa-surfing and men and women who have spent all their adult living in homeless hostels and emergency shelters that have become the only homes they men know.

At the end of December 2016, there were 7,148 men, women and children in emergency accommodation across the country. At the end of November 2016, there were 142 people without a place to sleep in Dublin city. Rough sleeping in Cork increased ninefold in the four years from 2011 to 2015 from 38 people to 345 people. Ordinary families, young children, single people, renters, people in mortgage arrears, people in the repossession courts, people with the roof over them sold on to or by vulture funds or speculative landlords, people with mental health problems and addictions, Travellers and those wishing to leave congregated settings - they are all in housing crisis. All need long-term homes and need them now. This extraordinary housing crisis requires an extraordinary response. The Minister knows and has demonstrated

through the actions he has taken that we need to act swiftly and surely with measures that will kick-start the use of derelict and vacant sites. While I appreciate the good work done to date, in particular the Rebuilding Ireland plan, we need to go further and act faster. The Bill addresses both dereliction in towns and cities and the scandal of empty properties.

As a policy intervention, the Bill proposes five things: to increase the derelict site levy from 3% to 5%; to create a publicly accessible register of these derelict sites; to restrict termination of tenancies in buy-to-let dwellings; to remove the minimum size restriction for the vacant site levy; and to bring the levy into effect sooner, by the end of 2017 instead of 2019. These are clear and sensible proposals that will change how land owners view and treat derelict and vacant sites. Thousands more people could be living in city and town centres if we tackled dereliction.

When Dublin City Council audited vacant and derelict sites in central Dublin, it counted 282 sites making up 61 ha of land. That is nearly seven times the size of St. Stephen's Green. That is a huge area of unused land. Turning such sites into homes would go a long way to addressing homelessness in Dublin city and county. In a submission to the Joint Committee on Housing, Planning and Local Government Dr. Lorcan Sirr from DIT and others noted that the vacancy rates are twice what should be expected. The 2016 census revealed that we have 198,358 vacant housing units, excluding holiday homes and derelict buildings. It is shocking that we have 7,000 people in emergency accommodation and almost 200,000 vacant houses. In the town where I grew up, on the main street in Macroom, there are 210 vacant properties according to the 2016 census, including the six-bedded home in which I grew up. There were ten of us in the family. That is a huge number of properties for a small town. The 210 houses could be homes for people on the social housing waiting list.

Dereliction is also having a big impact on the face and character of towns and cities. Buildings are literally falling down. Shop fronts are rotting and there are empty spaces and eye sores. These sites have been forgotten about and completely abandoned. Our Bill makes it clear that a local authority may use compulsory purchase orders to buy such vacant sites and turn them into homes.

There is a fantastic group of mostly young people in Cork city, acting under the banner of Reimagine Cork, who have taken it upon themselves to clean up derelict sites. They have created a mini park on Kyle Street and repainted shop fronts on North Main Street. We should not leave it up to volunteers to ensure the character of our cities and towns is preserved. Owners need a push to use these sites. We need to remind owners of their responsibilities. We need to empower local authorities. We need to ensure there is an adequate penalty for leaving sites vacant and derelict and the Bill provides it.

We need to remind ourselves of the impact this legislation will have on people. Over the course of last year, there were over 2,500 children homeless and living in emergency accommodation. These are children with nowhere to play. The Minister has children and knows every child has the right to play and should be able to do so. The children have no place to call their own and are moving from one bed and breakfast establishment to another. Young lives are stuck in limbo, thus compromising their education, well-being, mental health and life chances forever.

All over the country there are empty sites without homes, homes without people and people without homes. The actions we have proposed in this Bill will help change this. When I worked for Cork Simon, with local authority support and CAS funding we bought up derelict

sites in the city centre and turned them into lovely city centre flats. I often meet a man who made his home in one of those flats. He was a victim of institutional abuse and was a street drinker. When I met him, he had stopped drinking after a near-death experience but at that time his only home was the emergency shelter, where he had been living for ten years. This lovely man is now sober and fit and has a job and home. I meet him occasionally on his bike or doing ordinary things like going shopping for vegetables and fruit in the English Market. This man's life has been turned around because he has a home of his own, and one of Cork's derelict sites has also been given a new life. I recently passed it. It was freshly painted and the brass door knocker was all shiny and polished. It was unlike some of the adjacent sites, which were dark, depressing, dangerous, vacant and derelict.

The Bill will give greater security to tenants living in buy-to-let properties. If a house was bought as a buy-to-let property, there should be no reason a tenant should be affected if it is sold to another investor. Up and down the country, families, couples and single people are being evicted simply because one investor has sold the property to another. Owing to the impact of the housing crisis, home ownership has gone out of sight for many people in their 20s and 30s. My daughter is one of those who live in fear because her landlord in Dublin is about to sell the property in which she lives. That is no way for people to have to live. These people deserve more rental security and this Bill provides just that. To sum up, this Bill will enhance and intensify housing policy and existing powers. It will improve the places and communities in which people live, help to end homelessness and have a real impact on people's life chances, as in the case of the man to whom I referred, the child with autism who is being evicted tonight and even my lovely daughter. It will help us to get out of this unprecedented housing crisis. I urge my colleagues from all parties and none to take up these good ideas and support the Bill.

Senator Paudie Coffey: I welcome the opportunity to debate again what is a very important issue for all of us. We all acknowledge and recognise that the considerable housing challenge remains a challenge. Both the Government and Opposition will be measured by how they respond to it. I recognise the genuine intent of the proposers of the Bill and the concerns of both Senator Grace O'Sullivan and Senator Colette Kelleher, whom we have just heard. The two Senators have been practitioners at the coalface. Senator Colette Kelleher has been involved in Cork Simon for many years. I recognise also the intent of the wider Civil Engagement group. It is important that Senators propose legislation and debate its pros and cons proactively. I welcome back to the House the Minister, Deputy Simon Coveney, whom I know is passionate about tackling this considerable crisis.

In general, we must examine the context of our current position. We must also take into perspective the dysfunction we have seen not only in our wider economy but also in the housing sector specifically. Access to credit has been a considerable problem for many families over recent years. There has been a broken lending system. Even when people are in a position to obtain credit to regenerate property they own, they find the banking system is not lending at a normal rate just yet. Builders, whom we require so much if we are to have sufficient housing capacity, are only finding their feet. This is an issue. When one speaks to builders, they say they are only now returning to building. The capacity to build has been seriously limited by the factors I have outlined.

As the system and wider economy normalise, we will begin to see a recovery in the housing sector. I share the genuine concerns of the proposers of the Bill and commend the genuine commitment of the Government to the Rebuilding Ireland programme. There are a number of pillars addressing various aspects of the housing challenge. There are numerous schemes

aimed specifically at addressing the housing deficits. The policy is now in place, as is the strategy, and an unprecedented budget has been committed to in order to deliver on the strategy. We now need support across various sectors to deliver on the strategy and to do what is required and asked for in the Bill.

Unfinished estates comprise a good indicator of the rate of progress. When I was Minister of State, I worked on this issue and chaired a special committee that included all the stakeholders, including officials from the Department, local authorities and NAMA, in addition to other representatives. At the time, there were over 3,000 unfinished estates throughout the country that could have provided housing in a normal economy. Unfortunately, owing to the factors outlined, including those associated with builders, property owners and the lending system that was so dysfunctional, many sites remained derelict for many years. The good news is that considerable progress has been made on finishing the unfinished estates. Responsibility transferred from previous owners, who were possibly not in a position to finish the estates, to local authorities, voluntary housing bodies or private owners, who have now finished them. The number has been reduced from thousands to hundreds and there is daily progress in this regard. In our own respective local authority areas, we can identify the estates that were unfinished, derelict and dangerous but in which families are now living.

Let me turn to the Bill and the matter of derelict and vacant sites. The previous Government identified the issue of derelict sites, and the current Minister, Deputy Simon Coveney, is continuing the work in that regard. The matter was legislated for through the Urban Regeneration and Housing Act 2016. I was involved in bringing much of the legislation through both Houses of the Oireachtas. There was deep scrutiny on Committee Stage. The points raised in today's Bill by Senators Grace O'Sullivan and Colette Kelleher were raised at that time also. I can now share with the House that when I was Minister of State, I wanted quicker registration of vacant and derelict sites and a higher sanction after registration. As I am sure the Minister will outline, however, the legal advice of the Attorney General had to be listened to. I agree that the derelict and vacant stock on the streets of cities, towns and villages has considerable potential. There is no doubt but that it is logical to tackle this stock before we start building on greenfield sites throughout the country. The reason it is logical is because services such as sewerage and water already are provided in urbanised areas with serviced lands. There is no disagreement with the argument that we need to unlock the potential of these sites. The problem is the fact we have a Constitution that contains property rights. Whether we like it, under the Constitution as a free and democratic State, landowners and property owners have property rights. The Attorney General's advice at the time, about which the Minister can go into more detail, was that any provisions in new legislation must be fair and balanced. If a person owns property, there must be a fair and balanced approach if that property is to be impeded on in any way that might affect the owner's right. If a site is identified, and there is existing legislation under the Derelict Sites Act, that can be dealt with through the local authority system. Where there are vacant sites in areas with a strong housing demand, according to the advice of the Attorney General, there are legal risks associated with imposing sanctions on those sites without due recognition and a fair and appropriate period of time to allow the owners of those sites to either regenerate or dispose of them in an appropriate way. We are all agreed that we need to bring these sites back into beneficial use as soon as possible.

I also remember accepting an amendment from Deputy Mick Wallace in the Dáil where the original proposal was to have larger sites that could be registered under this legislation. We reduced it to 0.05 ha. The feeling was that there are a number of urban streetscapes of smaller

size with the potential to be brought back into use. It is something the Minister could look at and if possible, amend that part of the legislation. If not, I know he will outline why that is not possible.

It is all about what we do now to deliver on the ambitions of the Rebuilding Ireland strategy. We all have a role in that regard. This House and the Lower House have played a role in debating housing legislation. We also have a role in making sure that Rebuilding Ireland is delivered. The appropriate bodies are the housing authorities, which are the local authorities supported by voluntary housing associations and the NGOs, which play a very important role. There is nothing stopping these bodies, particularly local authorities, identifying these sites of potential in their local authority areas. There is nothing stopping them under existing legislation from notifying landowners that they intend to add the sites to a register of vacant and derelict sites and that a sanction will apply from 2019 onwards. I hope this notice will stimulate and motivate landowners to put those sites to use.

The funding, policy and legislation are in place. It is about delivery. It is about all of us supporting the Minister in his efforts and supporting local authorities, NGOs and voluntary housing bodies to get these houses built because it does take time. It takes planning, tendering and building before families can move in. I know - I know that the Minister is committed to this - that many of the projects are under way. I hope to see, and I think we will see, the numbers of homeless people falling dramatically once the projects are delivered, the doors are opened and the keys are handed over to the families who so badly need them.

Senator Jennifer Murnane O'Connor: I congratulate the Senators behind the Bill. There are some flaws in it and I will go through them. However, the Bill is a start and the Minister needs to address it. While there are elements of the Bill with which we agree in principle, the Bill is flawed. It is also poorly drafted and we believe it could be in breach of Standing Order 178. It is clear that it would have the effect of imposing or increasing a charge on the people. We believe the Bill is defective legally and constitutionally. While it was unfortunate that the Labour Party decided in 2015 to delay the introduction of the 3% levy until 2019, the attempt to retrospectively apply this levy to properties would be a breach of fundamental citizens' rights.

There is a little confusion. We have the Derelict Sites Act and the Derelict and Vacant Sites Bill. Local authorities have the power to do up a derelict site. The issue is the timescale, which is not addressed. A derelict site or vacant or derelict property can be an eyesore. The biggest issue is antisocial behaviour, including the dumping of rubbish. The main issue the Minister is not addressing is the health and safety aspect. There are so many properties that have gone on fire or have been marked by antisocial behaviour. They are constantly being reported to local authorities but there is no legislation. Before Christmas, we were able to address the quick build of the 100 houses in respect of the bigger cities. Legislation needs to be introduced to address derelict and vacant sites so that local authorities can stop all this antisocial behaviour and address health and safety concerns. This issue really needs to be addressed and I am asking the Minister to deliver on it.

Census 2016 revealed the existence of almost 260,000 vacant properties homes. A total of 2,751 vacant units belonged to local authorities. That is unacceptable. In fairness to the Minister, I know that he is addressing meetings and saying money is available, but if he does not address the 2,751 vacant units belonging to local authorities, it will defeat the purpose. I would really appreciate it if he would address this issue.

Fianna Fáil has proposed introducing the empty property grants scheme to encourage owners to lease properties to approved housing bodies or directly to local authorities. Similar schemes are in place in the United Kingdom and have been very successful. I am asking the Minister to pilot such a scheme in order that we can address this issue. Rural Ireland is not being addressed. I understand we have a housing crisis in Dublin and the Minister has always been focused on it and on the bigger cities. However, vacant properties, the lack of local authority housing and lack of supply are also issues in rural Ireland. If the Minister could address vacant properties, which number nearly 3,000, all over country, it would mean that nearly 3,000 families would be taken off the local authority housing list. The Minister should try to sort out some legislation in order that these vacant properties are not left as eyesores. When two or three properties in a housing estate are boarded up, one cannot find out who owns these properties. One goes into the local authority but it does not know. The properties are either in NAMA or have been repossessed by the banks. The Minister needs to put a system in place in order that the local authorities have the staff to make sure every vacant property or site is registered in order that if Senators, councillors, Deputies or members of the public want to find out who owns a house two doors down from them because it is an eyesore associated with antisocial behaviour, they can do so. At the moment, they cannot get these answers because nobody knows who owns these properties. On St. Patrick's Day, we all get ready for parades. If there is a derelict site in the middle of a town that is an eyesore, it takes from the focus of the town when one is trying to bring in people. Will the Minister address these issues? These are the small things that he is forgetting. I know that he is doing his best and that there are so much that he needs to address but he is definitely falling down on these issues in rural counties and other areas.

In respect of tenant security, the Bill proposes removing of the sale of the property as a reason for ending a tenancy where the property has been bought with a buy-to-let mortgage. There is no doubt that the blanket approach in the Bill of completely removing the right of a landlord with a buy-to-let mortgage to use the sale of the property as a ground for terminating a tenancy could be discriminatory and unconstitutional. Removing the right of the landlord to purchase his or her property with a buy-to-let mortgage would fall most heavily on small landlords with one or two properties. Many landlords have distressed mortgages. It would not touch landlords who can afford to buy an investment property without taking out a mortgage. In addition to creating widespread uncertainty in the rental market, completely getting rid of sale as a reason for ending tenancy, as the Bill attempts to do, could stall the turnover of rental properties owned by smaller landlords, many of whom are involuntary landlords who are not making a profit or are often in arrears or negative equity. Fianna Fáil supports in principle the removal of sale as a reason for ending a tenancy and we are working on measures that would provide greater security of occupancy for tenants which are compliant with the constitutional protection of property rights and do not create widespread market uncertainty.

Accountability is very important. Now that money is available, it is important that it is put to proper use for everybody, including the homeless, people in need, landlords and tenants, in particular those who might have to move. I ask the Minister to put the money to use and to ensure the most vulnerable in our society get what they deserve.

Senator Victor Boyhan: I thank the Minister for spending so much time with us this afternoon. I appreciate it, as do other Members of the House.

I thank Senators Grace O'Sullivan, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins, Frances Black and John Dolan for taking the time and trouble to set out their arguments. It was very interesting that Senator Grace O'Sullivan made the point she is happy to modify the Bill

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and consider changes. She is coming here with a suggestion, which is more than many others have done. I appeal to Senators to give the Bill a chance-----

Senator Jennifer Murnane O'Connor: Absolutely.

Senator Victor Boyhan: -----and allow it to return to the House. There is no point in Senator Jennifer Murnane O'Connor saying "absolutely" unless her people can deliver.

Senator Jennifer Murnane O'Connor: I agree with parts of it.

Senator Victor Boyhan: That is fantastic. I thank the Senator and look forward to Senators on all sides of the House supporting the Bill through one more Stage. There are many Stages but let us get to the next Stage. I do not want the Bill to be killed tonight. I hope the Minister will reflect on it. It is reasonable. It is important that we have and encourage debate.

In essence, the proposals set out seek to remove the minimum site size from the legislation, which would bring far more vacant sites under the scope of the legislation; increase the rate of vacant and derelict sites from 3% to 5%, with increased penalties for every subsequent year the site remains derelict or vacant after the designated date; and create a transparent process in which derelict sites are added to the register. It also speaks about moving forward the implementation of the vacant site levy for two years in order that it will apply from mid-2017. It also seeks to address issues regarding the compulsory purchase by local authorities of vacant sites.

Private sites, as well as public sites, are derelict and vacant. Those who attended the meeting of the Oireachtas Joint Committee on Planning, Housing, Community and Local Government last week heard from a number of delegates who came before it. It was a shocking indictment of local authorities that people could come before the committee as delegates and share statistics, which I will not bandy around because I want to keep the message simple, that hundreds of real estate units and land in local authority hands are vacant. This is at a time we have a housing crisis in these local authority areas. I am seriously coming to the view we need to check the capacity, commitment and enthusiasm of some local authorities to tackle this full on. I do not doubt for one minute the Minister's commitment to Rebuilding Ireland. I do not believe anyone in either House doubts his absolute commitment to see it through.

I took the time to read a number of the audits from the local government auditing service carried out by the Department. It is another day's work, but I would like to see this changed as part of ongoing local government reform. We must deal with what we have. The local government auditor of a number of local authorities expressed serious concerns - this is all on the record and on the Department's website - about a number of local authorities which failed repeatedly to comply with the digitised property asset register. It is hard to believe there are local authorities in the country which do not have properly digitised records of their property register. These are public assets, public land and public money. This is at a time we have a housing crisis. As part of the debate, I ask the Minister to take this on board and ask the officials in the auditing service to provide him with a list of the local authorities which have failed consistently to carry out this work. The local authority chief executives state they do not have the necessary resources. That is disgrace at the time we are looking for property assets and looking to avail of any property we have in local authority areas. I raise this because it is an important issue.

I also want to speak about private sites. I go directly to people and ask them what are the problems. I am told by local authority chief executives that local authorities do not have the money. They are most reluctant to engage in compulsory purchase orders. They state they do

not have a pool of money set aside to pay for them, and that there is a lot of litigation involved with the possibility of constitutional rights to property issues being raised, and they do not have the stomach for it. They have not done it. I will tee up a parliamentary question for one of my independent colleagues in the Dáil this week to ask the Minister some of these questions because they are so important. We need to see a register, in tabular form, for all local authority areas of what property they acquired in the past three years, for how much and what process has been initiated. I will undertake to do this tomorrow because it is an important piece of scrutiny with regard to local authorities.

We have spoken about small sites. The Bill is attempting to address issues with infill small sites which are also critical. It is not unreasonable to fast track and bring forward to 2017 some of the measures. It is important. I have spoken about Rebuilding Ireland and I am committed to the Minister's objectives in this regard and the various pillars. It is a multifaceted approach. The Minister has spelled this out and it is the dead right policy to follow.

Yesterday, I went to Ellis Quay and compliment the Minister because it is an amazing hostel. It backs onto Aaron Quay and we had a walk-through of the entire development and met many of the people who live there. They are very happy, which is great. It is a good story and I urge everyone to go and look at it. Most importantly, the people living there are happy and feel safe. A number of people said they had a bed to come home to and they are guaranteed a bed for the next six months. We heard about the one to one supports, and all the team building and access to social services. It was very impressive and I thank the Minister and salute all those involved. When we left with some of the people from the Peter McVerry Trust, we were waiting for a taxi to return to Leinster House to do our work. One of the people living in the house asked us to look across the road at Aaron Quay and the back of Smithfield. We were told there are three or four sites there. A woman told us she has been living on Aaron Quay Terrace for 50 years and one of the sites has been empty all of that time. We really do have a crisis, but here we are with the three buildings directly opposite the hostel derelict for years and no one seems to want to do anything about it.

I am sympathetic and supportive of the Bill and thank its proposers. I hope it will be passed on Second Stage because it would be important. I ask the Minister to take on board the issue of the register of every local authority and make a commitment that he will ask them if he can - I know that they are under other pressures - to make a commitment to file within three months with the Department a register of all their assets. I also ask the Minister to examine other assets which may be in the hands of Departments or State agencies.

Deputy Simon Coveney: That is under way.

Senator Victor Boyhan: That is great.

Deputy Simon Coveney: A full audit of all State-owned land is being undertaken.

Senator Victor Boyhan: That is great and let us see it. We need to share this information. I have also asked about lands available as part of the redress schedule on which the Government signed off and received commitments from religious orders. We have not yet seen a schedule. I look forward to seeing it. Another parliamentary question will be tabled this week on this matter. These are all issues we need to keep pushing. I am not having a pop at any one. We are all committed to it. As no one has a veto on this issue, we will all put in our tuppence.

I thank the Senators who have spoken to the Bill. I look forward to the Minister's response.

We need to see more information on the register of assets of local authorities, which are under the Minister's watch.

Senator Catherine Noone: I thank the Minister for his long session in the House today.

I commend Senators Grace O'Sullivan, Colette Kelleher and others for bringing forward the legislation. As outlined, the Derelict and Vacant Sites Bill 2017 proposes to amend three existing Acts. These are the Derelict Sites Act 1990, the Urban Regeneration and Housing Act 2015 and the Planning and Development (Housing) and Residential Tenancies Act 2016. I support the very good intention of the Bill. Although I understand the intention of the Bill is to address the current deficit of vacant sites and to incentivise developers to provide much needed housing, there are a number of pitfalls in the Bill, on which I will elaborate but which can perhaps be got around. I will support the moving of the Bill to the next Stage if that is deemed to be appropriate by the Minister, but in regard to the proposed amendments to the Derelict Sites Act 1990 and the Urban Regeneration and Housing Act 2015, any proposed measure impacting on private property owners must be subject to detailed consideration and scrutiny, as Senator Paudie Coffey outlined, based on the constitutional rights in respect of property. The amendments suggested in the Bill run counter to the legal advice received during the development of the vacant sites levy provisions, thereby increasing the risk of constitutional challenge and being found to be unconstitutional, while also undermining the existing statutory provision.

Furthermore, the Urban Regeneration and Housing Act 2015 produced provisions for vacant site levies. However, this process was extremely complex. These complexities were a result of the constitutionally protected rights of property owners arising from the proposal which accordingly required the provisions to be appropriately balanced and fair and that they be reasonable and proportionate, having regard to the objectives which the legislation sought to achieve.

During the development of the provisions for a vacant site levy, the Attorney General specifically advised that the levy should be limited in its financial amount and the size of the properties to which it could be applied, that the rate of levy should not exceed the 3% rate applicable to derelict sites since 1990, that the higher the rate of levy applied the greater the risk that it would be subject to legal challenge and held to be disproportionate and that sufficient time should be allowed before the coming into operation of the levy to enable affected property owners to regularise their affairs. Therefore, the Bill, despite the very good intentions, in instances such as increasing the applicable rate and size of properties goes against the learned advice and guidance of the Attorney General, to which Senator Paudie Coffey alluded.

On the proposed amendments to the Residential Tenancies Act, the recently published strategy for the rental sector sets out a range of measures under the headings of security, supply, standards and services, which are aimed at addressing issues affecting the supply, cost and accessibility of private rental accommodation. As we all know quite well by now, the subsequent Planning and Development (Housing) and Residential Tenancies Act 2016 enacted just prior to Christmas gives legislative underpinning to certain of the measures in the rental strategy, including rent pressure zones, the extension of duration of tenancies from four to six years, and the limiting of landlords rights to terminate ten or more tenancies at the same time. It is my understanding the security of tenure proposals which this Private Members' Bill seeks to address were fully debated during the passage of the Planning and Development (Housing) and Residential Tenancies Act 2016 before Christmas.

Having been the subject of amendments put forward during the progression of the Planning

and Development (Housing) and Residential Tenancies Bill 2016, the proposals are adequately addressed in the consequent Act. Therefore, it could be considered that any legislative changes at this early stage after its enactment, apart from presenting potential legal challenges in terms of the need to maintain an appropriate balance between the legal rights and responsibilities of landlords and tenants, may risk undermining stability and confidence in the rental sector and thereby negatively impacting on existing and future supply of rental accommodation.

I raised this issue with the Minister a few weeks ago and I am very sympathetic to the thrust of the Bill. It is clear that there is a housing issue in Ireland, of which everyone is acutely aware, and I can understand the motivation to push landowners to develop on their properties. As I mentioned previously in this House, Vancouver City Council recently approved a tax on empty homes. This move had a similar incentive behind it, namely, to free up empty properties and make them available to potential residents. The tax which is the first of its kind in Canada has been introduced to combat its housing crisis and is expected improve Vancouver's rental vacancy rate by persuading owners - in a punitive manner - of thousands of empty apartments and houses to put them up for rent. Will the Minister ask his officials to keep an eye on this and to perhaps consider it - perhaps it is already on the radar - to see if it is something that we could introduce here?

Although I understand the intention behind the Bill, we must take into consideration its various pitfalls but there is a lot of good in it. It proposes to amend considerably complex legislation which, in some cases, has already been analysed and scrutinised. However, as Senator Victor Boyhan said, if certain changes could be made I would be agreeable to it, but I will be guided by the Minister on it.

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire. Tá mé thar a bheith sásta go bhfuilimid anseo arís ag plé na ceiste seo. Is dóigh gurb é seo ceann de na crua-ceisteanna atá againn sa tír seo i láthair na huairé. Ba mhaith liom tréaslú leis an ngrúpa sibhialta a thug chun cinn an Bille seo arís eile. Tá sé fíorthábhachtach go gcoinneofaí an cheist seo i lár an tábla oibre atá againn.

Chuaigh mé féin ag cuartú figiúirí le deireanas maidir leis an méid suíomhanna díomhaoine atá i nGaillimh. Tá sé fíordheacair teacht orthu. Sin ceann de na forálacha atá sa Bille seo a gcuirim fáilte faoi leith roimhe. Is é sin go mbeidh sé i bhfad Éireann níos fearr teacht ar an eolas seo.

The Senators proposing the Bill alluded to Michael Davitt in their opening comments. I think Michael Davitt would be appalled if he was still alive to see the situation in housing and homelessness in the country, on which I am sure the Minister agrees with me. I broadly welcome this Bill. Section 3, providing for the availability of a register of derelict properties, is particularly timely. In my area of Galway there are currently officially 15 vacant or derelict sites, but I had to find that out by looking it up on a local media site. If I want official council figures, I have to turn up in person and review the maps in the council building. The need for transparency is obvious.

Housing and homelessness are issues that affect everybody. This week we saw the effect that figures can have on the public perception of the crisis in the health system. They also tend to dictate the form and speed of the Government's reaction. I am sure that if there was an accessible and standardised form of these figures that the public's attention would remain focused on what has been staring us in the face every day, before we even begin talking about new builds

and acquiring new land.

The site of the former Irish Glass factory has been lying idle for well over a decade. In that time we have gone from boom to bust and back to where we are now. The recent sale of land at RTE was another missed opportunity to provide for social housing. Many people found out that there was land lying derelict for the first time when they heard about the sale after the fact.

In Galway there are 15 registered derelict sites. They include the former Corrib Great Southern Hotel as well as properties in Ballybrit, Newcastle, St. Helen's Street, Ballybane and Dominick Street. In the light of the housing crisis, it is vital that these sites are considered for upgrade or for alternative use as soon as possible. In the 2017 draft annual budget, Galway City Council allocated more than €25,000 for derelict sites, yet this seems to be mostly covering securing the properties against vandalism and anti-social behaviour. About a year ago at election time, I was around the old Connaught Laundry site and some of the people living in the area adjacent to that site are suffering from the awful affliction of antisocial behaviour due to the fact the site is derelict and is being abused.

Section 4 is essentially revisiting an amendment that was tabled to the Planning and Development (Housing) and Residential Tenancies Bill 2016, which passed through here before Christmas. It is supported by Focus Ireland and many other advocacy groups. It was rejected by Fine Gael and Fianna Fáil in a vote in this House. They now have another opportunity to reflect on the gravity of the crisis, even after the launch of the Government's rental strategy, and decide whether they are now in favour of protecting tenants from arbitrary eviction or not. If they do not, at least the public will begin to see a pattern as to which side Fianna Fáil is really on. The blue button brigade or the abstainers will have to show their true colours.

While there may be advice from the Attorney General, of which the Minister gave some description on Committee Stage of the previous legislation, we have not seen it. I welcome Senator Paudie Coffey giving us a certain insight into what he was told was the position when he was a Minister of State. However, the Attorney General is not always right. The question then is whether we believe it is the right thing to do. I think Senator Paudie Coffey alluded to the fact that he felt this was the right and moral thing to do, but the advice was pointing in a different direction. If it is, let us do it and see if a landlord takes a case. We can then test whether it is unconstitutional. If it is proved to be unconstitutional, we can consider changing the Constitution. Otherwise, we could ask the President, in whom I have faith, to consult the Council of State. He could then refer any legislation passed by these Houses to the Supreme Court to test its constitutionality before it is enacted. That loophole could be tied off as well and it would keep everybody happy because there seems to be a general consensus that the thrust of the legislation is good and that the proposers are open to amendments on Committee Stage and are willing to debate issues. There are ideas coming from the floor of this House that could be brought forward in order that we could come up with legislation that would deal with the issues at hand.

It is the right thing to do because the majority of families that will spend yet more time in emergency accommodation were made homeless by landlords who owned one property or two properties. It is welcome that some tenants who live in the properties of landlords who own ten or more properties will get additional protection, but the majority of families at risk of homelessness will get no more protection from the measures introduced by the Government before Christmas. For that reason, this is one of the most important measures that could be introduced in the Bill or via possible Government amendments. Let us not forget that many of the land-

lords in question bought their properties with buy-to-let mortgages from banks or availed of section 23 tax reliefs. On that basis alone, they should not be allowed to serve notice to quit on the grounds of sale. The landlord should sell the property with the tenant *in situ*, which is the purpose of the proposal, namely, to ensure the property remains in the rental stock.

The Bill seeks to amend the Urban Regeneration and Housing Act 2015 by bringing the vacant site levy into effect earlier than 2019, as per current Government plans. It also seeks to increase the vacant site levy from 3% to 5% and to remove the minimum size restriction that is currently set at 500 sq. m. Sinn Féin is firmly of the view that local authorities must have the first option to build housing developments on formerly vacant sites. The 3% annual levy which is due to kick in in 2019 should include measures to exclude land held by local authorities. There should also be provisions to include a higher band of 5% for land of a greater size than one acre. If site owners remain reluctant to comply, the levy should be increased annually for sites which remain idle in areas of high need.

Other measures we have argued for and which are relevant to this debate include providing for the hand-over of vacant sites to local authorities, which have been established to have no market value, the provision for use of levy receipts to be used by local authorities with an annual review by the Minister in conjunction with the Oireachtas committee on the environment and the reintroduction of the windfall tax at 40% on all zoned development land. The political reality is that Fianna Fáil holds the cards and, as has been said in these Houses previously, it is the party of auctioneers and developers. I have a certain sympathy for Senator Jennifer Murnane O'Connor. I take on board what she said as I believe she is genuinely in favour of the thrust of the Bill. However, it is very disappointing that the rest of her party is not backing her on the measures and not allowing the legislation to proceed to Committee Stage when we could thrash it out fully and come up with solutions.

Senator Jennifer Murnane O'Connor: The Bill is slightly flawed.

Acting Chairman (Senator Diarmuid Wilson): Senator Trevor Ó Clochartaigh should be allowed to speak without interruption.

Senator Jennifer Murnane O'Connor: As previous speakers said, it is a good Bill, but there are flaws in it.

Acting Chairman (Senator Diarmuid Wilson): Senator Trevor Ó Clochartaigh should conclude.

Senator Trevor Ó Clochartaigh: The proposers of the Bill would be delighted if the Senator was to support it.

Acting Chairman (Senator Diarmuid Wilson): The Senator's time has elapsed.

Senator Trevor Ó Clochartaigh: As I have had some of it robbed from me, I will finish very quickly. Senator Jennifer Murnane O'Connor referred to introducing legislation on anti-social behaviour. If the Bill were passed and we got rid of the derelict sites, we would solve the problem. That is what we need to see happen.

Táimid ar son aon Bhille a thugann níos mó cosanta don tionónta agus níos mó soiléiriú don phróiseas ar fad. If we are talking about new politics, let us see it in action. Let us allow the Bill to go to the next Stage, but let us not leave it to die in Committee Stage limbo either, as we

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have seen that being used as a tactic. If sympathy were bankable, very few homeless people would not be millionaires at the moment with the amount of sympathy we hear. They need action rather than sympathy.

Senator Kevin Humphreys: I thank the Minister, Deputy Simon Coveney, who has spent a long day in the House.

This is important legislation and I commend the Senators responsible for bringing it forward because the more we debate such issues the clearer the understanding we will have of what is happening in the market. In principle, the Labour Party will support the Bill, but we would seek to amend it as we consider there are fundamental constitutional issues at stake. For example, it could be problematic to change the 2019 date. However, the Senator has clearly indicated that the Bill is open for discussion and debate on the next Stages. There is a responsibility on all Members of this House to allow that discussion and debate to take place. No one party should veto what is an excellent piece of work that has been put together by Senator Grace O’Sullivan who has argued her case most eloquently.

These issues will come up in the House over and over again because as we continue to point out the problem is one of supply. There is just not enough accommodation in the market to deal with the housing crisis, whether for homeless people or ordinary working people earning a good salary who seek rental accommodation. With Brexit and the possibility of other employment and job opportunities in urban areas and, hopefully, rural areas also, there is a necessity to make sure supply comes on-stream.

In fairness to the Minister, he has done his utmost. He has made every effort to try to stimulate the market and deal with the supply issue. In spite of the measures the Minister has introduced, we will not see progress if the areas of leakage are not addressed as a matter of priority. In the *Irish Examiner* this morning I noted a headline, “Airbnb Seeks Barcelona Truce Over Too Many Tourists.” Barcelona is an area that is leaking accommodation that ordinary working people had traditionally rented but it is now going onto various rental platforms. Before coming into the Chamber I spent 75 minutes looking at how many apartments and houses in a number of Dublin postal districts are available on Airbnb. There were 75 units comprising 204 bedrooms in their entirety. I do not refer to people renting a bedroom to supplement their income, which is fine, or if someone is going on holidays for two weeks or a month who wishes to rent their home, I am talking about businesses in four Dublin postal districts. The question is how we can compete with that. One option was a boutique, beautiful two-bedroom Dublin city centre apartment for rent for €628 a night. That is €229,000 a year with full occupancy. In fairness, even 80% occupancy amounts to €114,000. What is more important is that is an apartment that would have been let to somebody who works or is on the housing list. In Donnybrook, not too far from where I live, there is a two-bedroom apartment for €187 a night. In Dublin 2 there is a clean, luxury apartment with three bedrooms for €220 a night. On average, the 75 apartments come in at €76,000 a year. I will pause for a moment while I wait for the Minister to come back into the Chamber because the issue is very important and he has provided circular letters on it.

Acting Chairman (Senator Diarmuid Wilson): Is it agreed that we suspend the sitting while the Minister is absent from the Chamber? Agreed.

Sitting suspended at 6 p.m. and resumed at 6.05 p.m.

Senator Kevin Humphreys: I will conclude briefly.

The Minister gets the idea about the impact of these platforms on the accommodation problem. In a recent development of nine units in Dublin 2 three are used for Airbnb. The Government under the rapid build programme is endeavouring to deliver 350 units or as many as possible, but if they are being leaked to these platforms at such a rate, the programme will have no impact on the market. I could give examples from Dublin 1 to Dublin 8 of apartments and houses moving into Airbnb, which does not help the economy. When the Minister attended the House before Christmas, I told him that I knew this was a question of choice. The majority of those who are using Airbnb are tourists. I would prefer it if someone had a home rather than a tourist staying in an apartment. The market has become ridiculous. There are homeless persons in hotels and tourists in apartments across the city.

In fairness to the Minister, he issued a circular after An Bord Pleanála made its decision. I will not read it in full, but it indicated that local authorities had some measure of responsibility. He wrote that he would receive a report by the end of the second quarter of this year, but that is too late. The evidence of a significant impact by Airbnb is already clear, especially in the Dublin, Cork and Galway markets. Action has been taken across the Continent from Barcelona to London and Brussels. I could continue.

I wish to pull up the Minister on one line in the circular. He wrote: “In the meantime, where it is brought to the attention of local authorities that particular properties may be exclusively used for short-term letting purposes, they should take the following steps...”. These steps are investigation and enforcement, but a simple measure could be taken by Dublin, Cork and Galway city councils. Each of them should appoint a specific officer to enforce the planning regulations. Seventy-five apartments in 75 minutes received planning permission as residential developments, not bed and breakfast accommodation or aparthotels. There should be active enforcement. This could help to restore rental residential units for ordinary working people at lower market prices. The 75 units contain 240 beds. On average, on each apartment €76,000 is being earned. An ordinary landlord cannot compete with this. It would not make sense to keep renting apartments to ordinary people. That is why there is a shift to Airbnb. I encountered a landlord on the South Circular Road who had been trying to act decently. He had six apartments in his house and sought to find other accommodation for those persons in receipt of rent allowance, but he still moved the six apartments into Airbnb.

I call on the Minister to pick up the telephone and call the various city managers to ask them to put a single person in charge who would take enforcement action. We could quickly restore approximately 600 units to the Dublin market, certainly more swiftly than under the Minister’s rapid build programme. This would have a ripple effect across urban markets. We need action now. There is a decision by An Bord Pleanála. The Minister could easily instruct managers to put a single person in charge to enforce it and issue enforcement letters to those landlords who have moved from the rental market to Airbnb. Let us house our own.

Senator Alice-Mary Higgins: I thank the Minister for spending time with us in the House again.

This is good and constructive legislation that has been well drafted by Ms Sinead Mercer with the support of Mr. Ed Davitt and others. It offers concrete and real proposals. Some speakers have focused on the abstract, pulling back again to the housing crisis and raising other issues, but we are here to debate the proposals made in the Bill, many of which have strong and

clear merit such that it will be difficult to stand over any opposition to them. We recognise that there is a need to work across the House, something everyone in our group has done and something Senator Grace O'Sullivan has sought to do in that regard. We are willing to work with everyone and all parties to ensure that, when the Bill reaches Committee Stage, we can build on these valuable proposals which place important issues on the agenda and are facilitative of the Minister in driving forward the fifth pillar of the Rebuilding Ireland strategy in making the best use of existing stock.

I will not go through the details. All Senators have heard the litany of empty properties at local and national level. In one of the greatest homelessness and housing crises the nation has seen the Government has estimated that there are 198,358 vacant properties. We have heard that in the Dublin area 61 ha are vacant or derelict. We have heard that in small towns, even in Macroom, there are up to 200 vacant properties, but the provisions in the legislation have been framed to target areas in which there is high demand and it is imperative that action be taken urgently.

I will now address a number of key proposals made in the Bill, on which I would like to hear the views of the Minister, as well as Members across the House. Should they not wish to support the Bill, I want to hear what their proposals are to address the real issues we have identified.

We know that the law on derelict houses is not working. Derelict houses and sites are an eyesore and visible in towns and villages throughout the country. While they are acknowledged by the man on the street as being derelict, in many cases, they are not registered as such because of the flaws in the system. We know that, in many cases, the windows are boarded up and painted black and that we are expected to regard the site as no longer being derelict. While I am aware that local authorities have some powers to contest the question, they do not have the resources to battle on each derelict site on each street. What is proposed in the Bill would facilitate the process by which derelict sites are entered on the register. We are allowing for the setting of clear criteria. If our proposals were to be taken up, it would become easier for local authorities to simply mark sites as being derelict if they met the criteria. The process would be transparent and we would be able to ensure the derelict sites that are holes in the fabric of communities would be marked appropriately.

Having a register publicly available online would ensure people who wanted to take action in their communities to have productive use made of space would be able to do so. Senator Colette Kelleher has given us some examples in this regard and other Members may give us others. The Bill would encourage communities to come up with proposals for derelict sites. It would support citizens in engaging in local innovation and devising a constructive collective response to how we should repair the fabric of cities and build the homes and social amenities we need so badly.

The proposals made are nuanced because we are trying to address in the Bill a gap when somebody is placed in residential care. A key concern is ensuring that when vulnerable older persons are taken into care, they are not penalised unduly. We are open to looking at other such subtleties to ensure they would be taken on board on Committee Stage.

I will now address the proposals made to deal with vacant sites. We have heard that 0.05 ha, or the size of a basketball court, is considered to be too small. This proposal was brought forward by Dr. Lorcan Sirr and others and I think it is very constructive. One could build a home on a site of that size. More importantly, we could argue the detail of what the exact size should

be. The current provision which refers to a figure of 0.5 ha, or over one acre, is far too wide.

Deputy Simon Coveney: For the purposes of clarity, the figure is not 0.5 but 0.05 ha.

Senator Alice-Mary Higgins: Apologies.

Deputy Simon Coveney: There is a big difference.

Senator Alice-Mary Higgins: I will not speak to Part 4 in which I think the proposal made is constructive. While I agree with Focus Ireland, I recognise that it is doing work that is different from that mentioned in the rest of the Bill. If the Bill reaches Committee Stage, Members will have an opportunity to amend or vote against various sections.

We heard about the constitutional constraints on property. Let me remind Fianna Fáil Members that they are not bound in the same way as the Minister by the advice of the Attorney General. They are free to take cognisance of and give it due consideration. Conservative rulings are consistently constraining our capacity as legislators to make good laws.

I beg permission to speak for an extra minute.

An Cathaoirleach: The Senator has spoken for eight minutes. If I were to give her an extra minute, it would be unfair to others.

Senator Alice-Mary Higgins: I will take one minute of my colleague's time, as agreed.

An Cathaoirleach: I am trying to be fair to everybody. Some Members complain to me.

Senator Alice-Mary Higgins: If the conservative interpretations of the Constitution are to block us constantly in making good policy and if they are correct, we have a problem with the Constitution which we need to address because a balance is not being achieved between property rights and the common good. If we are erring on the side of property rights and neglecting to see the balance achieved in the Constitution, let us test it appropriately. As legislators, we cannot act in a way that does not serve the common good. Article 43 is very clear - property rights may be delimited with a view to reconciling their exercise with the exigencies of the common good. We need to have a debate on whether the Constitution is an obstacle in making good law and if the current interpretation is stopping us from moving forward in important areas.

An Cathaoirleach: The Senator has now taken nine and a half minutes. The Minister has to speak also. Somebody else will lose out. I call Senator Pádraig Mac Lochlainn

Deputy Simon Coveney: May I come in now, as otherwise I will sum up without having made an initial contribution? I am in the hands of the Chair.

An Cathaoirleach: As this is a Private Members' Bill, the Minister may make only one contribution. The rules state he may come in at any time. There are only two more speakers and the Minister will have 15 minutes.

Senator Pádraig Mac Lochlainn: I will take only three or four.

An Cathaoirleach: I am glad, as I am trying to be fair to everybody.

Senator Pádraig Mac Lochlainn: I appreciate that because it is very important that we hear the Minister. He is aware of the difficulty with the scale of vacant and derelict proper-

ties across the State. I know that some local authorities have identified sites which they have sought to purchase for housing. However, local authorities are not making things happen when it comes to derelict sites, leaving aside the housing issue which is at the core of what I think is an excellent Bill. Tidy Towns committees are doing their best to maintain towns by redecorating decaying buildings. However, when contact is made with the local authority to see who owns derelict sites with a view to making the owners responsible for the state they are in, they get nowhere. In rural areas many buildings are boarded up. The existing legislative provisions are not working in that they do not address the issues identified. It falls on the Minister to look at the matter.

Even in housing estates, where people are doing their best to take care of their patch, nothing is done to ensure the upkeep of derelict houses. This is a real issue in terms of the visual impact. Tidy Towns committees comprise civic minded people who hold communities together. They have to work hand in hand with local authorities. I do not know whether local authorities lack the powers or the willingness to enforce laws. Perhaps the Minister might touch on that issue in his comments.

If one compares the housing lists across the State to the census figures on buildings that are unoccupied outside of holiday homes across the State, one finds there is a significant difference. I am sure it struck the Minister that the solution was staring him in the face. The Minister focused on the length of time it can take to go through the planning process and so on. Clear and unambiguous legislation that frees up local authorities to consider such properties as assets and opportunities would fast-forward the Minister's plans.

If, for some reason, the Bill is not acceptable, I would be intrigued to hear from the Minister the amendments to the current legislation he will introduce in order to make it practical for local authorities to deal with the housing issue, followed by partnerships with tidy towns, communities and residents' associations. They are exasperated. It is soul destroying when one does all one can to lift up one's community where there are ugly buildings dotted throughout the land and for the people responsible to face no repercussions and have to take no responsibility.

Senator Frances Black: I thank the Minister for his time. It has been a long day for him. I also give my full support to my colleague, Senator Grace O'Sullivan, and the Bill as I feel it is dealing directly with the housing crisis the country is facing, something about which the Minister is passionate.

I know that the Minister is aware that, in 2016, some 20 families were evicted from their homes every month, including 40 children, which is shocking. These children have been left without a home and security, which must have had a detrimental impact on their lives. We owe it to the most vulnerable in our society, to whom Senator Colette Kelleher referred, to do our best to find solutions to improve these circumstances. The Bill is a step in the right direction.

As it stands, Ireland's approach to housing provision to date has been disconnected. Home ownership, the private rented sector, social housing and homelessness have all been approached in isolation when, in fact, they are all interconnected. There are unused buildings and land in prime areas, yet there are homeless people sleeping on the streets. It just does not make sense.

Accessing unused buildings could be part of the solution to the housing crisis. The Bill suggests making the registration of derelict sites more transparent. This will make registration publicly accessible in order for the public to be aware of the process of registering derelict

buildings.

We need incentives to get unused land back and the suggestion in the Bill to raise the levy to 5% will do this. It will help to discourage people from holding onto unused sites, which is doing very little to help the country and the housing crisis. The levy increase, therefore, should be strongly considered. It is important to note that this levy will only apply in areas where there is already a need for housing; therefore, there will be no tax imposed on empty sites in rural parts of Ireland.

It is extremely important that we get these sites back into circulation in order to create more stable and safer housing for citizens. This is an issue that needs immediate attention. I urge the Minister and all Senators to support the Bill.

Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney): I thank the House for affording me the opportunity to speak to the Derelict and Vacant Sites Bill 2017, proposed by a number of Senators, led by Senator Grace O’Sullivan. While the Bill is relatively short, it proposes to amend three existing Acts, namely, the Derelict Sites Act 1990, the Residential Tenancies Act 2004, as recently amended by the Planning and Development (Housing) and Residential Tenancies Act 2016, and the Urban Regeneration and Housing Act 2015.

The principal changes to the three Acts can be summarised as follows: to increase the levies applicable to derelict and vacant sites from the currently prescribed 3% of the market value to 5%; to extend the application of the vacant site levy to all vacant sites irrespective of size, including those below the current prescribed minimum threshold in the Urban Regeneration and Housing Act 2015; to bring forward the commencement of the vacant site levy provisions; and to provide that Part 4 private rental tenancies may not be terminated where the dwelling is a buy-to-let property and the landlord proposes to sell it.

Before I elaborate further on the main provisions of the Bill, I acknowledge the constructive and positive engagement that has taken place between the Civil Engagement group which proposed the Bill and my office on the issues generally. I further acknowledge the good intentions behind the Bill, the general thrust of which I support in terms of its objectives and the need to secure the optimum occupancy of the existing housing stock and vacant lands.

When one compares Ireland to its closest neighbour, for example, one finds we have a vacancy rate for residential properties of close to 10% – the figure is about 9.5%. The equivalent figure in the United Kingdom and Netherlands is about 2.5%. Most other countries in Europe are somewhere in between. It is an issue which needs a comprehensive response, given the other pressures in the housing market.

I want to highlight, in particular, the importance the Government and I attach to taking action on empty buildings and sites as a means of addressing and securing additional housing supply in order to assist in countering the current housing supply and homelessness crisis. This approach to addressing vacancies will also simultaneously have the twin benefit of helping to breathe new life into many parts of cities and towns and villages where vacant sites are located. This priority is reflected in the Government’s comprehensive action plan, *Rebuilding Ireland*, published last July. One of the five pillars in the plan, the fifth pillar, is specifically focused on using existing housing stock with the core objective of ensuring the existing vacant housing stock throughout the country and across all forms of tenure is utilised to the optimum

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degree possible. In that regard, action 5.1 of Rebuilding Ireland commits to the development of a national vacant housing reuse strategy, informed by census 2016 data, to inform the compilation of a register of vacant units across the country; to identify the number, location and reasons for long-term vacancies in high demand areas; and to set out a range of actions to bring vacant units back into use. To that end, the Housing Agency, which has been assigned responsibility for co-ordinating the development of the strategy, has established a working group, comprising senior representatives of my Department, local authorities and representatives from the Housing Agency, to inform the strategy. It is intended that the strategy will provide a targeted, effective and co-ordinated approach to tackling the problem vacant dwellings. Work on it is progressing and relevant stakeholders are being jointly consulted by the Housing Agency and my Department to inform the finalisation of strategy which, it is hoped, will be completed by the end of March.

Before going into detail on the provisions in the Bill, it is important to mention three significant measures which have already been activated under the fifth pillar of the Rebuilding Ireland plan to incentivise the increased use of vacant housing stock. The repair and lease initiative provides funding to the owners of vacant properties for their refurbishment and subsequent long-term leasing to local authorities for social housing purposes, and €140 million has been put in place for the scheme. Some €25 million in 2017 and €50 million next year will be provided for the buy and repair initiative, which enables local authorities to purchase and renew housing units in need of remediation in order to make them available for social housing use. Last year we spent €203 million buying over 1,000 properties, the vast majority of which were vacant, to bring into use for social housing. It is not the case that we are not moving on these issues and spending a lot of taxpayers' money trying to address them.

The purchase by the Housing Agency of vacant buy-to-let properties on the portfolios of financial institutions and investors for social housing use is also under way. We have given a rolling fund of €70 million to the Housing Agency to get the process under way and about 200 housing units are already in the process and have been secured.

Regarding the Private Members' Bill, sections 1, 2 and 6 are standard type legislative provisions relating to expenses, the definition of terms used elsewhere in the Bill, the Short Title and its proposed commencement. Accordingly, there is no reason to address these sections in my comments. Instead, I will focus on the three remaining sections.

Sections 3 and 5 provide for proposed amendments to the Derelict Sites Act 1990 and the Urban Regeneration and Housing Act 2016, respectively. These two issues are somewhat inter-related and any proposed measures impacting on private property owners require detailed consideration and scrutiny, having regard to the provisions of Article 43 of the Constitution and its associated legal complexities.

Land is a finite resource, particularly in urban areas. Therefore, it is important that it is used in the most efficient manner possible and put into the most productive use in the interests of the common good. The derelict site levy and the vacant site levy are two instruments that have been specifically introduced to incentivise the development and use of empty or under utilised sites in urban areas.

The development of the relatively recent vacant site levy provisions in the Urban Regeneration and Housing Act 2015 was a particularly complex exercise, having regard to the legal issues involved. I do not think I am disclosing State secrets by saying the following as I think it

is already on the public record, but the original proposal by my ministerial predecessor, Deputy Alan Kelly, was to apply an initial rate of vacant site levy of 3% of the market value of the site, increasing incrementally by 1% per year thereafter, as Senator Paudie Coffey will remember, up to a maximum of 6% of the site's market value. This measure was to ratchet up the pressure if people were doing nothing.

It was also initially proposed that the levy would come into operation earlier than is now provided for in statute. The legal advice received from the Attorney General at that time was that having regard to the potential impacts on the constitutionally protected rights of property owners, arising from the levy proposals, the legislative provisions needed to be appropriately balanced and fair, while also being reasonable and proportionate, having regard to the objectives that the legislation sought to achieve.

The specific advice of the Attorney General on the vacant site levy provisions, also having regard to the principles of fair procedures and administration, was as follows: the levy should be limited both in its financial amount and size of the properties to which it should be applied; the rate of levy should not exceed the 3% rate applicable to derelict sites since 1990 on the basis that it was considered reasonable without being overly punitive; and sufficient time should be allowed before the coming into operation of the levy provisions to enable affected property owners to regularise their affairs, by way of selling their properties or initiating development of their sites, before becoming liable for the levy. In other words, if one is going to tax people for inactivity, one must give them due opportunity to ramp up activity through a planning process, securing finance, etc. If one does not do so, then one will have acted unreasonably, be open to a legal challenge and lose. That was the concern. Many people, including me, were impatient to try to disincentivise the sitting on land or the speculative nature of some of the land ownership in Dublin that is zoned, and in some cases has planning permission. We must make sure that we remedy the situation in a way that will stand up to legal scrutiny and challenge.

The proposals in Senator Grace O'Sullivan's Bill that the vacant site and derelict site levies should be increased from 3% to 5% of site market value and that the application of the vacant site levy should be brought forward by a year run counter to the legal advice provided to my Department. The proposals would, thereby, increase the risk of constitutional challenge, while also undermining the existing statutory provisions.

The Bill also proposes that persons who have moved into residential care and whose properties have become vacant as a result would be exempt from the derelict site levy. It should be noted that the derelict site levy provisions apply to sites that detract from the amenity, character or appearance of land in the neighbourhood, having regard to the existence of dangerous structures on the land or the deposit of litter or waste on same. Although not explicitly excluded from the provisions of the Derelict Sites Act, persons who have moved into residential care would generally not be targeted by local authorities for the purposes of the levy on the basis that the properties in question, which generally are not dangerous or structurally unsound, would not come under the definition of a derelict site.

The Bill further proposes that local authorities be empowered to acquire, by agreement or compulsorily, derelict sites within their area. As local authorities already have these powers, an extra provision is unnecessary. Legal experts will know more about this matter than me but a compulsory purchase order for a property is not straightforward. An order is often legally challenged, which means the process takes quite some time. The provision exists for local authorities to use that power should they choose to do so.

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Section 4 proposes amendments to the Residential Tenancies Act 2004. The recently published strategy for the rental sector sets out a range of measures under the headings of security, supply, standards and services. The measures seek to address issues affecting the supply, cost and accessibility of private rental accommodation.

The subsequent Planning and Residential Tenancies Act 2016, about all of which this House knows, was enacted prior to Christmas. It gives legislative underpinning to certain measures in the rental strategy. They include the introduction of rent pressure zones to slow the rise in rents in areas of the country where rents are high and continuing to rise; the extension of the duration of tenancies from four to six years; and the limiting of landlords' rights to terminate ten or more tenancies at the same time in a single development on the grounds of sale, which is known as the Tyrrelstown amendment.

I acknowledge the merits and intentions of the Private Members' Bill in the context of the development of the residential rental sector. However, Senators will appreciate that the security of tenure proposals that the Bill seeks to address have already been discussed and addressed by the Oireachtas during the passage of the recent legislation before Christmas. The rental strategy is supported by 29 actions. It is premature to revisit these issues at such an early stage in the implementation of the strategy and of the Planning and Residential Tenancies Act 2016, which was only signed into law on 23 December.

I agree with the Senators' concerns about the number of buy-to-let mortgages in arrears. The consequent risk is that repossession by the lender and subsequent sale of these properties may result in tenants having to leave their homes as well as properties leaving the rental sector, precisely at a time when we need them most to bolster supply. That is why, in the rental strategy, we have committed to encouraging banks and landlord borrowers to agree sustainable solutions to buy-to-let arrears so as to protect tenancies and limit the loss of dwellings in the sector. My Department is also in the process of establishing a working group to explore the scope for the responsibilities of landlords to transfer to receivers, where appointed, to buy-to-let properties. The measure will be a big change in the system. We have committed to completing a report on the matter by the end of the first quarter of this year. Given the complexity of the issue and the law involved, this group will involve the Departments of Justice and Equality, Finance, and Jobs, Enterprise and Innovation, as well as the Office of the Attorney General. They will report by the end of March. I cannot support the proposal put forward as it is too broad and does not take into account the legal complexities involved. However, I am committed to finding other ways of addressing this issue.

I fully understand and appreciate the genuine motives and intentions behind the main proposals in the Private Members' Bill. I also share the same general objectives as the Senators in terms of many of the issues that have been raised. However, as I have outlined, the proposed amendments on derelict and vacant site levies run counter to the legal advice received during the development of the vacant site levy provisions and, accordingly, I cannot support them. The focus should be aimed at ensuring the vacant site levy provisions, as constituted, are actively implemented by local authorities, with a view to incentivising the development and use of under utilised sites and delivering on the objectives of the provisions.

I accept that the implementation of the derelict site levy by local authorities has been somewhat patchy in the years since its introduction. In that connection, my Department proposes to proactively engage with local authorities in the coming months, with a view to ensuring a more effectively enforced and applied system is in place in the future. With regard to the proposed

amendments to the Residential Tenancies Act, I believe I have made my position clear.

There have been calls by some Senators for less talk and more action. To be fair, I do not think I could be accused of not introducing lots of new initiatives. We practically introduce one a week at this stage. We have introduced legislation in an urgent way and have really tested the Oireachtas's capacity to pass legislation quickly in an effort to do this. Therefore, there is a sense of urgency coming from my Department and from me. However, it would be irresponsible of me to support legislation that I honestly believe has real legal problems in terms of its constitutionality and which revisits issues we debated only a few weeks ago. I will happily work with the Senators and the group concerned on practical issues. We are about to table some new initiatives dealing with vacant properties. We will be very open about that process and I will happily return to the House to go through how that is going to work and how effective it can be.

An Cathaoirleach: Before I allow Senator Grace O'Sullivan in, I wish to clarify something. Members by agreement can share time if the House agrees. However, one cannot borrow time from another if, for example, one Senator has eight minutes and wants ten. That is how the situation works. I was totting up the times in this debate. I know that the Civil Engagement group is very passionate about the Bill. It received 40 minutes or slightly more than that figure. That did not include the Labour Party or any other party. The Minister had 16 minutes. That adds up to close to an hour. If we look at the mathematics of it, 49 Senators had approximately an hour if they potentially wanted to use it. That is why I have to *bí cúramach* and fair.

About five years ago, with the agreement of the Committee on Procedure and Privileges, the former Leader of the House extended the times. It used to be eight minutes and six minutes. It was changed to 12 minutes and eight minutes. That was an addition. As well as that, the Leader has been kind enough most weeks to schedule two Private Members' sessions. There has been a lot of latitude given. I just want to be fair. I hope that when my tenure is up, Members will say I was fair to everyone. I wanted to make that case. It is not that I am being Mr. Scrooge spoiling the debate. I have to apply the rules fairly across the board.

Senator Grace O'Sullivan: I re-emphasise that we are still in a crisis. I understand the Minister is doing everything in his power to deal with the housing and homelessness crisis. However, it is something that continues to evolve. I understand he is doing his best. With regard to our recent debates in the Seanad before Christmas and the changes in legislation, all Acts, even new ones, must be open to constructive change and to evolution. We only just discussed it. It is not good enough. We need to continue the process of discussion and debate in times of crisis.

Just to refer to some of the comments today, I had a sense of *déjà vu* when I heard Senator Jennifer Murnane O'Connor talking about her Fianna Fáil proposal and how she felt about the Bill. It is not so long ago that we were discussing microbeads in the Chamber and, once again, Senator Jennifer Murnane O'Connor attacked. To her I say, "You come up with the goods and the solutions."

Senator Jennifer Murnane O'Connor: We will.

Senator Grace O'Sullivan: She is all talk and we are not getting solutions from her. What we are getting is a load of rubbish. In fairness, it was a load of rubbish. We have done our best on the Bill.

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Senator Jennifer Murnane O'Connor: I am not speaking rubbish. Withdraw that remark. I spoke a lot of-----

Senator Grace O'Sullivan: To hear that level of-----

An Cathaoirleach: Respect the Chair, please.

Senator Grace O'Sullivan: That was very poor.

Senator Jennifer Murnane O'Connor: Some of the Senator's amendments were flawed.

Senator Grace O'Sullivan: I know that the Senator agrees with what we have and I am so sorry that she cannot support it personally because her party does not support it.

I thank Senator Victor Boyhan for his considered contribution to the debate. I thank him for speaking to its actual content and for his appeal to allow it to continue to the next Stage. No Bill is perfect and the process we would like to propose for this legislation is one of improvement. I hope the House will hear his arguments and respond accordingly.

The points made by Senators Catherine Noone and Paudie Coffey are well taken and I appreciate the constitutional challenges that actions such as that outlined would create. Nevertheless, we are in a revolving and evolving situation. As I said previously, I argue that it is now time to proceed with a more stringent immediate approach and see what the courts say if that is how it goes. The Attorney General's advice has changed in the past and can change. We can and must challenge it. Senator Trevor Ó Clochartaigh suggested the Council of State could also play a role before the Bill is passed into law. Let us go and do it.

With regard to the tenancy aspects of the Bill, I again appreciate the time that Government Senators took to consider the detail. However, the aim of the amendment is to ensure that, at the same time as the Minister works to provide new homes, we do not facilitate the eviction of families from their existing homes. The Vancouver example is a good one. However, current size limits in existing Irish legislation mean that it would not be effective in providing homes for Irish families.

Senator Kevin Humphreys has concerns about the timescale of the implementation. I hear them and would be willing to work with and accept amendments on these matters. The size limitations on vacant sites are currently, to my mind, of greater importance. I agree strongly with the Senator and the Labour Party that leakage in the housing sector has to be stopped if we are to ensure supply is being added rather than being swapped out.

I take time to thank my Civil Engagement group colleagues who have been very supportive of me and have spoken very practically of the lived and living consequences of the current situation. Senators Colette Kelleher and Frances Black spoke about the good that could happen when unused sites were brought back to life. Senator Alice-Mary Higgins has shown our commitment to the issue and our willingness to work with any and all on advancing some of the agreed points in the Bill.

I know that the Minister has done his best to stimulate supply. I know that the repair and lease scheme and the buy and repair scheme are really good. In addition to these schemes, what we have in the Bill will actually move things faster, particularly now in this time of crisis. The idea behind putting this Bill together was to get at the low hanging fruit and the infrastructure that was already in place: the vacant housing and the derelict sites. Instead of just rebuilding

Ireland, we could use this stock and rehouse Ireland as soon as we can. I do not think there is time to waste. I ask the Minister to consider what my colleagues and I have said and to try to find a solution to move forward with the Bill.

Question put:

The Seanad divided: Tá, 16; Níl, 25.	
Tá	Níl
Bacik, Ivana.	Ardagh, Catherine.
Black, Frances.	Burke, Colm.
Conway-Walsh, Rose.	Butler, Ray.
Devine, Máire.	Buttimer, Jerry.
Dolan, John.	Byrne, Maria.
Gavan, Paul.	Clifford-Lee, Lorraine.
Higgins, Alice-Mary.	Coffey, Paudie.
Humphreys, Kevin.	Coghlan, Paul.
Kelleher, Colette.	Conway, Martin.
Mac Lochlainn, Pádraig.	Daly, Paul.
Nash, Gerald.	Davitt, Aidan.
Ó Céidigh, Pádraig.	Gallagher, Robbie.
Ó Clochartaigh, Trevor.	Hopkins, Maura.
Ó Ríordáin, Aodhán.	Lombard, Tim.
O'Sullivan, Grace.	McFadden, Gabrielle.
Warfield, Fintan.	Mulherin, Michelle.
	Mullen, Rónán.
	Murnane O'Connor, Jennifer.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Mahony, John.
	O'Reilly, Joe.
	O'Sullivan, Ned.
	Reilly, James.
	Wilson, Diarmuid.

Tellers: Tá, Senators Colette Kelleher and Grace O'Sullivan; Níl, Senators Gabrielle McFadden and John O'Mahony.

Question declared lost.

National Children's Hospital: Statements

An Cathaoirleach: I welcome the Minister of State. There is a 45-minute time limit on the debate. The contributions of group spokespersons are not to exceed six minutes each.

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

this matter on behalf of the Minister for Health who cannot be here.

I thank Senators for raising this matter and I am pleased to take the opportunity to update the Seanad on the new children's hospital. I emphasise that the project to develop the new children's hospital is an extraordinary opportunity to enhance paediatric services for children. The planned accommodation will include facilities for inpatients, day care patients, 7 o'clock outpatients as well as operating theatres and emergency care services. There will be 380 inpatient single *en suite* rooms, of which 60 will be critical care beds, 93 day care beds and 20 operating theatres. Outpatient and urgent care facilities will also be provided at two satellite centres on the campuses of Tallaght and Connolly hospitals, providing local access for families. As more than simply hospital facilities, the new children's hospital and satellite centres will be research intensive academic health care institutions.

The granting of planning permission in April 2016 for the hospital, satellite centres and related buildings was a huge and very welcome milestone for the project. An internationally recognised design team, supported by an experienced national paediatric hospital development board and project team, is in place to drive the new children's hospital project and ensure it is delivered in accordance with national policy on optimal design and value for money. The sum of €650 million for the hospital relates to Exchequer funding approved in 2014 for the core construction of the new children's hospital, together with the two satellite centres. This funding was approved following a cost estimate that commenced in 2013 and which was completed in early 2014.

At the time, construction inflation was estimated at 3%. The tender process for the core construction elements for the new children's hospital and satellite centres at Connolly Hospital and Tallaght Hospital has recently been completed. The pricing proposed by the tenderers took account of construction inflation which is now running at higher than 9%, the extended project timeline which is now scheduled to be completed in 2021, and the final market cost of the build. Local and international companies participated in the tender process and more than 35 people participated in review panels for the tenders. The tenders were reviewed and measured against a number of technical and financial criteria and were independently peer-reviewed by construction experts with extensive experience of projects of this size and complexity. I understand it was a highly competitive process. Following its conclusion, a company has been notified that it is the preferred bidder.

While there has been much media speculation about the cost of building the hospital, I am informed that the final proposed cost is actually within 5% of projections and that the successful party was the one with the most competitive tender. The Department is aware from the national paediatric hospital development board that the tendered construction costs per bed suggested in recent media commentary are not accurate and do not resemble the actual tender costs. Furthermore, it has been previously stated the construction tender does not include equipment, which will be funded through annual operational expenditure, or ICT costs. These elements of the project were always to be funded and procured separately. Funding for educational facilities and commercial elements such as retail and car parking were also separately identified from the core construction costs for the new children's hospital.

The new children's hospital and satellite centre programme is made up of three interrelated elements, namely, the building, the ICT infrastructure and the operational integration. It includes the change management needed in order for the three existing hospitals to become one and the actions required ensure the smooth, safe and efficient transition to the satellite centres

and new children's hospital. Work is ongoing to finalise the heads of Bill to merge the three existing children's hospitals into one entity to further facilitate this service integration.

This complex programme of work is set out in the definitive business case for the new hospital. Now that the construction tenders have been completed, the capital costs put forward in the preferred tenders have been incorporated into the definitive business case. This was recently submitted to the HSE for final review after which it will be considered by the Department of Health. The Minister intends to bring the definitive business case to the Government in the coming weeks for decision.

We need to remind ourselves that in the past decade a clear case for the development of a new children's hospital has been discussed. The Government decision in 2012 to locate the hospital on the campus of St. James's Hospital was made in the best interests of children from a clinical perspective. Independent reviews since 2006 have reaffirmed the importance of co-location of the paediatric hospital with a major adult academic teaching hospital. St. James's Hospital has the broadest range of national specialties of all acute hospitals, in addition to a strong and well established research and education infrastructure. This makes it the hospital that best meets the criteria to enable the children's hospital achieve our vision of excellence in modern paediatric practice.

As announced in June 2015, the Coombe Women and Infants University Hospital will in time relocate to the St. James's Hospital campus, achieving tri-location of adult, paediatric and maternity services. Tri-location has benefits for children, adolescents, newborns and mothers. In all cases, the benefits of tri-location are maximised where the adult hospital provides the broadest possible range of clinical sub-specialties and expertise, which are readily accessible for paediatric and maternity patients on the shared campus. We have an opportunity to deliver a considerable positive change in health care for Ireland's children and young people and the priority must be to advance the project as soon as possible.

Senator Catherine Ardagh: I thank the Minister of State, Deputy Catherine Byrne, for attending. It is disappointing that the Minister for Health, Deputy Simon Harris, has not come to this House to clarify the comment made by the HSE's director general, Mr. Tony O'Brien, at the meeting of the Committee on the Future of Healthcare yesterday. Given that it fell to Mr. O'Brien to tell members of the committee that this project was in jeopardy, it is not surprising that the Minister has not attended and has instead sent his Minister of State to provide clarity on the matter. Notwithstanding my disappointment that the Minister has not attended the House, I welcome the Minister of State to represent the Government. I hope she will provide a clear and transparent account of the status of the project given the comments made by Mr. O'Brien yesterday. I acknowledge she understands the need to provide clarity not only to every family whose children required hospital services but also to those living in the locality of St James's Hospital. Residents in the Rialto area deserve to be kept up to speed on the status of the project.

I would like the Minister of State to clarify whether the statement made at the health committee yesterday by Mr. O'Brien, namely, that the HSE cannot afford to progress this matter, is accurate. If so, what exactly does it mean? Does it mean the entire proposal to build the hospital at the St. James's Hospital site is to be shelved? Why did it require a HSE official to deliver that news yesterday to an Oireachtas committee? Why did the Minister not deliver the news if the hospital project was in jeopardy? Could the Minister set out how much taxpayers' money has been invested in developing proposals for the St. James's Hospital site to date? I will be getting my colleague to ask a parliamentary question to obtain this information in due course.

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Questions need to be asked of the Department of Health and the HSE about why the State is facing a bill of an additional €300 million for the much needed national children's hospital. It is extraordinary how the reported costs have increased by 50% in one year. Over five years ago, Fianna Fáil welcomed the decision on the new national paediatric hospital and it urged the Government to expedite the design, planning and development process. We consistently maintained that a new hospital for children and maternity care was essential to bring about world class health care and the best possible outcomes for our children. Unlike others, we had never sought to score political points on issues as serious as these.

The reports of late have indicated that the minimum cost of the new hospital will now reach more than €1 billion. It may reach as much as €1.2 billion, with other ancillary costs not included. That is a significant proportion of the HSE's capital budget. The money needs to be spent, but what about the additional acute hospital beds that are needed throughout the country and the other capital projects? Ireland needs a children's hospital. We cannot have circumstances, nearly 100 years after the foundation of the State, in which the most sick children are being treated in the most substandard facilities or not treated at all, as we have seen in the "RDTE Investigates" programme. I really would like an answer to the four questions I have asked as a matter of priority.

Senator Máire Devine: I am disappointed that the Minister for Health, Deputy Simon Harris, is not present to hear these very important statements on the future health of the children of the nation and the biggest health project undertaken in the history of the State. I am aware of the presence of the Minister of State, Deputy Catherine Byrne, who represents Dublin South-Central. I have been a representative in that area. The project would have a direct impact on my village, Rialto. Rialto and the surrounding areas have endured almost a year of enabling works, which have tested our limits. We were waiting and believed the project would go ahead, but it is now in abeyance and we are not really too sure what is going on. I mean no disrespect to the Minister of State, but I believe the Minister should be here and have some regard for the Senators who are demanding a fit-for-purpose state-of-the-art health facility for children.

We need a new hospital and need to build it without delay. It is quite clear from the programme broadcast on Monday night that children languishing on the waiting list for necessary treatments are suffering inexcusably. We are neglecting them while they lie in pain. The issue is one of capacity. We have all agreed on this and, therefore, the last things we need at this stage are political games that prevent construction. As no project can remain outside oversight, however, we have deep reservations about the recently reported outlandish increase in the cost of construction of the hospital. The initial estimate was approximately €600 million and it rose to an estimated €1 billion, if not more. Can the Minister of State account for this increase and explain whether there was a significant underestimation? To what can the substantial increase be attributed? Since it was first mooted in 2012 that the new hospital would be at St. James's Hospital, the estimated cost has increased by over €500 million. The cost has doubled and it does not cover the enabling costs I have talked about or the planning costs, including the cost of the failed Mater Hospital project, amounting to €30 million or €40 million. The planning cost for the St. James's Hospital project has amounted to €40 million so far. Enabling costs amount to €80 million. There is a doubling of the cost to the public purse. The reported cost per bed of €1.9 million seems quite extravagant. Perhaps the Minister of State might address that issue in her response.

I spent over a year of my life planning for and involved in this project, including in my capacity as a representative at the oral hearings of An Bord Pleanála in Kilmainham each day in

December 2015.

We need to have the hospital built. The children of the country need it built; it is as simple as that and we must not lose focus. A children's hospital was first proposed back in 1993. Some 24 years later, there still has not been a block laid. Sinn Féin's aim is to have a state-of-the-art facility to provide first-class professional care and deal with the complexity of modern paediatrics. The new children's hospital envisaged was to be open and operational by 2020 but this is now in doubt given Mr. Tony O'Brien's statement on Monday that the HSE cannot afford to build the hospital and that it is not prepared to sign the contract that was awarded to BAM Ireland on Friday last.

I do not believe the Minister of State has answered any of my questions. She needs to repeat the cost and break it down. We need value for money and a cost analysis. We are running away with ourselves. The dogs on the street know we do not need the history of what we need or do not need. We are asking for a breakdown of costs and not a history lesson. We do not need a further delay. It is unsatisfactory that we are at this stage. It is almost like a farce in which a serious matter is taken too lightly.

Senator Colm Burke: I thank the Minister of State for coming to the House and giving us an explanation. It is important that the project be prioritised. My colleague referred to the fact that it was first mooted in 1993. Quite good times were experienced for 14 years under Fianna Fáil, but it was interesting that very little progress was made. In fact, when progress was made the location turned out to be the wrong site. I do not think Fianna Fáil can throw stones when it comes to this matter.

Of course, costs will rise, and have done so, because the building trade has picked up substantially. As I said earlier this morning, the unemployment rate has reduced from 15% to 7.1%. An awful lot of that success is attributable to the huge number of people who are back at work in the construction industry, thus making it more competitive. As a result, contractors are working out the future cost of labour and other items necessary to progress the project. The Minister of State has stated the cost is within 5% of the original estimate and she mentioned construction inflation. This project has been delayed for too long. Therefore, it is important that it goes ahead and is completed at the earliest possible date. Children need the facility. As they receive a fractured service, the State needs this facility. The State also needs other facilities in Dublin such as maternity units. Let us remember that no major hospital facility has been opened in this country since 1998, yet we have gone through a time when the State was flush with money generated from taxation. It appears that we did not invest that money and look at the long-term picture for the health service during this time. It is important that there are no hiccups with this project and that it goes ahead at the earliest date. Yes, there must be full accountability and transparency about cost but the project should not be delayed under any circumstances.

I thank the Minister of State for making herself available for this debate. I remind my colleagues that the Minister had prior long-standing commitments and it was not possible for him to drop them to attend. These facts must be taken on board when a request is made for him to attend. I am sure he would have had no problem attending if he had received 24 hours notice, which would have been this time tomorrow evening. I am not too sure all of my colleagues would put the same time into this debate if he had agreed to attend tomorrow at 6 p.m.

Senator Máire Devine: I am available.

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Senator Colette Kelleher: This is not the first time that the Minister of State, Deputy Catherine Byrne, has had to substitute for the Minister for Health for a debate in this House. She is very welcome.

For the sick children of Ireland and their worried parents it is utterly disappointing that the proposed national children's hospital has been plunged back into question and crisis. The amalgamation of the three Dublin hospitals under one roof was first proposed in 1993, as Senator Máire Devine said. The project has been subject to continual delay. It has taken 25 years to get to this point and now with the start line in sight we have been told that the HSE does not have adequate funds to proceed. The longer this project is delayed, the higher the costs. Building inflation has risen from 3%, when the St. James's Hospital site was selected, to 9% now due to improvements in the economy.

Children have waited long enough. They deserve a world class hospital and treatment. Last Monday "RTE Investigates" told the awful stories of children in pain. Their lives will be damaged forever because the State has let them down and it must stop. We need the children's hospital to be provided as soon as possible.

We were all touched by the stories of the children with scoliosis. They have waited months and years for an operation while the theatre that was originally built to treat scoliosis lies more or less idle due to a shortage of theatre nurses. This is not good enough for these children. There has been a great public response to their plight. It is terrible that again it takes a show like "RTE Investigates" to shine a light on these important matters because the data is well known. What will the Minister do to resolve the matter?

On the show we also heard the story of others who have been failed by the health system. On a number of occasions in this House and elsewhere, I have raised the life threatening situation that exists for women in Cork caused by another operating theatre being left idle. Ms Patricia Connolly told her story of waiting for over a year for a gynaecology appointment. She is condemned to a life of pain and must take painkillers. She is one of at least 4,265 women, if not more, who await a gynaecological assessment. We still have not heard from the Minister what he will do to resolve the matter. I want to hear how he will provide a children's hospital and assist others who await vital treatments and interventions.

Senator Gerald Nash: We are dealing with a runaway train in terms of the cost of the national children's hospital. In reality, construction inflation does not account for the rise in costs that the Minister of State indicated. She said that the cost rose by 9% per year since the project was first announced. To the best of my knowledge, when I was in government we signed off on a project that was valued at about €650 million. Of course, every construction project factors in, to a degree, the anticipated construction inflation. I do not believe construction inflation is the reason for the project to double in cost.

I understand from media interviews conducted by the Minister for Public Expenditure and Reform that he and the Minister for Health will have to sign-off on the cost of the project. I appeal to the Minister of State and her colleagues to ensure that every last cent is extracted from this process in terms of savings for the taxpayer.

Where does this project leave other major capital projects that the State will undertake in the future? For example, the new national forensic mental health hospital in Portrane, the proposed new national maternity hospital that is urgently required, hospital extensions across

the country and the €400 million that was allocated by the previous Government for necessary upgrades, extensions and the development of new public nursing homes across that country that everybody is concerned about. Are these projects in jeopardy due to the projected cost overrun in terms of the original budget for the national children's hospital? If so, I call on the Minister for Health to urgently make a statement identifying which projects are in jeopardy, may not proceed and may be in difficulty. We have not taken into account the estimated €350 million that is likely to be owed to hospital consultants. Neither have we taken into account the cost of a pay settlement that may emerge from negotiations between the Department of Health, the HSE and the nursing unions. All of that is before the Public Service Pay Commission reports and the Government engages with the public sector trade unions on escalating the process of public sector pay restoration for those who work in the public health service. We have spent five years ensuring we got a handle on national budgets, learned lessons from the past and controlled expenditure as expertly done by the former Minister for Public Expenditure and Reform, Deputy Brendan Howlin, in recent years and under an awful lot of pressure. Now it seems that money is no object for this Government. It does not appear to be concerned about cost overruns the likes of which pertain, it appears, to the national children's hospital.

I ask the Minister of State to use her good offices to liaise with the Minister for Health, the Minister for Public Expenditure and Reform and her other colleagues to make sure this issue is examined by the Committee on Budgetary Oversight, as suggested by my Labour Party colleague, Deputy Joan Burton. I ask for this to happen because I do not want to see an investigation being carried out by the Comptroller and Auditor General and the Committee of Public Accounts in a number of years time on cost overruns for such a vital project. We need to get a handle on this matter. We need to understand how the project affects other capital projects in the health service that are essential, current expenditure to address waiting lists and other new and future initiatives in which I am sure the Minister of State and her colleagues would like to invest.

We cannot unlearn the lessons of the past. The country got itself into dreadful difficulties that the State and every citizen has paid for time and again because of the profligacy of previous Governments. We got it under control from 2011 to 2016. Learn the lessons from that and ensure public investment in large and essential projects such as this one is done in a transparent way and over which the Government exercises its responsibility and control on behalf of the taxpayer.

Minister of State at the Department of Health (Deputy Catherine Byrne): I acknowledge the departmental officials behind me.

I thank the Senators for their contributions. I am not here to make a political football out of the new national children's hospital. That is not my way of thinking. I represent the same area as the two Senators, including Senator Ahern. I am replying to-----

An Cathaoirleach: Devine.

Deputy Catherine Byrne: I am sorry.

I will reply to what questions I can. If I cannot answer, I will take them with me and consult the Minister.

The Government is firmly behind the building of the new national children's hospital. At no time during the process did I hear objections from any of the area's Deputies.

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I will start with Senator Gerald Nash's contribution. He was a Minister of State in the previous Government. I acknowledge the work that was done to restore the economy to its current position. Everyone recognises that we are not out of the woods yet. No one will recklessly spend money that we do not have.

We are not on a runaway train. We are at a critical point with the national children's hospital. The Minister has pointed out that the cost increase is 5% of the overall projected cost. It is important to keep that in mind. Every last cent should be extracted. The people who will pay for the national children's hospital are the taxpayers. Therefore, we do not have the right to exceed limits. There must be limits and we have to adhere to those that are in place. Now that the builder has been appointed, a significant limit has been reached.

I will not read through the Department's speech, but I recognise some of the issues with running the hospital, for example, bed capacity. These are questions for the future.

I acknowledge the comments of Senator Colette Kelleher who has left the Chamber. I hope she will hear this later, but no words of sympathy from me, any other public figure or anyone in the country could sufficiently acknowledge the suffering of the children in the television programme. As public representatives, we have a collective duty to ensure everything is done to help those who are suffering and in distress, young children in particular. I was happy to hear the Minister's commitment yesterday to open the new operating theatre in Crumlin hospital and get it into action as soon as possible. I visited it a while ago and was impressed by the standards. It is important that we keep this matter in focus.

I will make a few comments on Senator Máire Devine's contribution. I know of her local work on the ground. I have been involved in many consultative processes - Fatima Mansions, St. Teresa's Gardens, Dolphin House, etc. - and have never seen as much consultation as there has been on the national children's hospital, rightly so. It will serve every sick child in the country and his or her family. The wide consultation process of the past two years was attended by every community group, family, relative of a sick child, neighbourhood and staff member that would be affected by the complex's service and wanted to attend. Like the Senator, I attended a number of the oral hearings over the two weeks-----

Senator Máire Devine: Three weeks.

Deputy Catherine Byrne: -----and sat through many presentations from people for and against the hospital's location. We must stop digging in and I do not mean digging for the hospital. We need to get the hospital built as quickly as possible. There were many public meetings. I attended some at which the F2 Centre and the community were involved. An office was opened to ensure the project team could relay people's concerns on a daily basis. Great work has been done, not only in the community, but where the project team has connected with schools and enticed young people to consider a different future in the health service. That is important for the Dublin 8 area. We all know it like the back of our hands. We have walked the steps of every flat complex and every house. The change in attitudes on doorsteps is significant. A site was chosen in an area that has seen a great deal of deprivation and educational disadvantage for many years. This is an opportunity, not just for all of the country's sick children, but for the Dublin 8 area and the wider inner city, which needs an injection. As public representatives, we would all welcome it.

Regarding Senator Catherine Ardagh's comments, I cannot say more than I already have.

The Senator asked about the project office's work with schools and the state of the project in Rialto. The hospital project is going ahead. We are in the process. We have all seen the work that has been done on the ground. It is time that we pull our horns back in, put our hands together on this project and move forward. We should not turn it into a political football. Think of the most important people in all of this - the sick children whom we see on our television screens on a daily basis.

I will not go into why this site was chosen. The Senators know the reason. I do not want to comment on the reasons for yesterday's remarks by the CEO of the HSE. I wish to make a commitment to the Seanad, in particular those Senators who spoke, that I will do everything I can in the Houses and the community to ensure we will have a hospital that will be one of the best in Europe and deal with the most sick children. I have spent time sleeping on the floor in Crumlin hospital with my own children. Last year I spent time there with my ill grandson in a room in which I could not swing my two arms together. We need to focus on building a hospital that is the envy of the world.

When I spent some time in London three years ago, I had reason to visit Guy's Hospital. I was impressed by it and how it was situated in the heart of the community. Developing the national children's hospital will be one of the best things to ever happen to Dublin 8.

I take on board people's concerns about costs. I cannot answer them this evening because the cost details are set out in the business case and will be brought to the Government in the coming weeks. I cannot comment on media reports and speculation on the cost base in advance of that happening. I wish that I could, but I cannot. I am not in a position to do so.

Senator Máire Devine: We are all here to ask about the cost. Mr. Tony O'Brien stated he could not sign the contract that was announced last Friday.

An Cathaoirleach: Please, Senator.

Deputy Catherine Byrne: I have given Senator Máire Devine a detailed-----

Senator Máire Devine: No, the Minister of State has given me the history of the project.

Deputy Catherine Byrne: No, I did-----

Senator Máire Devine: I know all of it, as does the Minister of State.

An Cathaoirleach: With all due respect, the Minister of State is over time.

Deputy Catherine Byrne: At the beginning of my contribution, I explained about the costs and how inflation had changed them. As we all know, when we start to make a little money, construction costs increase, but there is a plan and the Senator has to give it time.

Senator Máire Devine: They have doubled.

Deputy Catherine Byrne: What does the Senator want? Does she want the process to stop now? Does anyone want that to happen?

Senator Máire Devine: The cost has doubled. I want to see the cost analysis.

Senator Colm Burke: How can the Senator say that when we have not even received the final-----

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An Cathaoirleach: This is not a free for all. The Minister of State had four minutes to reply, but she has taken seven.

Deputy Catherine Byrne: I am sorry.

An Cathaoirleach: Please conclude as soon as possible. I do not want any interaction. Senators have spoken already.

Deputy Catherine Byrne: My apologies.

An Cathaoirleach: No, the Minister of State is fine. I just do not want interruptions. I am protecting her.

Deputy Catherine Byrne: We have the opportunity of a lifetime to build and have the best national children's hospital in Europe on our doorstep and we should embrace it. I know that cost will be a factor as we go along. I am not here to talk about that matter because the cost details are set out in the business case and that information will be brought to the Government in the coming weeks. That is the only answer I can provide on the issue of costs. If that is not acceptable, we will have to start again. I urge the Senators - we work in the same constituency - to come behind the project and make it work because it will change the face of Dublin 8 for the next century.

Senator Catherine Ardagh: I do not think the Minister of State can question our commitment to the hospital.

An Cathaoirleach: The statements must conclude. I rarely make a comment, but I represent a very rural area in west Cork where a woman I knew who had two very sick children had to travel two hours to catch the 5 a.m. train to Dublin for treatment in Crumlin. She spent almost a day and a half coming and going; therefore, when I hear people cribbing about where the hospital should be located in Dublin, they should think about those in remote parts of Ireland.

Senator Máire Devine: The Cathaoirleach is missing the point.

An Cathaoirleach: I am not; I am making my own. I am not contradicting the Senator.

Senator Máire Devine: This is about a cost analysis.

An Cathaoirleach: When is it proposed to sit again?

Senator Colm Burke: Tomorrow at 10.30 a.m.

The Seanad adjourned at 7.45 p.m. until 10.30 a.m. on Thursday, 9 February 2017.