



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 29 Márta 2017

Wednesday, 29 March 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 Paul Coghlan that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister of State with responsibility for regional economic development to outline his plans on the current situation regarding Killarney House and to state when it is intended to open it to the public.

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

The need for the Minister for Transport, Tourism and Sport to provide an update on the proposed funding for the essential and urgent structural repairs required for Tyrconnell Bridge, Tyrconnell Street, Donegal town, and Fintra bridge, just outside the town, as in the interest of road safety it is vitally important these works are carried out as a matter of urgency.

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

The need for the Minister for Health to discuss what actions he is taking to address the serious and ongoing decline of health services in County Clare, with particular reference to the drastic curtailment of Shannondoc services throughout the county.

I have also received notice from Senator Billy Lawless of the following matter:

The need for the Minister of State with responsibility for the diaspora and overseas development aid to comment on the recent announcement by An Taoiseach on the holding of a referendum on voting rights for Irish citizens abroad.

I have also received notice from Senator Michael McDowell of the following matter:

The need for the Minister for Communications, Climate Action and Environment to review the cost implications and effectiveness of the Eircode postcode system.

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

The need for the Minister for Transport, Tourism and Sport to make a statement on his proposal for introducing an NCT scheme for tractors.

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

The need for the Minister for Finance to set out a schedule for the phasing out of the universal social charge as part of the Government's overall taxation reform promise.

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

The need for the Minister for Education and Skills to address concerns from the hospitality industry regarding the shortage of qualified chefs and other associated skills in the hospitality sector.

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

The need for the Minister for Education and Skills to clarify the proposed new criteria for allocation of DEIS status to schools.

I have also received notice from Senator Neale Richmond of the following matter:

The need for the Minister for Public Expenditure and Reform to amend the Regulation of Lobbying Act 2015, so as to ensure full compliance of the Act by bodies and individuals based or working outside the State.

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

The need for the Minister for Housing, Planning, Community and Local Government to outline when he intends to provide funding for Kerry County Council to upgrade Armagh House in Killarney, which provides emergency accommodation for people who find themselves homeless in south Kerry.

I regard the matters raised by the Senators as suitable for discussion. I have selected Senators Coghlan, Gallagher, Gavan and Lawless and they will be taken now. Senators McDowell, Lombard, Boyhan, Byrne, Murnane O'Connor, Richmond and Conway may give notice on another day of the matters that they wish to raise.

Commencement Matters

Tourism Project Funding

Senator Paul Coghlan: I welcome the Minister of State, Deputy Michael Ring, to the House. He is almost as familiar as I am with the subject matter we will deal with. He opened the gardens of Killarney House, which are a tremendous asset, last year. It is the St. Stephen's Green of Killarney. A significant number of visitors have passed through the amenity. The Minister of State is an annual visitor to Killarney.

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As the Minister of State has said, the investment in the house and gardens involves about €8 million. It is the foremost visitor attraction in Killarney and is capable of becoming the largest visitor attraction in the south. Are we hiding our light under a bushel in not having the amenity open? A year ago, the Minister of State and I thought the gardens would have reopened earlier this year, but that has not happened.

It is the house of the Browne family, who were the Earls of Kenmare and very involved in the development of Killarney town over centuries. Latterly, it has been the home of John McShane, the man who built the Pentagon and other famous buildings in Washington. It is intended that it be the main visitor centre for Killarney National Park. One can guess how important that is.

The house has been involved in the development of the town over a long period of time. It is one of the most, if not the most, valuable tourist asset in the south. It has become a major attraction, but if the house is reopened it will become the main attraction in the south and south-west.

I look forward to the comments of the Minister of State. Mr. Pat Dawson, the regional manager for the area, and his staff are very good. The Minister of State might refer to the governance and management that is in place. I am sure his Department has sorted things out internally and is capable of doing a good job.

Minister of State at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Michael Ring): I thank the Senator for the opportunity to speak here again to highlight this wonderful project in Kerry. The Killarney House project involves my Department, the Office of Public Works, as project managers for the construction, and Fáilte Ireland. The Department first announced the project in 2011 with a budget of €10 million. Fáilte Ireland has committed funding of €5.2 million under its tourism capital investment programme and the balance is being funded by my Department.

The National Tourism Development Authority's significant financial contribution to the project is a clear statement of its confidence that this project will make a significant contribution in the future to the south-west tourism offering. I am confident that the development will optimise the potential of Killarney House as a top class visitor and tourism centre. It will do this in parallel to respecting its prime focus as a visitor centre for Killarney National Park and by developing its status as a heritage property managed by my Department.

In 2016, it was decided to pursue the opening of Killarney House and Gardens on a phased basis. The opening of the gardens occurred during 2016 and the completion of the historic rooms and the interpretative exhibition is being prioritised for 2017. I recognise the significant interest at local level in opening the facility as soon as possible, and I assure the Senator my Department is working tirelessly to meet these deadlines.

The house is being developed as the main visitor and interpretative centre for the national park, highlighting the beauty, richness and significance of the park's landscapes, habitats, flora and fauna as well as telling the story of human interaction with the park over the centuries. Some of the formal rooms are currently being restored to their former glory.

As the Senator knows, the original ornamental grounds and gardens immediately surrounding the House have been restored, creating spectacular landscaped areas that will merge into the natural areas of the park and provide vistas linking the town to the scenery of the mountain, woods and water. The gardens were opened to much public acclaim in April 2016 and I formally opened them last August.

The visitor centre will have various aspects, including a newly built extension to the house. It will be a visitor centre for the national park, explaining its significance and importance to the town and region, providing information on the major themes of the national park: mountains, woods, water and the human impact on the environment. The final phase of building works to the house is now complete. I intend to open the historical rooms element of the exhibition during the summer. In this context, works in the restoration and refurbishment of the furniture collection for display are significantly advanced. The exhibition phase of the project, to be located within Killarney House, is advancing and I expect the various elements of the works to be completed this year. It is intended to open them to the public as soon as they are completed.

Visitors to Killarney usually stay in the town and visit other locations and attractions within the immediate area or the wider region. The length of stay tends to be quite short and, in the case of bus tours, may be just one night. Often a visit will be confined to Muckross House which focuses on cultural heritage and many tourists will leave Killarney unaware of the true extent and beauty of the national park that surrounds them. When completed, Killarney House and gardens will explain the relevance and importance of Killarney National Park both from a cultural and a natural heritage point of view which will be to the benefit of tourists and local businesses.

I thank the Senator for giving me the opportunity to update him on what will no doubt prove to be one of the country's most significant assets from a cultural and a natural heritage perspective.

An Cathaoirleach: A good result for the Senator. He must be planning on running for the Dáil.

Senator Paul Coghlan: Not necessarily. The Cathaoirleach should not read that into it.

I thank the Minister of State most sincerely. The significant line was: "I intend to open the historical rooms element of the exhibition during the summer." I look forward to him doing so as early as possible in time for the main part of the season. It seems, however, that there is a delay in opening the interpretative centre exhibition area for the national park. The Minister of State will open the historical rooms and the rest will be opened on a phased basis. Is there a problem, financial or otherwise?

Senator Victor Boyhan: There is no money available.

Senator Paul Coghlan: Perhaps there is a reason for the delay. I do not know whether the Minister of State can tell me anything about it, but it is a question that is on everybody's lips in the town of Killarney and among those connected with the tourism industry in the south west. If the Minister of State can say a little about it and perhaps about management of the centre when it is opened, it would be appreciated.

Deputy Michael Ring: As I stated, there is an investment of €10 million. Fáilte Ireland has provided €5.2 million. As I told the Senator previously in the House, I was Minister of State with responsibility for tourism when the decision was taken and believe it was the right one. The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs is putting up the remaining funds.

We agreed that we would open the centre on a phased basis. We had a great day last year. There was great community spirit when the gardens were opened. Works to the house are now

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complete. Works to the exhibition and historical rooms are taking a little longer. We are putting pressure on the OPW to have them completed. There is great interest in Killarney where people want to have the house open this summer. I am putting pressure on the OPW to have it ready, with the exhibition rooms, if we can, but it is taking longer than expected to complete.

There is no problem with funding. My understanding is that €10 million was the sum that was required. Like every development that has ever taken place in the country, there may be a knock-on effect with people looking for more than they looked for at the beginning, but everything is being resolved. I am confident the house will be opened and we are trying to have the exhibition and historical rooms opened as quickly as possible. There may be some problems, but they are being dealt with.

Senator Paul Coghlan: The Minister of State's Department will manage it.

Deputy Michael Ring: The issue of management is different, one on which I will write to the Senator to fill him in, as I do not want to make statements here over which I cannot stand. It is something on which I will come back to him. I will ask the Department to write to him about it.

An Cathaoirleach: For what he has done for Killarney, the Senator will soon be knighted.

I welcome to the Visitors Gallery Mrs. Ann Lawless and Ms Donna Mulcahy Fitts, former chief of staff to Governor Jim Edgar of the state of Illinois. I thank Senator Billy Lawless and Mrs. Lawless and the people of Chicago for the wonderful welcome they gave the Seanad delegation when it visited for the St. Patrick's Day festivities. It really was appreciated and we thank them very much.

Road Network

Senator Robbie Gallagher: Cuirim fáilte roimh an Aire Stáit go dtí an Teach.

I refer to the provision of funding for two bridges in County Donegal, Tyrconnell Bridge in Donegal town and the nearby Fintra Bridge. I acknowledge that the Minister for Transport, Tourism and Sport, Deputy Shane Ross, met a delegation from Donegal municipal district at the end of February, for which I thank him. Both bridges are in a poor state of repair and in need of immediate attention.

Tyrconnell Bridge is located in the centre of Donegal town. It is an old railway bridge and its construction dates back to 1895. It is vital in that it links one part of the town with the other. Unfortunately, it is in a very dangerous state and deteriorating day by day. Donegal County Council carried out a structural survey in 2000, at which point it reduced the load bearing capacity of the bridge to 7.5 tonnes. Twelve years later, owing to ongoing concerns about the deteriorating construction of the bridge, another survey was conducted by the council, as a result of which the load bearing capacity was reduced to 3.5 tonnes. It is probably the case that the construction of the bridge has got even worse since. As I am sure the Minister of State can appreciate, trying to police vehicles traversing the bridge to ensure they are under 3.5 tonnes is a task in itself. It is dangerous. When the repairs are completed, there will be the normal load bearing capacity of approximately 40 tonnes. The council has progressed the issue as far as it can from its own resources and is now seeking funding which could be spread over three years.

Fintra Bridge provides a vital link between the towns of Killybegs, Kilcar, Carrick and Glencolmcille. It is located on the Wild Atlantic Way and a vital piece of infrastructure. It also provides a link with Slieve League, one of the country's premier tourist attractions which last year was visited by over 185,000 people, and with Glencolmcille Folk Park. It is, therefore, of national significance. It is, however, in a poor state of repair. It is so narrow in parts that two vehicles cannot pass each other and numerous accidents have been recorded. As a result, there are tailbacks which are a road traffic hazard and create their own dangers. Using its own resources, Donegal County Council has advanced the project to the point where funding is needed to enable it to be put out to tender.

For the two projects, a figure of €2 million has been mentioned which, I understand, could be provided on a phased basis over a three-year period. These are two vital pieces of infrastructure, but, currently, they are hazards and a danger to the public. The last thing we want to see happen is an accident on both. I earnestly request the Department to seriously consider providing funding for both projects as soon as possible.

Deputy Michael Ring: I thank the Senator for raising this matter which I am taking on behalf of my colleague, the Minister for Transport, Tourism and Sport, Deputy Shane Ross, who answered an oral question on 22 March on the same issue. I am happy to restate the position.

The improvement and maintenance of regional and local roads, including bridges, in Donegal and other counties are the statutory responsibility of the local authority, in accordance with the provisions of section 13 of the Roads Act 1993. Works on those roads are funded from the council's own resources supplemented by State road grants. The initial selection and prioritisation of works to be funded is also a matter for the local authority. Department officials and the Minister, Deputy Ross, met with a delegation from Donegal County Council on 27 February 2017 to discuss Fintra Bridge and Tyrconnell Bridge in Donegal.

Fintra Bridge is located on the R263 between Killybegs and Kilcar. It is understood from Donegal County Council that the issue with this bridge is alignment related. It is structurally sound but is restrictive in width and is located on a bend. Part 8 planning approval is in place for a new bridge and associated realignment of approaches and the cost of this is likely to be in the region of €1.5 million. Given the challenging financial climate, the specific improvement grants scheme, under which this scheme would previously have been considered, has been curtailed in recent years in order to maximise the funding available for repair and strengthening work.

Tyrconnell Bridge is a four span steel bridge supported by cut stone piers spanning 29 m across the Eske River at Tyrconnell Street, Donegal town. A number of structural reports were carried out on the bridge in 2000, 2008 and 2012. A study in 2013 concluded that the bridge will continue to deteriorate and will result in the closure of the bridge in the coming years. The council reported that a full-deck replacement is needed. On 12 October 2016, Donegal County Council submitted its application to the Department of Transport, Tourism and Sport for the 2017 bridge rehabilitation programme. Tyrconnell Bridge was not among the bridges prioritised for funding in the 2017 application. No application in respect of this bridge was received by the Department of Transport, Tourism and Sport for either 2016 or for 2015. Following the meeting with the council, the Department of Transport, Tourism and Sport is awaiting further information from Donegal County Council in respect of both Tyrconnell and Fintra Bridges. The Minister, Deputy Ross, will fully review the position in respect of both of the bridges when that information is received.

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Senator Robbie Gallagher: I thank the Minister of State for his response on behalf of the Minister for Transport, Tourism and Sport, Deputy Ross. I understand that the Department is awaiting further information from Donegal County Council which is being worked on currently and should be with the Minister very shortly. I hope and trust that when that information is forthcoming that serious consideration will be given to funding these two vital pieces of infrastructure in Donegal in the interests of road safety and in the interests of the continuing economic and social development of Donegal.

Deputy Michael Ring: I will certainly relay the Senator's message back to the Minister. As he said quite correctly, the Minister did meet with representatives from Donegal and with officials in the Department. He is aware of the scale of the problem, and he is now awaiting Donegal County Council to submit its priorities and plans for the two bridges. I hope that when the time comes he will look at it favourably for Donegal.

An Cathaoirleach: The next on my list is Senator Paul Gavan, but I believe that there are some logistical difficulties. I am informed that if Senator Gavan lets Senator Lawless go first he might be dealt with then. If not, I will be disappointed.

Senator Paul Gavan: No problem.

An Cathaoirleach: I must apologise to Senator Gavan. There has been a mix-up. The Minister of State at the Department of Health, Deputy McEntee, is outside, but she has not been given a script. If the Senator defers this matter, I will give it priority another day.

Senator Paul Gavan: Absolutely.

An Cathaoirleach: It is not appropriate, and I have complained to the Department about the issue, but at this stage we can do nothing. If the Senator resubmits the matter, I will try to prioritise it for the next occasion.

Senator Paul Gavan: I appreciate that, a Chathaoirligh.

Referendum Campaigns

An Cathaoirleach: I welcome Minister of State at the Departments of the Taoiseach and Foreign Affairs and Trade, Deputy McHugh. While the Minister of State is drawing his breath I will ask Senator Lawless to outline his case.

Senator Billy Lawless: I thank the Minister of State for attending today and I also take the opportunity to thank the Taoiseach for announcing a commitment to hold a referendum to allow Irish citizens abroad to vote in Presidential elections. This is an issue which I, along with many other groups, have campaigned for over a number of years and which was recommended by the Constitutional Convention in 2013. Too often in Ireland referenda have become debates about subject matters that have no relationship whatsoever to what the people are being asked to vote on. It is very important that from the outset those of us advocating this change on behalf of Irish citizens living overseas do so armed with the facts, and use the opportunity to not only hold a national conversation about what place Irish citizens living abroad should have in our society, but also what the functions of the office of Uachtarán na hÉireann exactly are.

The President is a symbolic figure, but symbolism matters even more so for those citizens of

this State who are Irish, who love this country and who want a meaningful place in our society even if they do not live within the territorial land mass that is governed by this State.

11 o'clock

Immigrant voting has emerged as a global democratic norm. While immigrant voting is not there yet, Ireland is relatively progressive in allowing immigrants the right to vote in local elections. I recognise that an advance of the proposal for a referendum the Government needs to first decide which category of overseas citizens should have an entitlement to vote. Other nations with very high levels of overseas citizens let their emigrants vote. Of the top five nations in the OECD, by emigrant percentage, Ireland is the only one to disenfranchise its emigrant citizens. New Zealand, Mexico, Portugal and Luxembourg all allow their emigrants to vote. India, the nation with the largest absolute numbers of emigrants and a global leader in diaspora engagement is also in the process of enabling its emigrants to vote. I welcome the options paper published earlier this month by the Government. We will make our formal submissions in due course but I want to make the point to the Minister of State that this is a once in a generation opportunity. I hope the Government objective is to enfranchise the highest number of citizens abroad possible, not to create further divisions through arbitrary controls such as criteria on the number of years living abroad. We have to be bigger in our ambitions and not simply replace old barriers with new, albeit less restrictive ones.

I have great faith that citizens living in this State want to extend the franchise to their children, cousins and friends living overseas and give them a meaningful role as well as delivering a clear mandate to our next President, or at the very least the one after that, that he or she represents all Irish citizens at home or abroad. The President will be as much their ambassador as ours which is something I truly believe Irish people living here would like to share in the recognition of. What a celebration of modern Irish identity that would be - a nation of emigrants with a President who leads all of us and is elected by all of us. I can think of no better way to remind the world that Ireland is a global nation. Ireland is not exiting its relationship with its European partners. We are not shutting down our borders but we are extending them. I thank the Minister of State and look forward to debating these matters further.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe McHugh): Go raibh maith agat a Chathaoirligh. Tá brón orm fadúda an brú.

An Cathaoirleach: Ná habair faic.

Deputy Joe McHugh: Bhí mé ag smaoineamh fadúda uimhir a ceathair ach tá sé socraithe anois. Tá mé anseo. Cuirim buíochas roimh an Seanadóir faoi choinne na ceiste fosta. Is ceist tábhachtach í.

I thank Senator Lawless for his own individual campaigning and as a representative of many groups down the years which have campaigned on this issue. No doubt the Senator is in constant communication and liaison with them and he will pass on my message and the Government's message about our commitment to this issue.

The announcement by the Taoiseach at the Famine Memorial in Philadelphia that a referendum will be held over whether Irish citizens resident outside of the State, including potential voters in Northern Ireland, should be allowed to vote in Presidential elections was a historic moment. It recognises the importance that Ireland places on its relationship with all our citizens wherever they may be. In times gone by, leaving Ireland meant a person severing their

relationship with the State. We now want to give Irish citizens wherever they may be a chance in choosing the person who represents Irish people at home and abroad.

Many other countries give citizens resident outside the state a chance to vote in elections. However, I acknowledge that in respect of our citizenship laws, Ireland has some unique features which make the policy considerations more complex here compared to other countries. This is a timely development for Ireland given the ongoing and strong commitment of this Government and, indeed, successive Governments to deepening real engagement with our citizens who reside outside the State. Ireland's diaspora policy, published in 2015, recognises the need to nurture and develop our unique and important relationship with our diaspora. The issue of voting rights is of enormous importance to Irish citizens abroad who feel it is important that they have a say in electing the President who also represents them as Irish people living overseas. We drew on the skills and support of our diaspora in recent times of economic crisis. This initiative is a fitting recognition of the enormous contribution made by Irish people abroad historically and more recently to Ireland's recovery and development. The Government's decision to hold this referendum is in line with the recommendation with the Convention on the Constitution in its fifth report. Some 78% of its members were in favour of citizens outside the State having the right to vote in presidential elections.

Last Wednesday, the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, published an options paper which sets out how the recommendations of the Convention on the Constitution might be realised. That paper, prepared in conjunction with my Department, provides a detailed analysis of the legal, policy and practical implications of extending the franchise. It shows the complexity of the issues but also that the various challenges which arise can be addressed with sufficient planning and resources.

The options paper will inform public discourse on the proposal that will be put to the people at the referendum. The upcoming Global Irish Civic Forum in May will further provide an opportunity to discuss the options paper with representatives of Irish communities abroad. It is intended that this and wider public discussions will allow the Government to identify a preferred option to put to the people in a referendum. As this House knows, I have had a strong and public personal commitment to extending voting rights to citizens abroad in Presidential elections. I was pleased to be there with the Taoiseach at the Famine Memorial in Philadelphia when he made the announcement. I have seen the vibrancy of the Irish community during the St Patrick's Day parade and acknowledged the contribution of the Irish to the United States at the memorial to Commodore Barry and at Independence Hall. I saw for myself the positive reaction from Irish emigrants and Irish Americans as the Taoiseach said there was "no more fitting time or no more fitting place."

Article 2 of our Constitution requires us to cherish our special affinity with Irish people abroad. I believe the Government's decision to hold a referendum on extending voting rights to Irish citizens abroad sends an important message to them on the value we place on them and their connection to Ireland.

An Cathaoirleach: Senator Lawless has a brief supplementary question.

Senator Billy Lawless: I am delighted to note the commitment both from the Minister of State, with whom I have discussed this on many occasions, and especially the Taoiseach, but it is past time. I am disappointed we will not be able to hold a referendum before the next Presidential election. When I mentioned this to our citizens abroad they were really delighted.

They were delighted also when I was appointed by the Taoiseach in that they felt they were being recognised at long last. It is something of which all the parties are in favour, and of which the convention came out in favour. However, we do not have a good record in referendums in this country. I would impress on the Minister of State and the Taoiseach and all the Members of both Houses that when we have the referendum that everybody is fully behind it, and not half-heartedly. It is a once-off opportunity and we are going to make it happen. We owe it to our people abroad.

Do not forget that even in the last five or six years, some 230,000 young people left Ireland. There are about 500,000 parents of those people who want their sons and daughters to come back here. I have brought this up with the Minister of State before and we have to make it easier for our citizens to return as this is their home and will always be. We have to make it much easier, with things like drivers' licences, insurance and health care, that when they come back there is a welcome for them and that they feel like they are wanted back home.

I thank the Minister of State for his commitment. We have to make sure that we really go at this wholeheartedly.

Deputy Joe McHugh: I agree with the Senator that we have a history of referendums. I will not talk about my own county because it has a consistent history in regard to them. I am not naive that this will be an easily won referendum. It will not be. There will be opportunities in both the Seanad and the Dáil prior to the referendum and proper, open and honest discourse, prior to the preferred option being chosen, will be important. I know that Senator Lawless will be participating in the Civic Forum on 4 and 5 May.

I want to make one point, which the Senator mentioned, about the symbolism of the office. We are talking about votes for the diaspora in Presidential elections specifically. I have seen the role of the office evolving over the last 20 years. Look at the mark left by Mary Robinson and the imprint Mary McAleese left in the relationships with Northern Ireland and elsewhere and among our welfare organisations internationally. Within 48 hours of getting this job as Minister of State with responsibility for the diaspora, I was at a summit in Istanbul with President Higgins. He was our President, but he was seen as an international voice; a voice of hope for a lot of people in humanitarian crises and development. The international community looks to Ireland for leadership. I have had a very positive insight into the symbolism of this role at both national and international levels and want to acknowledge the international role that President Higgins is playing. When one sees African leaders giving the President of this country a standing ovation for his commitment, his words and his inspiration on the international stage, that is where Ireland is going and we should never forget that.

An Cathaoirleach: I acknowledge once again the wonderful work Senator Lawless is doing for the Irish diaspora in the United States and wish him success into the future.

Sitting suspended at 11.10 a.m. and resumed at 11.30 a.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, Heritage Bill 2016 – Committee Stage, to be taken at 12.45 p.m. and to conclude not later than 9.30 p.m., if not previously concluded, by the putting of one question from the Chair which shall, in relation to amendments,

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include only those set down or accepted by the Government, with the debate to be interrupted at 5 p.m. and to resume at 7 p.m. on conclusion of Private Members' business; and No. 2, Electoral (Amendment) (Voting at 16) Bill 2016 – Second Stage, to be taken at 5 p.m., with the time allocated to the debate not to exceed two hours.

An Cathaoirleach: I welcome to the Gallery Councillor Jason Murphy from Waterford. It is nice to see councillors coming here because they are part of our electorate. Cuirim fáilte roimh.

Senator Catherine Ardagh: Today the UK Prime Minister, Theresa May, will trigger Article 50, which will eventually see the UK leave the EU over a two-year period. We are all concerned about the impact this will have on Ireland, especially the threat of a hard border. Today it is easy to forget the problems our country faced before the Good Friday Agreement. We take for granted free movement between North and South. At only three Border crossing points, there are as many as 325,000 crossings per week. In 2016 Ireland and the UK traded approximately €39 billion in goods and services. We are faced with a situation that could lead to job losses and have a massive impact on the economy at large.

The Government has made some superficial moves to deal with Brexit, but mostly we have seen only rhetoric on the common travel area, preventing a hard border and protecting the terms of the Good Friday Agreement. The Government has yet to appoint a Minister with responsibility for Brexit as Fianna Fáil has advocated. The Government seems to have completely ignored the impact Brexit will have on key sectors of the economy in which we trade most with the UK, for example, agriculture, food, engineering and manufacturing.

In Northern Ireland the undisputed facts include we have had two Assembly elections in the past year, we have had parties refusing to serve in the Executive, and we have had Sinn Féin withdrawing from the Executive because of a refusal to establish an inquiry into cash for ash, which has actually been established. Now, we have a standstill in the formation of the Assembly at the hour Prime Minister May is triggering Article 50, and at such an hour we need to be united. We learned this morning a civil servant, David Sterling, has taken control of the Stormont Government budget in the absence of the establishment of an Executive. All departments in the North, from health to education, may be affected by this action, as a civil servant's budget is a reduced budget. This inaction by the leading parties in Northern Ireland is inexcusable. We need to acknowledge the period of peace over the past two decades. We need to work together to commit to continued peace in Northern Ireland. Ultimately, we need to see a united approach to reducing the impact the triggering of a hard Brexit will have on our country and our island.

Today is the sixth day of the bus strike and 2,600 employees have been on strike. The Minister has gone to ground. He will attend a committee hearing today to give us an update. I understand he will not interfere in the bus strike and he will give some sort of acknowledgement there will be a review into transport services. This is not enough. We need to see action today. Dublin Bus and Iarnród Éireann employees will support their colleagues at lunch time, which I support. The Minister needs to take some action. He cannot sit on the fence on every issue. He needs to meet union members and sort out this crisis. Traffic in the city is beginning to be massively affected and workers throughout the country are being discommoded because of his inaction.

Senator Gerard P. Craughwell: I rise to discuss the Garda Síochána again. I was disturbed all night last night thinking about the pressure on Commissioner O'Sullivan to resign

and step aside. I did a little bit of work on the Garda Síochána, and it is interesting to note that in the history of the State no Chief of Staff of the Defence Forces has been forced out of office. Since the foundation of the State going back to the Geary case in Ennis in the 1920s, and a Fianna Fáil Government in the early noughties compensated Mr. Geary for how he was hounded out of the Garda Síochána and it is to be admired for it-----

An Cathaoirleach: I remind the Senator we had a debate on this last night.

Senator Gerard P. Craughwell: I appreciate that and I am coming to my point.

I believe 60% of Garda Commissioners have been hounded out of office since the foundation of the State. In senior Garda management today there is somebody who knows what is going on and is afraid to speak. I put out a call today and I hope the Leader will support me. Whoever that person is, let the entire force not be tarred with a rotten brush. Somebody knows what is going on and is afraid to speak. It is just possible the Commissioner is under pressure from her management group and that she is not able to speak out. If somebody there has something to say I am sure any Member of the House would be willing to meet him or her and assist with a protected disclosure. We cannot allow this to go on indefinitely. Hounding Nóirín O'Sullivan out of office will not solve the problem at the end of the day. There is something rotten and the ordinary gardaí on the street need support at this point in time. If somebody there feels he or she has something to contribute, let that person come forward. I am sure the Leader would be happy to meet such a person. I would and so would anyone in the House. We must not allow this situation to continue. I cannot believe how gardaí must have felt this morning or any day when reporting for duty. If someone has something to say, come out and say it.

Senator Paul Gavan: I wish to raise two issues relating to industrial relations, the first of which is the bus strike. SIPTU and NBRU members will be outside the building today. I hope that we can all go out and engage with them. I would like to hear a clear call, particularly from the Fine Gael side, for the Minister to do more than just sit on his hands. It is Fine Gael's Government. As I stated yesterday, each day that it leaves these people out on strike is its responsibility. It needs to stand up and be counted. People know what needs to be done. SIPTU has spelled out a means of resolving this dispute by establishing an employment regulation order, ERO, but I have not heard anyone in Fine Gael engaging on that point. I invite them to engage and to do something constructive about the dispute.

I wish to discuss community workers, who provide crucial support to many within our society - older people, people with disabilities, young people and vulnerable families. Work is focused on areas such as providing child care, combating poverty, supporting those with mental health issues, human rights advocacy and family support. The workers providing these vital services have endured years of cuts from the Fine Gael-Labour and Fianna Fáil Governments. That continues to this day.

Matters have taken a dark turn. A SIPTU delegation explained to us last week that, although a high-level forum had been established for the community sector, the civil servants are not engaging with the union and, worse, the Department of Social Welfare in particular is refusing to attend the Workplace Relations Commission, WRC. I must be clear on this - that is unacceptable. As a matter of urgency, will the Leader find out why his colleague, the Minister, Deputy Varadkar, is refusing to attend the WRC? If a Minister refuses to attend the industrial relations machinery of the State, what message does that send to rogue employers?

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Senator Gerard P. Craughwell: Hear, hear.

Senator Paul Gavan: What message does it send to the workers concerned? They have not had a pay rise in nine years and have lost their jobs without receiving proper redundancy payments. A woman in Cork who had worked on a Traveller site providing education for 15 years was paid the princely sum of €7,000 in redundancy.

Senator Gerard P. Craughwell: That is disgusting.

Senator Paul Gavan: The Government refuses to engage. This is coming from the top. Bus Éireann workers are protesting outside Leinster House and the Fine Gael Government is refusing to attend the WRC regarding community sector workers. What does that tell us about Fine Gael and its attitude towards trade unions? We want answers on this issue today, please.

Senator Frances Black: I wish to raise an issue that I discussed on 7 March when we debated the Grace case. I asked how many similar cases there were and whether there were other cases in which the HSE, Tusla or the Garda had been made aware of sexual or physical abuse allegations against a foster parent but the child had not been removed from the home. It is important that we know that no other children are living in homes against which abuse allegations have been made.

Today, I read in the *The Journal* that a woman was left in the care of a foster family for two years after allegations of sexual abuse were made against the foster father. An intellectually disabled woman known as Mary was left with the family even though allegations were made in 2014. Despite a decision being taken in September 2014 to remove Mary from the home, the order was not executed until February 2016. However, because Mary was 18 years of age and deemed to be an adult, she was no longer in statutory care or under Tusla's remit. How could this be allowed to happen? How many other cases are there of children or vulnerable people who are still in foster care despite allegations of abuse being known to the authorities? Are the cases of Grace and Mary just the tip of the iceberg? We need to get assurances from the Minister to the effect that children in foster care are not in danger of being abused, that where allegations of abuse are known to one agency, this information is made known to other agencies with responsibility for the issue, and that action is taken immediately.

Senator Ivana Bacik: Today is the day that British Prime Minister Theresa May triggers Article 50. She will address the House of Commons on the issue within the next hour. The Seanad's Brexit hearings are a welcome initiative, but we also need to consider raising the issue of Brexit in other debates in the House. Yesterday, we in Labour published our detailed Brexit policy, outlining 20 concrete actions that the Irish Government should be taking. We expressed our concern at the lack of detail from the Government regarding what it proposed to do as the Brexit negotiations got under way. What positions will it take?

The Government needs to ensure that adequate money - €1 billion from the rainy day fund - should be deployed for the capital investment likely to be needed as a result of Brexit. A €250 million Brexit trade adjustment fund should be set up to support directly Irish businesses that suffer because of trade upheaval with the UK. New transport connections will be needed, in particular at major ports and airports. Others have pointed to the instability in Northern Ireland. The prospect of Brexit negotiations is not helping that situation. A special status for Northern Ireland needs to be incorporated in the negotiations. At a minimum, a new Irish protocol to the EU treaties recognising the common travel area, the Good Friday Agreement and the unique

situation of the Irish Border must be negotiated.

There have been disturbing signals about what might happen because of Brexit. In an article in today's *The Irish Times*, Ms Patricia King points out the downward pressure likely to be applied as a result of the UK no longer having to observe minimum terms and conditions of employment as set down in EU treaties. The concern is that there will be a race to the bottom among Irish businesses. Pressure will be placed on Ireland and other EU countries to reduce the quality of workers' terms and conditions.

On behalf of Labour, I express solidarity with the Bus Éireann strikers, who will be protesting outside Leinster House today. We have called for the Minister, Deputy Ross, to take a stand on this matter. He has been absent, as others have stated. He needs to be engaged on this and convene a stakeholders forum. The Government must commit to increasing subvention for public transport to EU levels. A sectoral employment order must be introduced for all transport workers in order to ensure the protection of their terms and conditions. Given that this issue is crucial, will the Leader arrange for the Minister to attend the House to discuss it?

Like others, I am worried about the new executive order from US President Trump - not on immigration this time - reversing environmental protections, many of them put in place by former President Barack Obama, and thereby causing immense concern among environmental groups, NGOs and the UN that there will be a serious encroachment on international measures to prevent climate change. It is a retrograde step by the US Government and we may need to debate it in the coming weeks and months.

Senator Maria Byrne: I welcome the Tolands from Limerick, who are in the Visitors Gallery. I am delighted to see them. They are present as guests of my colleague, Senator Kieran O'Donnell, and I hope that they enjoy their visit.

I welcome the Defence Forces roadshow that is under way in all barracks around the country. There is a need to recruit 850 people to the Army. There is a colourful exhibition and attendees get to hold the various machine guns and equipment that the Army uses. Attendees are also shown an exhibition on life-saving operations. This is a positive opportunity for anyone who would like a career in the Army. Many more such roadshows will be held around the country and I encourage people with an interest to attend.

Senator Robbie Gallagher: I raise the issue of car parking charges for cancer patients attending hospitals throughout the country. Charges represent a major cost for many cancer patients at a time when they are going through physical and psychological stress, not to mention financial pressure. The Irish Cancer Society is to be commended for its work on highlighting this matter through a campaign that encourages the HSE to have a national policy on the issue. The society called for free parking or subsidised parking. Unfortunately, the campaign has fallen on deaf ears to date. I appeal to the Leader to urge the Minister for Health to implement a national policy so that cancer patients undergoing hospital treatment can park free of charge or avail of subsidised parking. Some cancer patients have spent up to €16 per day just on parking charges, which is unfair on them while they are under the pressures that I have outlined. I appeal to the Minister to instruct the HSE to adopt a national policy to tackle this issue.

Senator Victor Boyhan: I shall comment on the local infrastructure housing activation fund, LIHAF, which is critical infrastructure funding that was announced by the Government yesterday. The funding is welcome. As much as €226 million will be spent on the critical roll-

out provision of essential infrastructure for the development of new homes.

The scheme will cover 34 sites and 15 councils. I would like to ask the Minister why the scheme will only be rolled out to 15 councils. I call on the Leader to invite the Minister to come in here to answer my question. There are 31 local authorities yet funding has only been allocated to 15 of them. I am open to correction but I think 22 councils applied for the funding.

Both Galway city or county local authorities applied for critical infrastructure funding for social housing, private housing and affordable housing. I am disappointed, following yesterday's announcement, to learn that neither authority received funding. The scheme will cover 34 sites around the country and will produce 70,000 new homes. There is a 10% gain for social and affordable housing, which is a plus. The scheme will lead to a win-win situation. I want to acknowledge the work done by the Minister for Housing, Planning, Community and Local Government and the Government. I thank them for funding this scheme, which forms part of the Rebuilding Ireland initiative.

I suggest to the Leader that it would be appropriate for us to invite the Minister to the Chamber to explain the rationale behind the scheme and to keep us up to speed on what is, perhaps, one of the single biggest problems facing everyone at the moment. I am referring to access to a home be it social housing or affordable housing and to purchase a house at a reasonable and fair price. I acknowledge yesterday's good news story. I ask the Leader to arrange for the Minister to come to this Chamber in the next few weeks to tease out how the scheme will be rolled out.

Senator Kieran O'Donnell: It has been brought to my attention that the Department of Social Protection's website has been down since Sunday. I ask that the Leader communicates with the Minister for Social Protection and his officials and ensures that every effort is made to get the website, *welfare.ie*, up and running. People have had to resort to using Citizens Information's excellent website called *citizensinformation.ie* for all of their queries.

Senator Boyhan mentioned the activation fund. Two worthwhile projects in Limerick will receive €15 million. Housing is a huge issue but Greenpark racecourse and Mungret College in Limerick will receive funding to build distributor roads to ensure lands can be developed for housing. Affordable starter homes must be a key element. If the State is stepping in to assist by providing the infrastructure to enable houses to be built then it must ensure that the people contracted to build these houses provide affordable starter homes.

Senator Niall Ó Donnghaile: A number of colleagues have mentioned the triggering of Article 50 by the British Government and its intention to leave the European Union. Many of us have not looked forward to this event. We have anticipated and waited for it because we want to hear about the proactive response this Government will make to the move made by the British Government.

I do not need to tell anyone that Brexit presents a very dangerous situation for Ireland, both North and South. Brexit actively undermines and usurps the integrity and the institutions of the Good Friday Agreement, which was overwhelmingly voted for by the electorate in this State and, indeed, in the North. Last February, a Dáil motion was passed that called on the Irish Government to make a case for special designated status. That is the most responsible and logical position, alongside other necessary positions, that the Irish Government can adopt not just to protect the integrity of the Good Friday Agreement and the democratic expression in this State but also for the economic, social and cultural well-being of this island.

The Leader will know that the Tories have no mandate in Ireland either for Brexit or other policies of theirs. The Taoiseach has received the clearly expressed mandate from the people in the North, and on this island, that we want to remain in the EU. In the immediacy of the period that we are now in, which is against our will, it is critical that we hear from the Taoiseach. I appreciate his earlier stance but we no longer wish to hear aspirational intentions and what the Government hopes to achieve. We must now hear the practical steps the Government will take to negotiate the best deal. The best way for the Taoiseach to do so, and I offer him my sincere suggestion, is for him to work with all of the parties. We are all unified in seeking to have Ireland's national interests defended. Therefore, we all want the peace process and the Good Friday Agreement to remain sacrosanct. We do not want a return to a hard border and we want Ireland's interests defended. We need to hear about these matters from the Taoiseach as soon as possible.

Senator Keith Swanick: An tseachtain seo caite, labhair mé anseo mar gheall ar an obair thábhachtach i gceantar Iorrais i gContae Mhaigh Eo. Leanann an obair go stóichúil agus Dé Domhnaigh seo caite tugadh isteach corp Captain Mark Duffy.

The dignity with which Captain Mark Duffy, from Rescue 116, was borne ashore on Sunday last is something that will stay with me forever. He gave his life so that others might live. Along with his colleagues, he was a hero and somebody to hold up as a role model to our children. Heroes do not arrive out of nowhere. They are the embodiment of their family and often their communities. Captain Mark Duffy will be laid to rest tomorrow in his home village of Blackrock in County Louth. It is striking that his funeral notice reads: "Mark's wish would be for you to carry an organ donor card." It is very fitting that this notice by the Duffy family comes just at the start of Organ Donor Awareness Week that has been organised by the Irish Kidney Association. Many people here in the Seanad have done great work to promote the importance of organ donation, including my colleague, Senator Mark Daly. Approximately 700 people in Ireland await life-saving heart, lung, liver, kidney and pancreas transplants. Thanks to the gift of organ donation over 3,000 people in Ireland enjoy an extended life. Just like the thousands rescued by the Irish Coast Guard, they too have been rescued and given a new lease of life.

While the focus of Organ Donor Awareness Week is to raise awareness, I was heartened to hear what the Minister for Health said yesterday. He said:

[He has prioritised] the development of legislation to provide for an opt-out system of consent for organ donation. My Department is currently working on this in the context of the work required to develop an overarching human tissue policy and legislative framework.

He also said that he intends to bring a memorandum to Government shortly on this matter. I urge the Leader and his Government colleagues to keep the pressure on so that this can happen as it will save lives.

Senator Frank Feighan: Senator Craughwell remarked that since the foundation of the State, 60% of Garda Commissioners have been hounded out of office. That fact does not surprise me. The first time it happened was in the Dáil in the 1920s when Austin Stack and others made unjust remarks about District Inspector Kearney who was due to be made the Commissioner of the newly-formed Garda Síochána.

12 o'clock

Why I am interested in disrespect of Kearney is that he was the man who arrested Roger

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Casement. He was the man who left the door open for Austin Stack, and many others, to release Roger Casement. It was at their ineptitude that they made these scurrilous remarks. District Inspector Kearney moved to Boyle and saved my grandfather's life from a Black and Tan assassination squad. Those allegations were made and he and his family had to high-tail it to London because of the remarks made in this Oireachtas by Austin Stack and many others.

I have now seen the way Alan Shatter was treated. I have seen many Garda Commissioners. My grandfather was one of the first garda in An Garda Síochána. The men and women of An Garda Síochána stood for this State and defended it and I will have no truck, as a politician, with other politicians using parliamentary privilege to make comments about the men and women of An Garda Síochána. If it is true, make the comment. There is a frenzy out there. We need to reflect that, sometimes, if we make remarks in the Chamber, we do a disservice to men and women, and to the Garda reputation. Perhaps we should draw the line at the men who held the line in setting up, and saving, the State. If it is true, then say it, but Alan Shatter did not get many apologies from the press or from Members of the Oireachtas. I think we should be strong enough and mature enough, if we make a mistake, to say that we made a mistake on the record of the Dáil or the Seanad.

Senator Lynn Ruane: Last week I raised the issue of the discriminatory introduction of Garda vetting of access students at Dublin Institute of Technology, DIT. I would like to put on the record that since last week it has reversed that decision and realised that it was a negative move. I would like to congratulate it for reversing that so quickly.

I ask the Leader to invite the Minister for Education and Skills to the House to discuss the issue of discalculia, which is the maths form of dyslexia and which can be really debilitating for anybody who suffers from it. I have personal understanding of the suffering that is involved in trying to access third level education. Currently Trinity College Dublin is, I believe, the only college offering a maths waiver. The problem is, if a person accepts this maths waiver, they drop maths from the leaving certificate. That is a positive for someone that has this disability, but the problem is that if a person drops maths from the leaving certificate the other institutes of higher education, HEIs, do not operate the same waiver system, so if that person has applied to other universities on the CAO and they drop maths, they will not get into any other university and their only option is Trinity. That is something we need to look at.

We have moved really far in the area of dyslexia but we have not moved very far in recognising the disability of discalculia. This is something that we need to discuss with the Minister. He has outlined many areas on which he wants to work in respect of numeracy but unless we address disability attached to numeracy, we cannot address numeracy as a whole.

Senator Pádraig Mac Lochlainn: I want to raise two issues with the Leader today. The first issue is that of Jadotville. As the Leader knows, a motion, signed by the majority of Senators, is ready to be submitted that deals with the injustice that the Jadotville veterans and their families have faced for all these years. It calls for a medal ceremony in Áras an Uachtarán to recognise the scale of the injustice that they have suffered. I know he has raised it already, but I ask the Leader to raise it with the Minister and his Department officials again. I want to avoid submitting a motion and dividing this House, though I will if necessary. It is important that we unite together and address this issue in a dignified manner. I ask the Leader again to raise this. If necessary myself and Senator Craughwell, who co-sponsored the motion at the outset, would be happy to meet with the Leader and the Minister to try to resolve this issue.

The second issue has been raised with me by members of the fire services and was news to me. I knew that members of the Defence Forces were presented with 1916 commemorative medals last year to mark the centenary. I am led to believe that all members of the Defence Forces, An Garda Síochána and the National Ambulance Service were presented with commemorative medals last year. The only front-line emergency service that were not is, apparently, the fire services. Clearly this would be a very serious omission. The firemen who have raised this with me are understandably aggrieved as to what has happened. I assume it is because of the structure of the fire services under the management of local authorities but I ask the Leader to raise that with the relevant Minister, who I assume is the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Heather Humphreys, to address this anomaly and to ask her to, even now, belatedly ensure that they are presented with a medal to mark that commemorative year. It would be important.

Senator Michael McDowell: Arising out of what Senator Feighan said earlier, it is important for us in this House to look at what has emerged in respect of the governance of An Garda Síochána. In my view, what has emerged is disgraceful. A systematic pattern of cover-up, procrastination, deception and facade-keeping has characterised the management of An Garda Síochána.

The issues with the fixed charge penalty point system have been known for a considerable period of time. The people who knew about it did nothing about it until it came into the public domain. To say that they instituted an audit within the force to examine it is wholly unacceptable. When it is found out that there is a problem, the Minister is told. There is a really big problem here. It looks to be in the region of 10,000 to 15,000 miscarriages of justice. We are on the ball now. We are going to do something about it.

This same applies to the mandatory alcohol tests. The problem was known about. Even Gay Byrne signalled the alarm on the basis of a former Garda reservist who had resigned in disgust on the basis of a letter sent to him two years ago. Nothing was done about it though there were signals everywhere.

The third point I want to make is that we do not need a Patten Commission or a root and branch reform of An Garda Síochána based on some lengthy process. We need action now. We need the Minister with responsibility, that is the Tánaiste, to institute the changes that are necessary in a matter of weeks. An Garda Síochána needs to be led by somebody who the force has faith and confidence in and who the public has faith and confidence in. That situation does not exist now.

There is an idea that we can kick the can down the road and that we can have another major inquiry, which might take two years. How long did the Patten Commission take for that matter? We cannot wait. An Garda Síochána must be reformed now. There is one person who has ministerial responsibility under the Ministers and Secretaries Act to ensure that reform starts now and that is the Tánaiste. She must put in place a leader of An Garda Síochána who commands public respect now. Not later, now.

Senator Tim Lombard: I welcome the announcement by the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, of the infrastructure fund. The €200 million that has been announced will, it is hoped, open up 32 sites for housing, which will be very important for the housing strategy. There is a local dimension to that. There are monies for roads in Cork, but they are very positive and it is a very positive project. There were

independent audits regarding which projects got the go-ahead. The independent factor is very important and should be duly noted.

One of the key issues I would like to raise here is in regard to Garda vetting and where we are going with that programme. I note from the newspapers that there are 721 teachers who have still not been vetted and that there is work ongoing towards a resolution of that process at the moment. The entire way we carry out Garda vetting has to be looked at. A person could be vetted four or five times regarding different institutions or organisations they are involved in. That is inappropriate. There should be one vetting and then a person should be on the list. That should be the routine.

I came across an issue in the last few weeks where an under-21 team in a GAA club had minors, that is 17 year olds, on a team. Given that they were under 18 years of age, they were informed that the rest of the team would have to be vetted because they are in the same dressing room. There has to be logic in this. Someone has to say that Garda vetting is important, but that it makes no sense that there is a need to vet all the 21 year olds because there is a 17 year old in a dressing room. Work needs to be done here. A complete reform of the system is required.

That needs to happen in order that something can be done speedily about this issue.

Senator Diarmuid Wilson: Like others, I call on the Minister for Transport, Tourism and Sport to intervene as a matter of urgency in the Bus Éireann dispute. Members of the various unions involved in this strike will protest outside the House later while the Minister addresses the Joint Committee on Transport, Tourism and Sport. He should not only address the committee; he should address the unions and the company. While acknowledging that the company is loss making in its present guise and that the workers have a right to strike to protect the rights they have earned over many decades, more than 100,000 people, mainly in rural Ireland, depend on bus services, which are a vital part of the infrastructure of rural Ireland, and they are the real victims of this strike. This is day six. How many more days are workers going to have to endure the picket line? How many days will ordinary commuters, who depend on the bus company to get to and from various locations throughout this island, have to wait because eventually this will have to be sorted? There are those who say the bus company is waiting until it is in such a dire financial position that it has to go into examinership. If that is the motivation behind what the management are at, that is disgraceful and a stop needs to put to that immediately. I call on the Leader to use his good offices to impress on the Minister, who has an opinion on every Department except his own, to intervene in this dispute before it gets too desperate for the workers, the company and the more than 100,000 people who depend on bus services to go about their daily business.

Yesterday, Senator McDowell raised the issue of judicial appointments. The former Minister has a great opinion on this. I endorse everything he said in that regard. The Judiciary has served us well since the foundation of the State. It is a function of whichever Government is in power to appoint judges and there is a system in place to vet those who apply to become judges before the nominations are put before the Minister and the Cabinet for appointment. While the process should be left as it is, I would like the Leader to impress on the Minister for Justice and Equality the important point made by the director general of the Law Society. He said that since it became possible for solicitors, who comprise 80% of the practising legal profession, to become judges of the superior courts, less than 8% of appointments have gone to them. That needs to be addressed. Senator McDowell used the word “excellence”. There is excellence among that 80% and they should be given credit for that.

Senator Máire Devine: I welcome the new protocols discussed by Cabinet yesterday for children in care and access by them to HSE disability services once they reach the age of 18. The Cabinet discussed the Mary case yesterday and the horrific abuses wrought on young women.

The latest revelations regarding Garda misuse of funds and tax avoidance seem like they are part of a tsunami of allegations, abuses and criminal activity all rolled into one and it has been going on for a long time. When Martin Callinan was dismissed a number of years ago, we all thought an external appointment was needed in order that there would be someone with a new broom and an independent eye to oversee the running of the keepers of the peace in our society. That did not happen but there have been more revelations about phantom breath tests, phantom checkpoints and tax avoidance. Nóirín O’Sullivan needs to step down and Sinn Féin has asked for that. She needs to take responsibility for the good of An Garda Síochána and allow an external investigation and an external appointment to the Commissioner position. The force is in need of a root and branch overhaul and cultural reform. These scandals are bigger than individuals and the reform must happen now. I have spoken to gardaí on the beat in my locality of Rialto and Kilmainham and they are absolutely despondent. They are embarrassed and the embarrassments are piling up. They are more disrespected and more prone to ridicule and many of them do not want to turn up for work. We have always prided ourselves in this country on our honest and integrity but we are no longer the island of saints and scholars. There are far too many somethings rotten in this State and we need a clean sweep with integrity at the heart of what we do.

Senator Neale Richmond: On this infamous day that Article 50 is being triggered, I would like to raise a matter closer to home, namely, an ongoing stand-off in Belfield, UCD, between college authorities and the Irish hockey association in respect of the upgrade of the AstroTurf pitch there. The upgrade is vital because a ranking hockey match has not been played in the national hockey stadium since 2015. I call on the Leader to raise this with the Ministers for Education and Skills and Transport, Tourism and Sport. Ireland has had huge success in this realm in recent years with the men’s team qualifying for the Rio Olympics. The fact that our national hockey stadium is no longer certified to host international hockey matches is an absolute disgrace and this stand-off has to be resolved as soon as possible.

Senator Aidan Davitt: I raise a matter of national interest that greatly concerns me. The GAA does so much good in the country and it is part of the social fabric that makes Ireland unique. I am surprised by a diktat issued by GAA headquarters in recent weeks. They wrote to county boards and asked them to reduce the minute’s silence to 20 seconds silence. It is one of the most bizarre requests I have heard of in quite a while. The GAA is very much a roots up operation as opposed to a branch down operation and I was disappointed to hear about this coming from headquarters. I was delighted that when this proposal came before the delegates of the Westmeath county board, there were strong voices in opposition. Billy Foley and others told those in the higher echelons that Westmeath would not carry out this diktat. A minute’s silence does not happen too often. Those who have played for the county or have been heavily associated with the county set-up are acknowledged with a minute’s silence before a game if they died recently. It is the very least we could do for people who have borne colours for the GAA, filled cars with kids, marked pitches and travelled the length and breadth of the country to facilitate games for nothing. It is a poor day if we cannot even give them one minute to say, “Farewell”.

Senator Ray Butler: I welcome the representatives of Retail Excellence Ireland who are in the Visitors Gallery and I would like to raise the issue of out-of-town business parks. Dur-

ing the Celtic tiger era, the majority of these parks were set up for manufacturing industries or offices and not for retail outlets. They have had a huge effect on town centres. A legal challenge has been taken in my county relating to why retail units were allowed into the business parks. I would like to ask local authorities what are the rules and regulations governing the parks because, as far as I can see, they make them up as they go along. When this challenge came, the local authority ducked and dived. I want to ask the Minister for Housing, Planning, Community and Local Government for a debate on this issue. There are retail hardware stores, clothes shops, shoe shops and even churches in these business parks. There is no paid parking and people have to go down the town for the privilege of paid parking. Businesses are struggling and we need a serious debate on these out of town business parks.

Senator Colm Burke: I agree with my colleagues on some aspects of their criticism of the current difficulties with the Garda. There has been debate about the lack of trust but one issue that has not been highlighted is that there will now be a difficulty accepting the evidence of gardaí in courts. It is important to resolve the Garda's current difficulties at a very early stage, in particular, where judges accepted the evidence of gardaí that the fixed charge notice had been served and there is now clear evidence that it had not been. A number of legal colleagues were on to me over the weekend about cases in which people went into the witness box and gave evidence under oath that they had not received the fixed charge notice. The doubt was created but they had to go through all of that and it is an issue we need to address. We need to build that trust not only in the Garda, but in the gardaí presenting their evidence in court.

I join my colleague, Senator Lombard, in thanking the Minister, Deputy Coveney, for the announcement yesterday that a major infrastructural development will take place to assist the building of new houses. In my area of Cork North-Central, over €30 million has been allocated which will enable more than 1,600 houses to be built. It is a welcome development which could yield over 3,600 houses in the long term. It is important that the infrastructure is put in place to fast track all the requirements for housing and that there are no further delays outside the planning issue. Once planning permission was granted, there was always a delay in trying to put in the infrastructure. It is important it is now done. I welcome the announcement that was made in the past number of days. It is important that all local authorities around the country identify projects that can assist the building of new houses. It is the biggest expense people have in their lives and, therefore, the State must do everything possible to make it affordable for people. The important part about the development is to make sure we have all the necessary infrastructure such as roads, water and sewage systems. I welcome the development and the need for it to be fast tracked.

Senator James Reilly: I commend the Minister of State, Deputy Corcoran Kennedy, and the Minister, Deputy Harris, on signing the plain packaging legislation into law. No conversation about tobacco is complete without mentioning the 700,000 people who die unnecessarily across Europe every year because of this product - 6,000 of those people are in this country. It causes misery for tens of thousands of others who suffer with chronic obstructive pulmonary disease, cancers and various other ailments that would be utterly avoidable if they did not smoke. Plain packaging is a major initiative and one that is very important. It does one of the most important things we can do, which is protecting children from ever taking up smoking. Children are not stupid. The Irish Cancer Society did a little survey where they showed children the current cigarette packets which they thought were nice and lovely to play with and they wanted them. They were then shown the plain packs and they recoiled in horror. Who would ever want to smoke? This measure will save tens, if not hundreds, of thousands of lives in the

future. It will save the State a huge amount of money, some €10 billion annually, that we spend on health and as a result of lost productivity. This is a great day for children and for all smokers because these packs will remind them of the damage they are doing to themselves. The House will agree we are all trying to support smokers to stop smoking. We are not anti-smoker, rather we are anti-smoking.

Senator David Norris: I will be brief. Members may recall that I raised certain questions last week about wages and conditions in this House. As a trade unionist, it is perfectly legitimate to do so. I will add one final thing to show how utterly ludicrous the notion of making us fob in is - a majority of Fine Gael Members in Dáil Éireann do not fob in. They are Ministers so they do not have to do so. A majority of the Government party is not fobbing in. When will we get a bit of sense and tell the bureaucrats to bugger off and that we are not fobbing in? They should fob off.

An Cathaoirleach: The latter word would be more appropriate.

Senator David Norris: I will accept any emendations the Cathaoirleach, in his civilised way, wishes to make.

An Cathaoirleach: It is a matter on which it might be appropriate to write to the commission. I am on the commission and it will be looked at.

Senator Jerry Buttimer: I thank the 24 Senators for their contributions to the Order of Business this afternoon. Senators Ardagh, Bacik, Ó Donnghaile and Richmond raised the issue of Brexit. It is a monumental day in the history of the European Union and our country. I reassure all Members of the House that the Government is not just paying lip service. It is not just rhetoric by Government but absolute action led by the Taoiseach and Ministers across Europe and the world. Senators can have a viewpoint about having a Minister for Brexit but I will pose a question to the Members opposite who asked for one. Which Department would they get rid of? Under the Constitution, we can only have a set number of Ministers so which one would they get rid of?

Senator Paul Gavan: The Minister, Deputy Ross.

Senator Jerry Buttimer: I will rephrase the question for those who are hard of hearing.

Senator Catherine Ardagh: The Leader walked into that.

Senator Jerry Buttimer: Which Department would they get rid of? Senator Gavan is saying we should get rid of the Department of Transport, Tourism and Sport. That is the Sinn Féin policy. Sinn Féin wants to get rid of the Department of Transport, Tourism and Sport. That is fair enough. I posed the question to the Members opposite. Let me make it quite clear that the Taoiseach, as the head of the Government, is leading a whole-of-Government approach to Brexit. I agree with Senator Ó Donnghaile that we must be united as a country, North and South, in our approach to Brexit. It is one of the most important decisions that will face our country for a generation. Its impact is profound. I reassure Senator Ardagh and others that the Government is under no illusions about the task ahead. I agree with Senator Bacik that perhaps the Seanad, notwithstanding the good work that has been started by the Seanad Brexit committee, should have a debate in the House. I would be happy to have it but it is important to dovetail with the Seanad Brexit committee. I am happy to have that debate here.

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Senator Niall Ó Donnghaile: Will the Leader ask the Taoiseach to come here for that debate?

Senator Jerry Buttimer: The Taoiseach has been here before. The Minister, Deputy Flanagan, will be here tomorrow for statements on the North. The Government is committed to protecting and advancing Ireland's cause across Europe. Nobody wants the return of a hard Border. As the Taoiseach says, nobody wants to see the creation of a new border in the future. The Government will defend the Good Friday Agreement as we have always done. We are working with Mr. Juncker and Mr. Tusk and if one reads their recent comments, one cannot but be heartened by the importance Ireland has been given in their remarks. The position paper will be published by Government before 29 April. We will have a very strong case across Europe but it requires the support of all parties. I commend the Labour Party on its position paper. Deputy Donnelly is Fianna Fáil's newly created spokesman on Brexit. I am sure we will all work together to ensure Ireland has a united voice. We should all wear the green jersey. We should not put naked political partisanship up the pole but should all stand to fight for Ireland.

Senators Ardagh, Gavan, Bacik and Wilson raised the issue of Bus Éireann. I reiterate the remarks I made yesterday. Nobody is winning in this dispute. Nobody wants to see an all-out ballot of any union - in this case the bus workers - or of Dublin Bus or Irish Rail. It is in no one's interest. As Members have said, it is not in the interest of the workers, the company or the travelling public. There is an absolute certainty here. There is a need for management and unions to re-engage. I appeal today to all sides to take part in talks. The Workplace Relations Commission, WRC, and the Labour Court are available. Let us use their good offices to engage in talks to resolve the issue. It is time we had movement by both sides in talking again. Members of the House keep repeating an old chestnut. The Government has given €230 million in the PSO levy. If one includes rural transport services, the total investment comes to €277 million. Funding was increased in the past two budgets and the Minister for Social Protection, Deputy Leo Varadkar, is examining the provision of funding for the free travel scheme. From my reading of it, the core of the issue is efficiency. Such issues are best resolved at the WRC. Everybody wants the dispute to be resolved. I agree with Senator Diarmuid Wilson in that I do not want management in Bus Éireann to keep the dispute going to the point where a solution cannot be found. I appeal to it to be the first, if necessary, to accept the need for talks and re-engage. The pillorying of the Minister for Transport, Tourism and Sport, Deputy Ross, will not solve the problem. He might be a very handy-----

Senator David Norris: No, but it is fun.

Senator Jerry Buttimer: It might be fun and a cheap political gain for some, but the Minister is very much aware of the urgency of the issue and will be before the Oireachtas Joint Committee on Transport, Tourism and Sport today.

Senators Craughwell, Feighan, McDowell, Devine and Colm Burke referred to An Garda Síochána. The Government is committed to resolving the matter and an independent review is to be carried out. I agree with Senator McDowell that it is about governance and that the issue must be rectified immediately. It amuses me when I hear Members of both Houses, in particular, Fianna Fáil Members who were in government for 14 years in a row and appointed many of those in management in An Garda Síochána, look for a head to roll. The removal of the Garda Commissioner in itself would not lead to the cultural change and reform needed. Let us not race to the bottom in politics to get someone sacked. The substantive issue is the way in which An Garda Síochána is operated and how it is viewed by the public. The challenge presented by the

change of culture and regime requires serious political consideration and debate. We all need action in An Garda Síochána. It is awful and nauseating in waking up every morning and listening to “Morning Ireland”, or whatever programme one listens to, to hear a new story emerge about An Garda Síochána which does nothing for the morale of rank and file gardaí who are doing the very best they can. As the party that founded An Garda Síochána, which has always held it in respect and that stood up for law and order when others did not, we will stand by it and see a new force emerge. We need a Patten-type report. I agree with Senator McDowell that it should not take two years, but we need to see reform which must happen now. I am very committed, as are the Minister for Justice and Equality and members of my party, to standing by An Garda Síochána and bringing about regime change. There is a need for a regularisation of affairs with the Revenue Commissioners and significant reform. It was the Fine Gael Party in government with the Labour Party that changed the appointment method for Garda Commissioners and promotions to other senior positions. Let us be clear: it was not the parties opposite but my party that changed the regime. What we must also do is restore public trust and confidence in An Garda Síochána which, regrettably, are at an all-time low. I am a member of a number of policing fora in Cork city and county and pose the question to myself every time I attend a meeting as to whether the statistics read out are correct. An Garda Síochána must re-establish the trust and confidence of the public, an gnáth dhuine. There is a need for a forensic review of operations to put in place a new An Garda Síochána. We should all look at the Garda Inspectorate’s report, Changing Policing in Ireland, which contains some very good information and which will result in action.

Senator Gavan referred to community workers and the Minister involved attending the WRC. I am not aware of the matter. If the Senator wishes to send me an e-mail, I will be happy to take up the issue with the Minister.

Senators Grace O’Sullivan and Black raised the cases of Grace and Mary. Senator Devine also touched on the issue. It is important that there be accountability and transparency in the protocols between Tusla and the HSE for persons in care and those involved in fostering because it is a specialised area in which so much joy, relief and comfort are brought to people. However, there is an issue that must be addressed and I will be happy to have the relevant Minister come to the House to discuss it.

Senator Bacik referred to President Trump’s new executive order. It is absolutely baffling to have a President reverse the environment policies of President Obama because, as the Senator rightly said, the issues of global warming and climate change are very important.

Senator David Norris: Twenty-three states are opposing him.

Senator Jerry Buttimer: I was going to refer to that fact, that, thankfully, 23 states were standing up to him on the issue.

Senator Byrne referred to the Defence Forces. We were due to have a debate on them in the House prior to St. Patrick’s Day. I hope we will have it soon.

Senator Gallagher raised the issue of car parking charges for cancer patients. I know that there is a protocol in some hospitals whereby cancer patients and their families are given a derogation. I hope it can be applied universally across the country. I will be happy to talk to the Senator about the matter.

Senators Boyhan, Colm Burke and Lombard mentioned the very good news yesterday about

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funding for and investment in local authority housing. I cannot indicate why councils in Galway and one other county, the name of which I cannot remember, have not yet received funding. A total of 34 sites have been unlocked, while 15 councils have been allocated funding to the tune of €226 million to be invested in infrastructure. It is a good news story.

Senator Ó Domhnaill indicated that the website of the Department of Social Protection was down. I will be happy to ask the Minister to address the matter.

Senator Swanick raised the issue that was raised yesterday by Senator Devine about organ donation. I join him in hoping the very fine report of the Oireachtas Joint Committee on Health and Children will be implemented and that we will have a soft opt-out system. I will not get into a debate with him on the role of certain people in helping the cause of organ donation, but what we must do is ensure that we collectively change the policy in order that more people will assist in organ donation.

I congratulate Senators Ruane and Dolan on the reversal of the decision on DIT access students. The issue of dyscalculia and the waiver for maths is important. In the short term perhaps Senator Ruane might table a Commencement matter to which the Minister for Education and Skills would come to the House to respond. I accept that it is an issue that must be addressed.

As Senator Mac Lochlainn is aware, I am endeavouring to broker an agreed motion on those who were involved at Jadotville. I agree with him that it is a motion that requires the support of all of us to give the members of the Defence Forces who were involved justice at some level. I know that what is being sought is not much in terms of change and the Senator and I are on common ground in that regard. I am trying to make progress on the issue. To be fair to the Minister of State, he is very amenable but work remains to be done. I am happy to work with the Senator on the issue. As regards front-line service personnel, I am surprised by what the Senator said that fire brigade personnel do not receive commemorative medals, given that other first-line responders do. Perhaps we might raise the issue as part of our discussion with the Minister of State. The current arrangement does not make sense to me.

Senator Lombard raised the issue of Garda vetting. The Minister for Justice and Equality was in the House last week to respond to a Commencement matter on the issue. It is important that we address it. It is an area in which improvements have been seen, but we must ensure transparency and uniformity of approach.

Senator Wilson also raised the issue of judicial appointments. I reiterate what I said yesterday, that we all recognise the importance of having an independent judiciary. We accept the excellence of the Judiciary in the work it does and the role it plays. I will be happy to have the Minister for Justice and Equality come to the House to discuss the issue in the context of the judicial appointments Bill.

Senator Devine referred to children in care. She raised the issue of access to HSE disability services in the context of the memo to the Government yesterday. We all accept that it is an important step. We are aware of what was said in the debate yesterday on the health Bill about free GP care. We have some distance to travel in the provision of disability services and I hope the Government will be able to put together a package in that regard.

Senator Richmond referred to the stand-off between the Irish Hockey Association and Belfield. I have seen the new national hockey stadium at Belfield. It beggars belief the last game played there was in 2015, given the investment made in what is a fine stadium. There

was a world cup there in 2014.

Senator Neale Richmond: It was 1994.

Senator Jerry Buttimer: It needs to be addressed.

Senator Davitt asked about Cumann Lúthchleas Gael and the proposed reduction in the minute's silence to 20 seconds. I was in Páirc Uí Rinn last Sunday at the Cork-Tipperary game and to the best of my knowledge, a minute's silence for the late Michael Maher and Tony O'Mahony, two fine former officers of Cumann Lúthchleas Gael at Munster and Cork levels, was held. I agree, however, as a member of Cumann Lúthchleas Gael on the question of the minute's silence being reduced. It is important we acknowledge and pay tribute to the work of volunteers and players. Senator Feighan said the FAI had a round of applause, which is a nice way of acknowledging the role of deceased persons.

Senator Aidan Davitt: I would expect nothing else from the rebel county.

Senator Jerry Buttimer: Senator Butler mentioned the fact Retail Excellence Ireland was making a presentation today and he also brought up the question of out-of-town business parks. He raises a very good point because many businesses have moved to the periphery of our major towns. Retailers in the towns are competing with these business parks as well as with online shopping, and parking is also an issue. There is a need for a common-sense approach to planning and I encourage him to set up a cross-party delegation with the Minister.

Senator Reilly raised the issue of plain packaging. I commend the respective Ministers, Deputies Corcoran Kennedy and Harris, on signing the Bill, which was passed in the previous Oireachtas, into law today. It was commenced under the leadership of Senator Reilly as Minister for Health and he deserves credit and our congratulations for the role he played in standing up to big tobacco and for taking the fight across Europe.

Senator David Norris: Hear, hear.

Senator Jerry Buttimer: He rightly said that 700,000 people die from smoking across Europe and 6,000 of our own citizens die, while big tobacco is interested in promoting smoking among people, particularly young people.

Senator David Norris: He had great support in this house from Professor John Crown.

Senator Jerry Buttimer: Yes. We acknowledge his support and that of the former Senator Jillian van Turnhout, who played a key role. I also thank the Irish Cancer Society for its role. Senator Norris raised the issue of wages and conditions. We got into a bit of bother last week for some of our comments. I am on record as saying that fobbing in is not a way to do business. In city and county councils members attend 80% of the time and that may be the way to proceed, though how we would work it out is a different matter. It is for the commission to decide and I would be happy to work with the Senator to help reach a common-sense approach

Senator David Norris: We should be trusted.

Order of Business agreed to.

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Heritage Bill 2016: Committee Stage (Resumed)

Debate resumed on amendment No. 1h:

In page 4, line 29, after “canals” to insert the following:

“subject to agreed criteria for safety standards aboard a vessel and adjudicated upon by a suitably qualified person”.

- (Senator Lynn Ruane)

An Cathaoirleach: I welcome the Minister to the House. On 2 March, progress was reported following a substantial and lengthy discussion on amendment No. 1h and related amendments. Unless Senators or the Minister have any additional contributions to make on these amendments, I will put the question on amendment No. 1h. On the last day there were Second Stage speeches and a total rehash of the same thing. We are not making any progress on any side and I am trying to be sensible. Later tonight, people might be asking why we did not get to a, b, c and d, having spent so much time on amendment No. 1h.

Senator Paul Coghlan: Hear, hear.

Senator David Norris: On a point of order, would it not have been beyond the wit of man, woman or child to have combined the lists of amendments? We are now working off four different lists and it is very confusing.

An Cathaoirleach: The Minister is not responsible for that.

Senator David Norris: I am not accusing the Minister.

An Cathaoirleach: I accept what the Senator is saying. I raised it on the last day and was told in reply that to do it would probably create more confusion. They are confusing but we must deal with it.

Senator David Norris: If they were sequenced properly we would know where we were.

Senator Lynn Ruane: There are three amendments in this group that I will be pushing. I propose a line on each to remind the House what they apply to because it was a few weeks ago that we discussed them. I will not be making a Second Stage speech. Will we take the group as a whole or do I wait until we get to mine?

An Cathaoirleach: Each amendment will be decided. The amendments will be debated together and, therefore, we cannot reopen the debate. The Senator can press any amendment to a vote. That is her prerogative. I am not trying to stymie debate, but I do not want the issue to be debated. Later today, people will run out of time and ask why we did not deal with other amendments.

Senator Lynn Ruane: That is why I am making a specific comment.

An Cathaoirleach: I will allow the Senator to speak.

Senator Lynn Ruane: Amendment No. a1k tabled by Senator Craughwell is crucial and will ensure that Waterways Ireland must consult user groups and local authorities when it is making by-laws that will close canals. People who live on canals and local authorities which

administer them should be made aware of any canal closures. This amendment will ensure that happens.

Amendment No. 1m is also crucial as it sets sensible limits on the rate of increase of the costs of permits and licences. It will ensure that all cost increases must be appropriate to the intended use and linked to the rate of inflation in the economy. The incremental increases in costs are also vital to ensure that houseboat owners are not put into precarious positions regarding the cost of maintaining their homes.

Amendment No. 1w is also crucial, as it speaks to the issue of fixed payment notices that we will debate more fully as we progress through the Bill. I do not think it is appropriate that Waterways Ireland should be able to issue fixed payment notices without any formal appeals process and this amendment will delete the ability of Waterways Ireland to do this. It works in conjunction with the more extensive amendments we have tabled relating to fixed payments notices, which will be taken later.

Senator David Norris: It is absurd to have a situation where we do not have agreed safety standards or a professionally qualified person implementing them.

An Cathaoirleach: Is the amendment agreed?

Senator Alice-Mary Higgins: The Cathaoirleach did not ask if the amendment was being pressed.

An Cathaoirleach: I put the question. You missed my opening statement. We have had three or four hours of debate on this already.

Senator Alice-Mary Higgins: It is likely that many of the amendments will not be moved.

An Cathaoirleach: We are dealing with amendment No. 1h. Some amendments are related. The other option is for the amendment to be withdrawn. Is amendment No. 1h being pressed?

Senator David Norris: It is being pressed. The Cathaoirleach is very courteous by nature. Could he give us a little time to find the appropriate amendments, due to the four lists we have?

An Cathaoirleach: If the Senator has a problem during the debate, we will try to help him.

Amendment put and declared lost.

Amendments Nos. 1i to 1k, inclusive, not moved.

An Cathaoirleach: Amendment No. 1k has been ruled out of order.

Senator David Norris: Could the Cathaoirleach explain why it is out of order?

An Cathaoirleach: It is out of order because there is a potential charge on the Exchequer, about which the Senator was written to some time ago.

Senator David Norris: What charge would be incurred?

An Cathaoirleach: In the letter sent to the Senator, which I signed, we outlined the problem. I cannot row back on that.

Senator David Norris: “Row back” - very good.

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Amendment No. 1k not moved.

Amendment No. a11 not moved.

Senator David Norris: I move amendment No. 1l:

On page 4, line 36, to delete “boats on the canals or other canal property” and substitute the following:

“the canals or other canal property by all users. Any permits or licences issued should be set at a cost appropriate to the intended use and linked to the rate of inflation in the economy”.

An Cathaoirleach: Is the amendment being pressed?

Senator David Norris: No. That means we can resubmit it.

Amendment, by leave, withdrawn.

Senator Lynn Ruane: I move amendment No. 1m:

In page 4, to delete line 36 and substitute the following:

“the canals or other canal property by all users. Any permits and licences issued should be set at a cost appropriate to the intended use and linked to the rate of inflation in the economy. Any increases from current cost levels should be introduced on an incremental basis, subject to public consultation;”.

An Cathaoirleach: Is the amendment being pressed?

Senator Lynn Ruane: Yes.

Amendment put:

The Committee divided: Tá, 13; Níl, 29.	
Tá	Níl
Bacik, Ivana.	Ardagh, Catherine.
Black, Frances.	Burke, Colm.
Conway-Walsh, Rose.	Burke, Paddy.
Higgins, Alice-Mary.	Butler, Ray.
Humphreys, Kevin.	Buttimer, Jerry.
Mac Lochlainn, Pádraig.	Byrne, Maria.
Nash, Gerald.	Clifford-Lee, Lorraine.
Norris, David.	Coffey, Paudie.
O’Sullivan, Grace.	Coghlan, Paul.
Ó Clochartaigh, Trevor.	Conway, Martin.
Ó Ríordáin, Aodhán.	Daly, Paul.
Ruane, Lynn.	Davitt, Aidan.
Warfield, Fintan.	Gallagher, Robbie.
	Hopkins, Maura.

	Horkan, Gerry.
	Leyden, Terry.
	Lombard, Tim.
	McFadden, Gabrielle.
	Mulherin, Michelle.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Donnell, Marie-Louise.
	O'Mahony, John.
	O'Reilly, Joe.
	Ó Céidigh, Pádraig.
	Ó Domhnaill, Brian.
	Reilly, James.
	Swanick, Keith.
	Wilson, Diarmuid.

Tellers: Tá, Senators Alice-Mary Higgins and Lynn Ruane; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

1 o'clock

Amendment No. 1n not moved. **An Cathaoirleach:** Is amendment No. 1o being moved?

Senator David Norris: Yes. I have been extensively briefed on this and damage can be created-----

An Cathaoirleach: The Senator cannot debate it. The amendment has already been discussed with amendment No. 1h. The Senator can move it if he wishes but cannot debate it.

Senator David Norris: I move amendment No. 1o:

In page 5, line 3, after "canals" to insert the following:

"within agreed procedures on a temporary basis, taking into account with due diligence the safety of boats that may be on that stretch of the canal that could be effected by the alteration of water levels, that may need to complete the journey underway and notifying owners of same;".

Amendment, by leave, withdrawn.

Amendment No. 1p not moved.

An Cathaoirleach: Is amendment No. 1p being moved?

Senator David Norris: I am withdrawing it and will re-enter it on Report Stage.

Amendment No. 1p not moved.

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An Cathaoirleach: It is sufficient that it is not moved and the Senator can resubmit if he wishes. Amendment a1q had been discussed. Does Senator Craughwell wish to move his amendment?

Senator Gerard P. Craughwell: I move amendment No. a1q:

In page 5, line 10, after “property” to insert the following:

“having due regard to the architectural heritage of the structures near which the berths, buoys, or moorings are proposed to be placed”.

Amendment put and declared lost.

Amendments Nos. 1q to 1v, inclusive, not moved.

Senator Lynn Ruane: I move amendment a1w:

In page 5, to delete lines 27 and 28.

Amendment put:

The Committee divided: Tá, 13; Níl, 29.	
Tá	Níl
Bacik, Ivana.	Ardagh, Catherine.
Black, Frances.	Burke, Colm.
Conway-Walsh, Rose.	Burke, Paddy.
Craughwell, Gerard P.	Butler, Ray.
Higgins, Alice-Mary.	Buttimer, Jerry.
Humphreys, Kevin.	Byrne, Maria.
Mac Lochlainn, Pádraig.	Clifford-Lee, Lorraine.
Nash, Gerald.	Coffey, Paudie.
Norris, David.	Coghlan, Paul.
O’Sullivan, Grace.	Conway, Martin.
Ó Ríordáin, Aodhán.	Daly, Paul.
Ruane, Lynn.	Davitt, Aidan.
Warfield, Fintan.	Feighan, Frank.
	Gallagher, Robbie.
	Hopkins, Maura.
	Horkan, Gerry.
	Leyden, Terry.
	Lombard, Tim.
	McFadden, Gabrielle.
	Mulherin, Michelle.
	Noone, Catherine.
	O’Donnell, Kieran.
	O’Mahony, John.
	O’Reilly, Joe.

	Ó Domhnaill, Brian.
	Reilly, James.
	Richmond, Neale.
	Swanick, Keith.
	Wilson, Diarmuid.

Tellers: Tá, Senators Frances Black and Lynn Ruane; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

Amendment No. 1w not moved.

An Cathaoirleach: Amendments Nos. 1x to 1ae, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Kevin Humphreys: I move amendment No. 1x:

In page 5, line 30, to delete “(1), it shall publish a notice of the proposal—” and substitute the following:

“(1) and following the conduct of any screenings and assessments necessary to comply with Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, it shall publish a notice of the proposal—”.

Senator David Norris: It is very important that a notice of the proposal should be published after any screenings and assessments, because there have not been any screenings or assessments. Something we have hardly mentioned is the question of moths and butterflies. There has been no screening or report to the House on the impact of this proposed legislation on them. I would welcome a screening, but there is not much point in having a screening unless it is published and made available to those with concern about this area. Some 27 out of the 35 butterfly species breed on hedgerows and hedge banks. Of the common hedgerow plants, a total of 115 moth species breed on willow, 62 moss species breed on common hawthorn, which is also known as the whitethorn plant, 49 moth species breed on common blackthorn and 46 moth species breed on common hazel. It is important that we take into account the impact on these often neglected species of insects.

Roadside hedges, in particular, for example, because of the traffic that is passing and the fumes of the cars, are often warmer than internal hedges and that means they provide better quality breeding grounds than internal hedges for butterfly and moth larva which need warmth to develop. Roadside hedges are beyond the range of chemicals used in agriculture, also making them more suitable.

Upland areas often hold populations of more specialised rarer butterflies, such as the legally protected marsh fritillary butterfly. The sociable caterpillars of this butterfly emerge from hibernation in late February-early March feeding on grassland containing its food plant. Burning destroys this species by burning the larva.

These are the kind of issues that need to be considered in any screening and assessment and

it is important that not only are these screenings carried out, but that they should be published. For that reason, I am happy to strongly support the amendment in the name of Senator Kevin Humphreys.

Senator Alice-Mary Higgins: I will speak briefly to the group.

In principle, when a notice is published in respect of a proposed by-law it should have already been screened. We do not want to see by-laws published where there is a 90 day period and there is information missing. We would expect that if Waterways Ireland is publishing by-laws, it would have already ensured that all of the necessary screenings and checks are taking place. We certainly should not be relying on members of the public to express concern, to ask for a review or to ask that these obligations would be met because in many cases it will not be feasible within a 90 day period to get the necessary information. It is a practical amendment. If the Minister, for example, indicated that she wanted to include it anyway, I am sure we might not even need to press it. We will have the opportunity to see if that is the case. That would be useful.

I recognise my colleague has a similar amendment in respect of birds. This may be an area where the Minister can indicate that she would plan to ensure that this is a necessary prerequisite on Waterways Ireland before it brings a proposal to the public and opens a 90 day period for consultation. I recognise and appreciate that the Minister indicated she is open to that 90 day period rather than the previously proposed 21 day period. It is an improvement.

I will not speak to all of the amendments in this area. I recognise there has been some engagement. We will be watching closely and hoping that many of our other amendments will be reflected by the Department on Report State due to the Minister's contact now with groups such as the canal users, but there are a few amendments which may need to be pressed because they are important points of principle.

In respect of amendment No. a1z, Senator Craughwell has a proposal, which I strongly support, which states that it is not enough that notice of a proposed by-law should be published. It is important that a local authority should be directly communicated with in writing to be informed that a by-law will impact on its local area. I imagine there will be support across the House. Many of us across the House have contact with local authorities. It is a reasonable request that if Waterways Ireland is bringing in a by-law, it would write to the local authorities in the area which will be affected by the by-law and simply notify them of it so that they have an opportunity to act in the 90 days.

I will skip through to another one, which is amendment No. 1ad. Given the new authorities and the creation of new by-laws, if persons are approached by an authorised officer and informed that he or she is in breach of by-laws or laws in respect of the canals, the persons should be immediately informed of and shown what by-law they are in breach of or in danger of breaching. These are pragmatic requests. The reasons they are the ones we intend to press, unless of course the Minister indicates to directly absorb them into the Bill, is because they are important principles. The amendment states that an authorised officer should be able on request to offer or show physically the by-law - it may be as simple as a booklet. They should be able to show somebody the by-law which he or she is in breach of. It is a simple and appropriate amendment. In terms of any due process of law, it is very reasonable that a person who is told he or she is breaking a law be told what law the person is breaking and that the person is able to see it. It is simply that they would present a hard copy of the by-law. It is not enough to be

told one is breaking a law and to go and check it on the website later. One needs to be able to see it, there and then.

In terms of amendment No. 1ae, this is another crucial and important point. It is in respect of the new by-laws. There are considerable powers in respect of by-laws being given to Waterways Ireland. We have a reasonable proposal here - we would be happy to work with the Department if it has a counter suggestion which is similar and achieves the same policy intent - that Waterways Ireland should, every 36 months, review its by-laws with a specific focus on the new by-laws that have been introduced in the past three years. They should review how these new by-laws are working and whether there are any unintended consequences and they should hold a public consultation so that they can assess the effect, positive or negative, of the by-laws introduced, and that public consultation should take place during the open season. Of course, what nobody here wants is a situation whereby a by-law is brought in in October, November or December and it is only in the following summer season, in June, July and August, that is the peak tourism season, where we see the effect of the by-law and maybe some inadvertent consequences. This ensures that we are able to ensure that by-laws that are put in place are reviewed and tested and that we all can learn and benefit from assessing their impact.

One last amendment is important. Proposed by Senator Norris, it is amendment No. 1af. Waterways Ireland can, in addition to producing by-laws with the 90 day provision that we have heard, add ancillary provisions it deems appropriate. We do not want to see a by-law the interpretation of which extends at great length to mean all kinds of different things and that we have one by-law with seven subsections that get added at a later stage. Every new proposal should come through with the same kind of robust public engagement - the 90 day consultation for which the Minister has rightly allowed.

An Leas-Chathaoirleach: Amendment No. 1af is not included in this group.

Senator Alice-Mary Higgins: Apologies. I did not realise. I have spoken on it and will not need to speak to it again.

These are pragmatic proposals. I look forward to the Minister's response. As I say, in our group we do not intend to press the other amendments at this time but in respect of these amendments, in deciding to press we need to hear the Minister's response in respect of these issues.

Senator Gerard P. Craughwell: I rise to speak on amendment 1az. This requires that by-laws be communicated in writing to each local authority. There is no way that we can allow organisations to operate on the hope that the message will get through at some stage or other. We have to put it into the legislation to ensure that local authorities are aware of them and are communicated with at every stage. Given that the waterways cross several local authorities, we do not want in five years' time to find out that somebody thought somebody else was doing something. We need to ensure that it is enshrined in the legislation.

Under amendment No. 1ab, the Minister will see that I am looking for an extension for public consultation, from 21 to 60 days in most cases. I note, from the Seanad Special Committee on the Withdrawal of the United Kingdom from the European Union, that 21 days is not enough notice to get an organisation in to give a presentation.

An Leas-Chathaoirleach: Is the Senator's phone interfering with the system?

Senator Gerard P. Craughwell: My phone? I must have one phone on for my hearing

aids, sorry. It controls them. I switch them in and out so that I can hear the Leas-Chathaoirleach.

An Leas-Chathaoirleach: We do not need it on though.

Senator Gerard P. Craughwell: At any rate, the consultation period must be long enough to allow for people to get submissions ready and get them in together. I will leave it at that. I am sorry about the phone.

Senator Brian Ó Domhnaill: I will touch on a number of the grouped amendments. I thank the Minister for facilitating the helpful consultation period in the audio-visual room with Waterways Ireland staff. However, I was deeply disappointed by their level of interaction. There was none, and we felt as if our views did not matter. I can relate to the experiences of residents and others along the Barrow line, given that Waterways Ireland, which is a North-South body, seems determined to proceed irrespective of democracy or the wishes of local users. I was disappointed with the consultation. Perhaps we can touch on that issue later.

Regarding amendment No. 1x, Waterways Ireland must comply with screening and assessments under European legislation. I would appreciate clarification on the matter. Any planning process should cover this, but I would like to hear the Minister's comments on the by-laws in terms of this amendment.

Amendment No. 1y refers to 21 days, but the Minister indicated that she would increase the period to 90 days, which we welcome. Will she clarify how she will implement that? Presumably, a departmental amendment will be submitted on Report Stage. If so, that would be good. Not just local authorities, but all stakeholders and users should be covered by the 90-day period.

In light of the recent presentation given by Waterways Ireland in the AV room, an element of local democratic accountability must be brought into the mix. I do not mean "consultation" where people are told what will happen. That is not consultation, it is dictating, and it is what has happened to date. Consultation has to be prescriptive and there must be a statutory obligation on Waterways Ireland to engage with the element of democracy closest to the people, namely, the councillors and officials of local government. This must be done so that the interests of local stakeholders are protected. That is why the 90-day period is so important. While I welcome the period, there may be a requirement to follow up with additional measures, and I would be interested in the Minister's comments on same. Amendments Nos. 1aa and 1ab are linked to the matter of 90 days and I welcome that the initial amendment is being accepted.

Amendment No. 1ad refers to "Authorised Officers", a matter discussed by Senator Higgins. The amendment seeks to require authorised officers to present copies of the by-laws. This is only right. If there is an enforcement issue, at least the individual on whom it places a requirement knows which by-laws are being enforced.

I have lost the number of the next amendment, as they are confusing.

Senator David Norris: They are not.

Senator Brian Ó Domhnaill: I am referring to subsection (2)(a)(ii) on the advertising of proposed by-laws. Senator Norris and I have submitted an amendment to the effect that there should be a wider publication of the by-law. According to subsection (2)(a), the by-law shall be published on Waterways Ireland's website and in newspapers circulating in the vicinity, but Waterways Ireland is not required to notify all registered users of the canal. That should occur. For

one reason or another, people who utilise a service might not have access to the website or read the local newspapers. Most people have moved away from reading newspapers and do not buy them. There should be a mechanism requiring Waterways Ireland to notify all users of when it makes by-laws so that people can be aware and engage in the 90-day consultation period.

I am sorry, but I have lost the amendment's number. It may be No. 1ad.

Senator David Norris: No, it is No. 1y.

Senator Brian Ó Domhnaill: I am told that it is amendment No. 1ag to subsection (2)(a) between lines 30 and 35.

An Leas-Chathaoirleach: Amendment No. 1ag is outside the scope of this grouping. We are debating amendments Nos. 1x to 1ae. Amendment No. 1ag is in the next slot.

Senator David Norris: It is amendment No. 1y.

Senator Brian Ó Domhnaill: It is in the current grouping.

An Leas-Chathaoirleach: Amendment No. 1ag is not.

Senator David Norris: Under amendment No. 1y, Waterways Ireland "shall give notice to a user/interested party group established under this bill".

Senator Brian Ó Domhnaill: That is it.

An Leas-Chathaoirleach: Senator Ó Domhnaill has been on the wrong amendment. Did Senator Norris wish to contribute again or does he wish to allow Senator-----

Senator David Norris: Yes. I strongly support Senator Ó Domhnaill. It is clear that the users of the canal should be consulted when Waterways Ireland is constructing by-laws, but my real point is that I was told by the Chair that it had been impossibly confusing to create a coherent list of the amendments. I will wave this around. The civic engagement group has provided it. It is helpful. There is no reason that it should be done the other way. Everyone present is confused - the previous speaker, the Cathaoirleach, the Leas-Chathaoirleach, the Minister and her advisers - about the numbering of these amendments. In my opinion-----

An Leas-Chathaoirleach: It was not used because it might interfere with-----

Senator David Norris: It was not what?

An Leas-Chathaoirleach: It was not used because it might have interfered with the numbering already in existence.

Senator David Norris: That is rubbish. It is what the Leas-Chathaoirleach has been told, but it is nonsense.

An Leas-Chathaoirleach: Stick to this.

Senator David Norris: Had I realised that there would be this degree of confusion, I would not have consented to the groupings at all. When matters are so completely confused as this, we could easily spend more time on these issues. We have plenty of time, given that we only meet for a day and a half a week, but no consideration has been given to that. When matters are so confused, we should address each amendment in isolation. Then everyone would be clear as

to what we are discussing. The next time that we have such a complex Bill, we should produce something like the civic engagement group's document, that being a consistent, coherent, logical and understandable listing, and then discuss amendments individually.

An Leas-Chathaoirleach: I thank the Senator for his suggestion, but the lists are as they are.

Senator Kevin Humphreys: Amendment No. 1x is commonsensical. If the Minister incorporated it on Report Stage, it would save quite an amount of time.

Senator Ó Domhnaill's point on how to engage with users applies across the board. When we got involved in politics, we used letters and telephones. Now, we use e-mails or engage through Facebook. When users register, they must provide their e-mail addresses for notifications. Many of the canal's users come from other parts of the country, so advertisements in local papers will not be sufficient.

I thank the Minister for taking on board the extension of the consultation period. Regarding the review of by-laws raised by Senator Higgins, will the Minister revert to me on a query? The amendment reads "36 months", but sometimes there must be common sense about the capability of Departments to conduct reviews. When such a comprehensive review is taking place through the Heritage Bill 2016, we should come up with an achievable date for review of the by-laws being introduced. If 36 months is not practicable, the Minister should outline what would be a practicable time to review the operation of these new by-laws and have a possible debate on it.

Senator Paul Daly: I also welcome the Minister's commitment to extending the consultation period, which was flagged at our briefing with the Department.

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Heather Humphreys): As I outlined previously, officials from my Department had a very positive meeting with the Inland Waterways Association of Ireland to discuss some of the concerns over the canals provisions. Many of the issues covered in the amendments were discussed along with other canal-related issues. There was a shared understanding on both sides of the importance of the canals to rural areas for tourism development and local communities. The Inland Waterways Association of Ireland recognised the rights of the regulator to regulate and that legislation should cover regulators, user requirements and by-laws. The importance of having regular engagement was acknowledged and my officials are happy to work with the IWAI on any issues of concern it may have. My officials also had a very good meeting with Senators for which I thank them.

The proposed amendments Nos. 1x and 1y are not needed because any provision in the Canals Act that makes or may make provision for land use must comply with the obligations under the European Communities (Birds and Natural Habitats) Regulations 2011. As with everyone else, Waterways Ireland is subject to habitats directives. If we keep repeating it in legislation, it becomes very cumbersome. It is given that it has to comply with them so there is no need to put that in.

Amendment No. 1y is about notifying identified users. Waterways Ireland automatically notifies all registered boat users, representative groups and local authorities as part of the process. My problem is that there is no such thing as a registered user of a canal. It would be very hard to identify them. This public consultation or notification would be run on the same basis as

a local authority would do it, by advertising in the newspaper and publishing it on the website. It is incumbent on those using the canal to make themselves aware of any changes that might be made.

As I have indicated, I am happy to introduce an amendment on Report Stage to extend the consultation period for making the by-laws to up to 90 days. That gives people with an interest in the canals and waterways 90 days to make a submission. By stating registered users, someone could be left out and we would not even know who had been left out. It is very hard to do that. However, there is a register of boat users and we will advise them.

Senator Alice-Mary Higgins: Did the Minister just say that the Department already writes to Waterways Ireland and the local authorities?

Deputy Heather Humphreys: Yes. We write to the local authorities; that is given. The local authorities will have the 90 days' notice. Senator Craughwell tabled an amendment.

Senator Gerard P. Craughwell: It is amendment No. a1z.

Deputy Heather Humphreys: Amendment No. a1z seeks the insertion of: "(iii) and shall communicate such proposal in writing to each local authority within which such proposal relates,". I am happy to accept that in principle but I need to consult the Attorney General on the wording to be used. I will introduce another amendment on Report Stage.

Senator Gerard P. Craughwell: I appreciate that.

Deputy Heather Humphreys: As a matter of form, Waterways Ireland will write to the local authorities. I believe I have addressed most of the issues there.

On the consultation with Waterways Ireland, it must be remembered that Waterways Ireland works very closely with local authorities. I have a number of examples where it has worked very well on a collaborative basis on projects. On the Shannon-erne Blueway, from Ballyconnell down to Carrick-on-Shannon there have been a number of projects that have worked extremely well. There is a good working relationship between local authorities and Waterways Ireland. In my county, Waterways Ireland was the lead partner in an application for funding in conjunction with the local authority that actually produced €5 million in indirect money to develop the blueway along the route of the Ulster Canal from Smithborough to Middletown on a cross-Border basis. They work very collaboratively. I have complimented Waterways Ireland on how it works with local authorities in introducing good projects with tourism benefits for the local community and the wider public.

Senator Kevin Humphreys: I thank the Minister for arranging the meeting with her officials which I found quite helpful.

The Minister did not address the review mechanism. While it is not my amendment, I would be quite flexible in that regard. I would like to see a review mechanism built into the legislation. No precedent is being set in this regard. When I brought legislation through the House in the past, I accepted amendments to introduce a review mechanism. Given the number of amendments in the Heritage Bill, it would be good practice to have a review mechanism.

Senator Alice-Mary Higgins: As the proposer of the amendment, I can confirm that if the Minister was to indicate she was happy to look at what might be an appropriate review mechanism, we would be happy to withdraw the amendment until Report Stage. We thought that 36

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months seemed like a reasonable period. The Minister might like to consult with Waterways Ireland, but we need a review mechanism.

Deputy Heather Humphreys: On the review mechanism, by-laws are organic in themselves in that if an issue needs to be changed, it has to be changed. That must be done through consultation. We have the full consultation period if something needs to be changed. They are not left sitting for the next three years with nothing happening to them. If something arises that needs to be addressed, a consultation process will take place and changes made if necessary. I take the Senators' point. Perhaps we could examine the possibility of reviewing all the by-laws every five years and put that in. I will look at that. It is just about getting the right wording for an amendment on Report Stage.

Senator Alice-Mary Higgins: I thank the Minister.

Deputy Heather Humphreys: Requiring an authorised officer to walk around with a book of by-laws in his hand when dealing with an issue with somebody would be quite cumbersome. He will obviously tell the person the by-law under which the offence has occurred. However, having to bring a book of legislation around to show somebody the by-laws could be quite cumbersome and not something I would like to impose on them.

Senator Alice-Mary Higgins: That said, given the complexity of the amendments we have seen in the House, we all know how complex it is to have numerous subsections in by-laws. We cannot expect all officers to have all by-laws in their heads. It might not be a book; it might be in online format or perhaps it is commonly accessed by-laws. If people could be told, "It's X by-law and here's where you see it", that would be something. It is still not enough. We do not want people being told they are breaking the law without being shown what law.

2 o'clock

Senator Kevin Humphreys: I need to come back in twice. I accept the Minister's point that by-laws are organic. We are dealing with legislation today and what I am asking to be reviewed is the legislation we are putting through the House today. The Bill is an enabler for by-laws. The purpose of the amendment is to review that mechanism.

Senator David Norris: Amendment No. 1ad is in my name and that of Senator Ó Domhnaill. It seems to me that the fundamental basis of democracy is that one knows with what one is being charged. One has to know the offence with which one is being charged. It should be referenced. It need not necessarily be an enormous book. I do not think the by-laws would necessarily be an enormous book. Presumably authorised officers would have a satchel of some kind. It is not an unbearable duty on them to carry these things. They could also do it through their telephones. Most people have telephones that show these things. All I am saying is that the principle of the amendment, with which I am sure the Minister will agree, is that an individual member of the public should be placed in a situation where they know with a degree of exactitude absolutely with what they are being charged. People are entitled under law to know the offence with which they are being charged. It is a fundamental principle of democracy. I am sure the Minister will agree.

Deputy Heather Humphreys: I have no problem with the authorised officers telling the person under what law they are being charged. This amendment states that they have to have "for reference purposes a hard copy of the bye-laws". That means they have to go around with a hard copy of the by-laws and show it to people. It appears to be a bit cumbersome for an of-

ficier out there enforcing the by-laws on the canal to have this book and have to show it to people when he or she wants to outline to them what they are doing wrong and that a prosecution may follow.

Senator David Norris: They could show it on their phone.

Deputy Heather Humphreys: The amendment does not state “phone”; it states “hard copy”. It specifically states “hard copy”.

Senator Alice-Mary Higgins: I am sure we will be able to-----

Senator David Norris: We can amend that for Report Stage.

Senator Alice-Mary Higgins: We will be able to fight the Minister on that for Report Stage.

Deputy Heather Humphreys: It is the same as asking gardaí to carry the Statute Book around with them to tell people which law they are breaking. Do Senators know what I am trying to say? I am trying to be helpful. These people are trying to implement the by-laws so we can all enjoy the waterways and ensure that the people who break the law are prosecuted. That is what we are trying to do.

Senator David Norris: How many pages are the by-laws?

Deputy Heather Humphreys: I do not think they will be huge but does the Senator understand the point I am making? It is not usual that officers would carry the by-laws with them.

Senator Alice-Mary Higgins: I am sure the Minister could work with the Department on both of those amendments and look at a wording that is acceptable to us and the Minister.

Senator Lynn Ruane: I have a quick point. Most organisations and sectors now use iPads rather than hard copies. We will amend our amendment to reflect that so it does not refer to a hard copy.

Senator Jennifer Murnane O'Connor: I want to ask about the by-laws and their implementation. Over the years, we have all worked through the local authorities. There was always confusion over local authorities, OPW and Waterways Ireland. Who will implement the by-laws? Are there extra jobs involved? Where will the money come from? Like with everything that is set in writing, we must ask where the funding is coming from. Will this be an extra charge on the users of the canals? I have massive concerns. Unless by-laws are controlled and implemented, they are absolutely a waste of time. The by-laws are mentioned but there is no further information about how it will happen and how it will work apart from the public consultation, which I understand. Everything has to be controlled, which the Minister knows. Over the years, my biggest issue has been that nobody takes full responsibility in their areas, for example, through local authorities. We are always trying to find out who will take ownership and control of it. Can the Minister give more information on what is happening and the bigger picture?

An Leas-Chathaoirleach: Does the Minister wish to respond?

Senator Alice-Mary Higgins: There was one amendment that the Minister did not address. If she addresses it, it might facilitate us.

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An Leas-Chathaoirleach: Which amendment?

Senator Alice-Mary Higgins: It is amendment No. 1af, which was a deletion of the power that allows Waterways Ireland to make ancillary provisions to by-laws. Will the Minister indicate her thoughts on that?

An Leas-Chathaoirleach: That amendment is not in this group.

Senator Alice-Mary Higgins: I have made the same mistake again. I apologise. It is a stand-alone amendment and we have already spoken to it.

An Leas-Chathaoirleach: We will come to it in due course.

Deputy Heather Humphreys: The authorised officers of Waterways Ireland will implement the by-laws. There are already by-laws there.

Senator Jennifer Murnane O'Connor: They are not implemented.

Deputy Heather Humphreys: The authorised officers of Waterways Ireland will implement them. They are appointed by Waterways Ireland. There will be no extra charges for users. The cost will be funded out of the Waterways Ireland budget and its own resources.

An Leas-Chathaoirleach: Is amendment No. 1x being pressed? It is the first one in its group.

Amendment, by leave, withdrawn.

An Leas-Chathaoirleach: Is amendment No. a1y in the name of Senator Grace O'Sullivan being moved?

Senator Alice-Mary Higgins: She is not here.

Amendment No. a1y not moved.

Amendment No. 1y not moved.

An Leas-Chathaoirleach: Amendment No. a1z is in the name of Senator Craughwell, who is not here.

Senator Alice-Mary Higgins: It will be addressed for Report Stage.

Amendment No. a1z not moved.

Amendment No. 1z not moved.

An Leas-Chathaoirleach: Amendment No. a1aa is in the name of Senator Craughwell, who is not here.

Amendment No. a1aa not moved.

Amendment No. 1aa not moved.

An Leas-Chathaoirleach: Amendment No. a1ab is in the name of Senator Craughwell, who is not here.

Amendment No. a1ab not moved.

An Leas-Chathaoirleach: Amendment No. 1ab is in the names of Senators Norris, Ó Domhnaill, Ruane and Higgins.

Senator David Norris: I think it has been accepted by the Minister.

Senator Alice-Mary Higgins: It is not moved because it has been accepted.

An Leas-Chathaoirleach: It will come back on Report Stage.

Senator David Norris: We are grateful to the Minister for her graciousness.

An Leas-Chathaoirleach: Will we come back with that amendment on Report Stage?

Senator David Norris: The Minister has accepted the principle.

Deputy Heather Humphreys: I have accepted the principle and I will bring an amendment on Report Stage.

Amendment No. 1ab not moved.

An Leas-Chathaoirleach: Amendment No. 1ae has already been discussed and is in the names of Senators Humphreys and Ó Ríordáin. I apologise - it is amendment No. 1ac. My macular oedema is coming into play now. I am not reading these ones right. Amendment No. 1ac is near the top of the page of the list of amendments.

Senator David Norris: Is it the amendment that refers to “21 days” and “8 weeks”?

An Leas-Chathaoirleach: It has already been discussed with amendment No. 1x.

Senator Kevin Humphreys: I accepted the Minister’s undertaking.

Amendment No. 1ac not moved.

An Leas-Chathaoirleach: Amendment No. a1ad is in the name of Senator Craughwell who is not here.

Amendment No. a1ad not moved.

An Leas-Chathaoirleach: Amendment No. b1ad is in Senator Craughwell’s name.

Senator David Norris: It is amendment No. b1ad.

An Leas-Chathaoirleach: It is amendment No. b1ad. It is my eyesight. Forgive me.

Amendment No. b1ad not moved.

An Leas-Chathaoirleach: Amendment No. 1ad is in the names of Senators Norris, Ó Domhnaill, Ruane and Higgins.

Senator David Norris: I have just dictated a revised version for Report Stage.

Amendment No. 1ad not moved.

Amendment No. a1ae not moved.

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An Leas-Chathaoirleach: Amendment No. 1ae is in the name of Senator Ruane and Higgins.

Senator Alice-Mary Higgins: The amendment is not moved but we are looking forward to and expecting to work with the Department in respect of it.

Amendment No. 1ae not moved.

An Leas-Chathaoirleach: Are we on to a new group of amendments?

Senator David Norris: I move amendment No. 1af:

In page 6, to delete lines 26 to 28.

The intention is to limit the capacity of Waterways Ireland to keep coming in with additional provisions for the by-laws. It seems to be a very wide and sweeping arrangement to allow them to do this. The intention of the amendment is to restrict this provision.

Senator Kevin Humphreys: I want to press amendment No. 1lx.

An Leas-Chathaoirleach: We are not on that yet. We are on amendment No. 1af on the first additional list. It stands alone. It is not being discussed with anything else. Senator Norris has spoken.

Senator Alice-Mary Higgins: I already mistakenly spoke in the last grouping.

An Leas-Chathaoirleach: I know that.

Senator Alice-Mary Higgins: I would appreciate it if the Minister could-----

An Leas-Chathaoirleach: The Senator did apologise, however. That was accepted.

Senator Alice-Mary Higgins: It would be great if the Minister could address the question.

An Leas-Chathaoirleach: Indeed. We will hear the Minister now.

Deputy Heather Humphreys: This is a standard provision that potentially addresses some of the issues addressed elsewhere in the proposed amendments. It allows the body to decide what provisions may be necessary and expedient to include in the by-laws for the management of the canal and the canal property. This basically gives flexibility to Waterways Ireland to change the by-laws, which is exactly what the Senator was speaking about. If something comes up that needs to be changed, this provision gives the flexibility to change it, notwithstanding the fact that it has to go through the full process - the 90 days consultation and all of that. The purpose of this is to allow necessary changes to be made to the by-laws if deemed necessary.

Amendment, by leave, withdrawn.

An Leas-Chathaoirleach: We will take amendment No. 1ag in the names of Senators Norris and Ó Domhnaill. Amendments Nos. 1ag and 1ah are related and may be discussed together by agreement. These amendments are on the first additional list.

Senator David Norris: I move amendment No. 1ag:

In page 6, line 32, to delete “a class D fine” and substitute “warning notices and fines as

defined within the bye-laws”.

Senator Humphreys’s amendment and my own seem to be going in opposite directions because I am attempting to reduce the fine and put in warning notices and fines as defined within the by-laws and Senator Humphreys wishes to, I think, increase the fine.

Senator Kevin Humphreys: Exactly.

Senator David Norris: I would be interested in hearing Senator Humphreys’ arguments for increasing it.

Senator Brian Ó Domhnaill: The proposal here is to reduce the fines issue to a fixed penalty notice system. The class D fines, at the moment, are in the financial bracket from €501 up to €1,000. I am not sure if Senator Humphreys’ amendment meant a class E fine instead of class B, because class E is below €500. Perhaps that was what was meant or maybe it is a misprint.

On the fines, this is a contentious issue within the fishing sector at the moment and has been for some time. I introduced legislation in this House which would introduce fixed penalty notices for minor offences for small fishermen instead of convictions in court and fines. That is what is proposed here as well, a fixed penalty notice with a reasonable limit. If the only recourse here is a class D fine, then the person or persons convicted are looking at paying out between €501 and €1,000 per offence. There could be additional offences as well. There are consequences here and the risk of major financial liabilities. There should be a staggered system, if nothing else, and not just the option of a class D fine. If someone is in contravention of, for example, four or five different by-laws it could stack up. There should be some sort of a staggered system introduced which would include fixed penalty notices. I would be willing to withdraw the amendment if the Minister had another look at this.

Senator Kevin Humphreys: I think the Senator’s suggestion is that we should all withdraw our amendments and have a conversation on the matter, but I would certainly be anxious that there would be a suitable penalty for the crime. On occasions a fixed penalty fine, or a lower one, may be correct but the penalty for major offences has to reflect the damages that could be done to Waterways Ireland and to our water systems. The breaching of serious by-laws can be detrimental and costly. I would be happy if the Minister would engage with the Senators to ensure that the fines reflect the crime.

Deputy Heather Humphreys: On the fixed penalty notice, the Bill already provides for a fixed penalty notice in section 7A. Class D fines are only prosecuted if the fixed penalty notice of €150 is not paid. There is a fixed penalty notice in place there. That will cover the concerns the Senators have. It is when the fixed penalty notice is not paid that it moves into the more severe fines. I think that answers the Senators’ questions.

Amendment, by leave, withdrawn.

Amendment No. 1ah not moved.

An Leas-Chathaoirleach: We will take amendment No. a1ai in the names of Senators Black and Ruane. Amendments Nos. a1ai to 1al, inclusive, and amendment Nos. 1an to 1ap, inclusive, are related and may be discussed together by agreement.

Senator Lynn Ruane: I move amendment No. a1ai:

In page 7, to delete lines 12 to 44, and in page 8, to delete lines 1 to 3.

An Leas-Chathaoirleach: Does the Senator wish to speak to it? Does anyone wish to speak on that grouping?

Senator David Norris: Are we taking all these now?

An Leas-Chathaoirleach: Yes. They are inclusive.

Senator David Norris: The amendments that I have tabled determine that there has to be proof of the commission of an offence. It is important that people, as I have said already, know what they are charged with. They then need to have an opportunity to challenge that and require the engaged officer to produce a burden of proof. Amendment No. 1aj says, “details of reason for grounds for believing that an offence has been committed and details of proof”. It is the same idea.

An Leas-Chathaoirleach: Is amendment No. 1aj included in this group? Sorry, it is.

Senator David Norris: Does the Leas-Chathaoirleach see how very confusing it all is? Without this wonderful list, prepared by the Civil Engagement group, I would be as at sea as the Leas-Chathaoirleach is.

An Leas-Chathaoirleach: Unfortunately, I have to stick to the list that is in front of me.

Senator David Norris: I know. Our hearts go out to the Leas-Chathaoirleach.

Senator Lynn Ruane: We will send the Leas-Chathaoirleach a copy.

Senator David Norris: This means that an authorised officer would have to produce evidence or proof when they serve a fixed penalty notice. That seems to me, again, to be reasonable. If a person is charged with something, the person charging needs to have some degree of credibility, proof and evidence. Another amendment, No. 1al, would insert the term “determining reasonable proof”. This is, as the wording says, reasonable. It is reasonable that there should be a requirement for proof.

Deputy Heather Humphreys: On amendment No. 1ai, if lines 12 to 44 are deleted it means that everything about fixed penalty notices would be deleted. There would be no fixed penalty notices. The fixed penalty notice is €150, that is the first chance. If it is not paid, then we move on to the higher fine.

Senator Alice-Mary Higgins: We plan to withdraw the amendment.

Deputy Heather Humphreys: That is okay, I just wished to explain that. To address Senator Norris’s comments, “reasonable grounds” are sufficient. There have to be reasonable grounds to charge somebody. It is normal for legislation to use this term.

Senator David Norris: My point is that reasonable grounds would have to be demonstrated to the offending person. It is not enough for the person charging simply to say that they believe in their heart, or they think, and so on. They have to produce these reasonable grounds to the person who, it is alleged, committed the offence.

Deputy Heather Humphreys: When the person gets the fixed penalty notice it will outline what they were doing wrong.

Senator Alice-Mary Higgins: There is a fundamental point here. I do not want to get into it, because I know we are all keen to move forward, but there is a fundamental point and it came up in the previous section. It is very unusual that we would look at fixed payment notices without an appropriate appeal mechanism and so forth. There are many other areas where fixed payments are due. The reason that there are so many of these amendments is that we are looking at a situation whereby somebody is effectively being charged, judged and paying the penalty all in the same moment, as it were, because it is a fixed payment notice. That is why there are these complications. Normally one would not have to go through the whole process there and then, but if we do not have an appeals mechanism which is something we need to examine overall in respect of fixed payments, it all has to be done there and then. If there was an appeals mechanism, a fixed payment notice could be issued and the mechanism would be available to the person in the rare cases where it was contested. They should be able to contest it and ask about evidence, etc. Some of these issues arise from that core aspect of the Bill.

An Cathaoirleach: Perhaps the Minister might reflect on it before Report Stage if the amendment is not being pushed.

Senator Alice-Mary Higgins: That would be useful.

Deputy Heather Humphreys: Let me clarify that a person can go to court if he or she does not accept the fixed payment notice. That is the system.

Senator Alice-Mary Higgins: That would be regarded as very unusual. Fixed payment notices are used in very few areas, except in the area of the marine. This is an appeal to the Minister to consider having an appeals mechanism to avoid the courts. With the Mediation Bill and so on, I know that the Government is keen to move away from having a court based solution to every issue.

Senator Kevin Humphreys: As the Minister is moving through them quickly, amendment No. 1an proposes to substitute €150 with €1,000. It would future proof the Bill as the section allows for lower amounts to be specified for contravention of canal by-laws. A sum of €150 is a little low. Will the Minister reflect on the matter and consider increasing the figure? It might mean not having to amend the legislation quite so quickly.

Senator Brian Ó Domhnaill: I was just speaking to my colleague, Senator Murnane O'Connor, who highlighted an important issue related to this section also. Fixed penalty notices are the way to go. They make sense. The justice system and the courts are clogged up enough without having to deal with minor offences such as these. The comparator would be fixed penalty notices for driving offences such as speeding which start at €80. In this instance, they start at €150. Presumably the system is staggered, depending on the nature of the offence involved, and that there is not just a flat rate of €150, irrespective of the severity of the offence involved. I am not even sure what the offences could or would be. Will the Minister give examples of offences and tell us whether she believes a sum of €150 is appropriate? Should lower sums be specified and staggered upwards according to severity?

Amendment 1ak relates to increasing the payment period from 21 days to 30. This is a reasonable request as most people are paid monthly. These are new financial times in which people are in mortgage distress and have bills to pay and so on. In the financial calendar credit cards, etc. work on a 30-day period. Would it not be reasonable, therefore, to increase the period to 30 days?

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Senator Murnane O'Connor will speak on this issue in more detail, but I agree that there should be some appeals mechanism at the fixed penalty notice level. It is most likely that the only way to appeal it will be to not pay it, meaning that the person concerned will end up in the courts. There should be some internal appeals mechanism similar to the appeals system in the Department of Social Protection whereby individuals could within 30 days register their grievance or appeal. Within a further 30 days, Waterways Ireland would issue a response. Perhaps there might be some such mechanism.

Senator Jennifer Murnane O'Connor: I agree with Senator Ó Domhnaill. Will a new appeals system be set up? What are the offences? We are passing legislation that concerns offences and appeals, yet we do not know what system will be in place. This is crucial. I agree that many people do not have €150, which is a lot of money. There should be some system in place to help with an appeal.

Deputy Heather Humphreys: The offence is the breaking of the by-laws and the by-laws will be based on what is contained in section 4. A sum of €150 is the maximum fine. It starts much lower and that is the maximum.

Senator Jennifer Murnane O'Connor: That is important to know.

Deputy Heather Humphreys: I understand where the Senators are coming from in terms of having an appeals system in place, but I do not want to start to layer this excessively. If people are breaking the law, we do not want to have a system whereby it will be appealed and they go to court. If they feel strongly about it, they do not have to pay the fine and can go to court to make their case. However, the sum of €150 is the maximum. I did not want to make it more complicated. I was trying to make things simple. We can assume that most of the people involved are actually breaking the law. The authorised officers will not be stopping people to make false accusations against them. The purpose behind the section is to ensure there will be rules and regulations in place by which people will have to abide in order that we can all use the waterways which will be available for the enjoyment of both boat users and the public in general.

An Cathaoirleach: Is the amendment being pressed?

Senator Lynn Ruane: No.

Senator David Norris: If I may-----

An Cathaoirleach: The mover of the amendment has already stated she does not want to press it until we come back on Report Stage.

Senator David Norris: I will be very brief. I have suggested an amended wording to include after "notice" the words "determining reasonable proof". I have also proposed inserting a subsection providing "where a person wishes to contest notice served, the matter should be referred to an independent appeals board who will adjudicate on the matter as determined in the bye-laws". I do not believe there is provision for such an independent appeals board and believe it is important that there should be. Perhaps the Minister might clarify the position. I just do not know if there is.

Deputy Heather Humphreys: That amendment, amendment No. 1am, was ruled out of order.

Senator David Norris: Will the Minister give an indication as to whether she will permit an independent appeals board to be established?

An Cathaoirleach: I think the Senator is putting the Minister in a log-jam if the amendment was ruled out of order, but he can raise the matter again on Report Stage. For the purposes of clarity, is Senator Lynn Ruane pressing the amendment?

Senator Lynn Ruane: No.

Amendment, by leave, withdrawn.

Amendments Nos. 1ai and 1aj not moved.

Senator Brian Ó Domhnaill: I move amendment No. 1ak:

In page 7, line 20, to delete “21 days” and substitute “30 days”.

An Cathaoirleach: Is the amendment being pressed?

Senator Brian Ó Domhnaill: Yes.

An Cathaoirleach: Those in favour say “Tá”.

Senator An Cathaoirleach: Tá

An Cathaoirleach: Those against say “Níl”

Senator An Cathaoirleach: Níl

An Cathaoirleach: I think the question is defeated.

Senator Kevin Humphreys: It is quite obvious from the support expressed in the House that all of the major groupings have said “Tá”. Traditionally, a question is declared lost if a Government Senator says “Níl”, but it is quite obvious that there is support in the House for the amendment. In a voice vote I would say “Tá”. I also think the Minister might be inclined to accept the amendment.

An Cathaoirleach: I will let the Minister in.

Deputy Heather Humphreys: The period is 21 days because that is the standard provision in legislation, but I will be happy to examine the matter. I do not mind if it is 21 days or 30. It does not really matter, but 21 days is standard. If the Senators want me to examine the matter further, I will.

An Cathaoirleach: It can be re-examined on Report Stage.

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendment No. 1al was discussed with amendment No. a1ai. Is it being moved?

Senator David Norris: We will reserve it.

Amendment No. 1al not moved

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An Cathaoirleach: It is not quite 1 a.m. yet, but amendment No. 1am is out of order.

Amendment No. 1am not moved.

An Cathaoirleach: Amendment No. 1an was discussed with amendment No. a1ai.

Senator Kevin Humphreys: I move amendment No. 1an:

In page 7, line 42, to delete “€150” and substitute “€1,000”.

Amendment put and declared lost.

Amendment No. 1ao not moved.

Senator David Norris: I move amendment No. 1ap:

In page 8, line 3, after “defendant” to insert the following:

“ . This will be determined by the issue of a receipt by Waterways Ireland confirming that a payment has been received”.

How else can one prove without a receipt that one has paid the fine? There is no other-----

An Cathaoirleach: Is the amendment being pressed?

Senator David Norris: Yes. It is perfectly logical that one receive a receipt and produce it as evidence.

An Cathaoirleach: The amendment has been discussed, unfortunately.

Senator David Norris: I am just asking the Minister for a response.

An Cathaoirleach: The amendment has been discussed.

Senator David Norris: The Minister can reply.

An Cathaoirleach: We have rules and I am only going by what is front of me. It states amendment No. 1ap has been discussed with amendment No. a1a1. If I was to start doing this on every amendment, we would be here until 1 a.m.

Deputy Heather Humphreys: Waterways Ireland issues a receipt when a fixed notice fine is paid.

Senator David Norris: The Minister should accept the amendment.

Deputy Heather Humphreys: Waterways Ireland does not need to include it in primary legislation. It does it anyway.

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendments Nos. 1aq and 1ar are related and will be discussed together. They are on the first additional list of amendments.

Senator David Norris: I move amendment No. 1aq:

In page 8, line 5, after “appoint” to insert “from within its own staff”.

The amendment would make it possible for proper authorised personnel with qualifications in the area to be appointed. It seems to be a fairly rational provision. We need people who know what is going on on the canals and who have a good knowledge of the life of canals. They need to know exactly what they are implementing. Without this amendment, people who lack the knowledge and understanding of the canals required could be appointed. The amendment would make it clear that those appointed should have the proper qualifications. It is an inarguable position.

Senator Alice-Mary Higgins: These are fundamental amendments because the legislation vests further powers in Waterways Ireland and its authorised officers, including in the issuing of fixed payment notices. It would be simple to state such officers need to be appointed from within the staff of Waterways Ireland. For example, we do not want a scenario where this work might be contracted out to a private security firm. Hospital security services and so on have been contracted out. We do not want a scenario where a private security firm would have the power to issue fixed payment notices and enforce by-laws. These officers need to be appointed from Waterways Ireland staff. That may mean the organisation will decide to hire additional staff, but that is for it to determine. Accountability is important and we do not want a situation down the line where Waterways Ireland states the company it contracted to enforce the by-laws did X, Y or Z. There is a need for direct accountability. Similarly, it must be ensured that the officers are suitably qualified because they are being given a new series of powers. I am happy to engage with the Department on the detail of the amendments, but the Minister will understand they are about taking seriously the powers, accountability and training of authorised officers.

Deputy Heather Humphreys: Waterways Ireland will appoint authorised officers from its own staff. The organisation will ensure they are properly qualified.

Senator David Norris: Is that provided for in the legislation?

Deputy Heather Humphreys: Section 7B(1) states: “Waterways Ireland may appoint such or so many of its officers or classes of its officers as it considers appropriate”. They will be appointed from within Waterways Ireland staff and suitably qualified.

Senator Alice-Mary Higgins: I appreciate the Minister’s assurance. I may engage further on this issue because there are public procurement concerns and about trade agreements for planning. It is important that we ensure where there is public delivery of a service, it is retained for public delivery. In some cases, this may need to be reflected in legislation. I am happy to withdraw the amendments, but I might engage with the Minister on specific concerns in order that we will not leave this to standard practice. We must ensure it is covered in legislation.

An Cathaoirleach: The Senator can mention them again on Report Stage.

Amendment, by leave withdrawn.

Amendments Nos. 1ar to 1au, inclusive, not moved.

An Cathaoirleach: Amendments Nos. 1av to 1aaf, inclusive, are related and will be discussed together. Amendment No. 1aaf is a physical alternative to amendment No. 1aae.

Senator David Norris: I move amendment No. 1av:

In page 8, lines 25 and 26, to delete “boats may be used in the canals in” and substitute “the canals and canal property may be used in”.

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Deputy Heather Humphreys: The making of by-laws is to regulate boating on canals and manage the use of canals. The amendment would render the provision meaningless because it would delete the word “boats” and substitutes “canals and canal property”. This is a repetition of section 5C and would delete Waterways Ireland’s authority over boats.

Senator David Norris: I am happy to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments Nos. 1aw and 1ax not moved.

Senator Brian Ó Domhnaill: I move amendment No. 1ay:

In page 8, line 37, to delete “certificate” and substitute “evidence”.

Amendment put:

The Committee divided: Tá, 29; Níl, 18.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Bacik, Ivana.	Burke, Paddy.
Black, Frances.	Butler, Ray.
Craughwell, Gerard P.	Buttimer, Jerry.
Daly, Mark.	Byrne, Maria.
Daly, Paul.	Coffey, Paudie.
Devine, Máire.	Coghlan, Paul.
Dolan, John.	Conway, Martin.
Gallagher, Robbie.	Feighan, Frank.
Gavan, Paul.	Hopkins, Maura.
Higgins, Alice-Mary.	Lombard, Tim.
Horkan, Gerry.	McFadden, Gabrielle.
Humphreys, Kevin.	Noone, Catherine.
Kelleher, Colette.	O'Donnell, Kieran.
Lawless, Billy.	O'Donnell, Marie-Louise.
Leyden, Terry.	O'Mahony, John.
Mac Lochlainn, Pádraig.	Reilly, James.
McDowell, Michael.	Richmond, Neale.
Murnane O'Connor, Jennifer.	
Norris, David.	
O'Sullivan, Grace.	
O'Sullivan, Ned.	
Ó Domhnaill, Brian.	
Ó Donnghaile, Niall.	
Ó Ríordáin, Aodhán.	
Ruane, Lynn.	
Swanick, Keith.	

Warfield, Fintan.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Paul Daly and Brian Ó Domhnaill; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared carried.

Senator David Norris: I move amendment No. 1az:

In page 9, between lines 2 and 3, to insert the following:

“(iv) if this evidence is not available then an individual should be able to produce said evidence within a reasonable period of time as determined in the bye-laws.”.

An Cathaoirleach: Is the amendment being pressed?

Senator David Norris: No.

Amendment, by leave, withdrawn.

Amendment No. 1aaa not moved.

Senator David Norris: I move amendment No. 1aab:

In page 9, line 14, to delete “owner of a boat” and substitute “persons on canal property”.

My amendment is important because it seeks to give power to people not just to direct the owner of the board.

An Cathaoirleach: We cannot discuss the amendment as it has already been discussed.

Senator David Norris: All right.

An Cathaoirleach: Is the amendment being pressed?

Senator David Norris: No.

Amendment, by leave, withdrawn.

Amendments Nos. 1aac to 1aaf, inclusive, not moved.

An Cathaoirleach: Amendments Nos. 1aaf to 1aai, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

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

In page 10, line 12, to delete “a named authorised officer” and substitute “a member of an Garda Síochána or a Customs or Revenue Official”.

The amendment highlights an important principle. We did not have an opportunity to discuss the previous section but it dealt with allowing people to board boats. Amendment No. 1aaf refers to search warrants. My colleague and I are concerned that the current legislation allows

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authorised officers to get search warrants to enter and search boats accompanied by anyone whom they believe to be appropriate. My colleague and I believe this aspect must be clarified. In ideal circumstances search warrants should only be issued to a garda, a customs official or a Revenue official. The ability to grant search warrants to authorised officers is quite a considerable power.

We are concerned about the provision which states: “A search warrant under this section shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary.” We believe that if an authorised officer is issued with a search warrant, he or she should be accompanied by a member of the Garda Síochána, a customs official, a Revenue official or health and safety inspector. We also believe that they should be the determinants. Perhaps authorised officers from Waterways Ireland could also ask for a search warrant.

The power I have alluded to is very considerable. My colleague and I will probably not push the amendment. We urge the Department to review granting a considerable power to search and enter people’s private properties and homes to authorised officers as stipulated in this legislation. This is particularly important given the fact that we have not been reassured about the accountability of authorised officers. I do not plan to press these amendments at this point but I want to discuss the matter. The granting of search warrants is quite a considerable power and the persons who use search warrants must be accountable. I am concerned about this power and ask the Minister to address the matter.

An Cathaoirleach: Is the Senator forewarning the Minister for Report Stage?

Senator Alice-Mary Higgins: Yes.

Senator David Norris: I agree with the Senator that these powers usually reside with a garda, a Revenue official or a customs officer. I also agree that it would be well worth our while examining the matter to ensure that the appropriate person is used. These are very wide powers. They include the power to enter the personal property and home of an individual. Let us remember that some people live on houseboats.

Amendment No. 1aah deals with the presentation of a warrant. As the legislation stands, persons must request the presentation of a warrant. They may neglect to do so, or may not know they have the right to do so, or may not do so for one reason or another. It is important that a warrant is presented to the person who is alleged to be guilty of an offence.

Amendment No. 1aai extends the provision from merely covering a boat to include other canal properties. It does not restrict it to the question of a boat.

3 o'clock

Senator Kevin Humphreys: A floating community, including families and children, is developing in Grand Canal Dock. We need to be very careful about search warrants and so on. We need to recognise that we are talking about people’s homes, and people should have the same rights and protection under the law as any one else. I understand that to be the intention of the Minister. The community to which I refer has a fear around that.

The community in Grand Canal Dock in Dublin is in the middle of the silicon dock. When the pricing structure is set, I ask that we make sure we do not price ordinary people out of the

area. I ask the Minister to consider that the homes of many people in the area will be affected by the search warrants we are discussing.

Deputy Heather Humphreys: These are very specific provisions tied to the operation of the by-laws, and expertise in the operation of these by-laws lies in the staff of Waterways Ireland. The officers executing a search warrant have to go to court to get a search warrant before they can execute it. That will allay some of the fears around search warrants. They will go to court to ask for search warrants on the basis of breaches of the canal by-laws. A judge would have to be satisfied, based on the sworn information of an authorised officer, that there are reasonable grounds granting a warrant. That is what this section is about.

Senator Norris said that if an officer does not automatically produce a search warrant that would invalidate the search. At that stage, he or she probably should have known that there was an issue and it should not come as a surprise because he or she would have had to go to court to get a search warrant.

I refer to amendment No. 1aai. It suggests that Waterways Ireland would need a search warrant to enter its canal property. That does not make sense.

Senator David Norris: I refer to presenting the warrant.

Deputy Heather Humphreys: The amendment states, “In page 10, line 16, after “boat” to insert “/canal property” “-----

Senator David Norris: I am not talking about that. Rather, I am talking about the question of presenting the warrant. If a person has gone to court and obtained a warrant, what is the reason for not presenting it to the alleged offending individual?

Deputy Heather Humphreys: We have already provided that the search warrant must be produced on request. It is already in the Bill.

Senator David Norris: I am saying it should be produced anyway, regardless of whether-----

Deputy Heather Humphreys: That a search warrant must be produced on request is already provided for.

Senator David Norris: I am saying it should be provided anyway.

Deputy Heather Humphreys: Yes.

Senator David Norris: I want to ask the Minister if she would consider that.

An Cathaoirleach: Senator Higgins said she would not press the issue today, and might wait until Report Stage on which the Minister and the Senator can give the matter further consideration. If that is her wish-----

Senator Alice-Mary Higgins: I was aware of the question of the court. That does not address my concern that the testimony or opinion of an authorised officer will, in effect, be given the same standing as a garda, who might say he or she has reasonable grounds to seek a warrant. I am very aware of the court process. The Minister’s comments do not allay my concerns, but I am happy to have a discussion on that question. A new category of person is being given the same powers-----

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An Cathaoirleach: For the time being, you can withdraw-----

Senator Alice-Mary Higgins: I realise there is a process, but it is appropriate that authorised officers have the same powers as Revenue officials or gardaí currently have without any allusion to that. Let us engage further on the matter.

Deputy Heather Humphreys: Just to clarify-----

Senator David Norris: If the officer is required to produce the warrant on request, he or she must have the warrant in his or her possession. Why on earth would he or she not present it? There does not seem to be any good reason for an officer to think that because someone did not ask for it, it is a case of, “Sucks, boo to you”. If an officer has a warrant in his or her pocket, why would he or she not present it? It seems perfectly logical.

An Cathaoirleach: The case has been made strongly and the Minister can consider it. We seem to be going around in circles.

Deputy Heather Humphreys: I refer to comments on a new category of authorised officers. It is not a new category. We already have authorised officers working in the National Parks and Wildlife Service.

Senator Alice-Mary Higgins: The Bill proposes to grant them a new power, namely, the right to seek a search warrant. I do not believe they currently have such a right.

An Cathaoirleach: Let us reflect on the matter.

Amendment, by leave, withdrawn.

Amendments Nos. a1aag to 1aai, inclusive, not moved.

Question, “That section 4, as amended, stand part of the Bill”, put and declared carried.

SECTION 5

Question proposed: “That section 5 stand part of the Bill.”

Deputy Heather Humphreys: I intend to introduce an amendment on Report Stage to update the title of the Minister in the Schedule. It is intended to change it to the current title, namely, Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs. I also intend to introduce an amendment to amend the definition of “road authority” in section 16(1) of the Schedule. The wrong references were used.

Question put and declared carried.

Question, “That section 6 stand part of the Bill”, put and declared carried.

SECTION 7

Question proposed: “That section 7 stand part of the Bill.”

Senator Alice-Mary Higgins: I wish to indicate that I may bring in amendments in respect of some of the definitions that feature in the Bill on Report Stage.

Question put and declared carried.

Senator Grace O’Sullivan: I move amendment No. 2:

In page 11, between lines 28 and 29, to insert the following:

“8. (1) The Minister shall conduct a comprehensive national baseline study over a period of at least 3 years to collect data on bird nesting and other aspects of hedgerow and countryside biodiversity in order to inform the protection of biodiversity and of other aspects of the environment including the consideration of appropriate closed season dates for burning vegetation and cutting of hedgerows (without prejudice to current limitations as set out in the Wildlife Acts 1976 to 2010).

(2) Before initiating the study referred to in subsection (1) the Minister shall consult with interested parties in relation to the purpose and methodology of the study, the arrangements for review and publication of the study, including through a public participation process which conforms to Article 6 of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters adopted in Aarhus, Denmark on 25 June 1998.

(3) The study referred to in subsection (1) will also have regard to the key areas of policy coherence as enumerated elsewhere in this Act.

(4) No regulation or legislation allowing for an extension of the burning or cutting period of the cutting of hedgerows or burning of uplands beyond that set out in the Wildlife Acts 1976 to 2010 shall be initiated prior to publication and full consideration of the baseline study.”

This amendment refers to the baseline survey. The Minister is putting the cart before the horse, in respect of the suggestion that the season for burning hedgerows and upland be extended. That would, in effect, go against a proper scientific baseline survey.

The Minister’s proposal would damage biodiversity. We are proposing that a baseline survey is carried out in consultation with the various stakeholders, namely, the different environmental organisations. It should take place in the next three years and when the data are collected the Minister’s proposals can be considered.

Senator David Norris: This is the crux of the matter. It is absurd for a Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs to come in here and blather on about hedges. What have hedges got to do with heritage? It is a complete and absolute nonsense. The absence of scientific evidence on the part of the Minister has been underlined throughout the debate. No survey has been done and this is disastrous. It is appalling that the Government would introduce policy based on no scientific research whatsoever.

The Heritage Bill proposal to allow burning in March would have a very serious impact on upland breeding birds. Birdwatch Ireland, a professional body engaged in this area, presented the best available data to the Minister but the science is being totally ignored. It might as well not have been done. We need Irish data so we need a proper pilot study, not a mass implementation of a policy which is unsupported by science. The necessary research must take place before this is implemented.

What science underpins the proposed changes to ensure birds are not impacted? What

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evidence has the Minister got for this? She has presented none to this House. If a pilot study shows that nesting birds have been impacted what will the Government's policy objectives be? Will this alter the situation? Can we have the details of what secondary legislation is envisaged by the Government?

According to Derek Mooney, a well-known populariser of natural history, modern farming practice has taken its toll on wildlife and the destruction of hedgerows has greatly reduced the cover of mammals and birds. He said seed-eating birds will decline drastically in numbers and the shortage of insect larvae will make it difficult for birds to raise their young. Three quarters of an hour ago in this House I adverted to the impact on the moth and butterfly population so I will not regurgitate it.

We do not have much scientific evidence in Ireland as it simply has not been done. I would, however, like to put on the record the results of a survey conducted by the University of Leeds on the impact of peat burning on the chemical composition of the landscape. It states that prescribed burning on peatlands was shown to have clear effects on peat hydrology, peat chemistry and physical properties, river water chemistry and river ecology. It is a substantial impact. It also states:

Burning reduces the organic matter content of the upper peat layers. The net result is that the peat is less able to retain important particles known as exchangeable cations. In other words, the peat in burned sites is deprived of chemicals which are important for plant growth and for buffering acidic rainfall. [By burning peat we are creating conditions that are adverse to important plant growth.] Lower concentrations of nutrient elements found in peat soils in burned river basins do not support the idea that burning enriches the peat with nutrients from ash. [We are often told that by burning on grassland, gorse and scrub areas one gets a fresh growth of grass but this does not appear to be the case with regard to peatlands.] Rivers draining burned catchments were characterised by lower calcium concentrations and lower pH relative to rivers draining unburned catchments. Rivers draining burned sites had higher concentrations of silica, manganese, iron and aluminium compared to unburned catchments. There was no difference between burned and unburned catchments in peat nitrogen concentrations or in carbon to nitrogen ratios (high C/N is considered unfavourable to microbial decomposition of peat) ... Water-table depth is very important in peatlands for maintaining their stability and function as a carbon store. Water tables were found to be significantly deeper for burned catchments than for unburned ones. Deeper water tables would suggest a greater scope for degradation of the peat and loss of carbon to the atmosphere.

In other words it is carbon negative. The report further states that sphagnum is an important peat-forming species. Sphagnum grows on the bogs and in historical times it was used as a dressing for wounds as it has powerful medicinal properties. The report goes on:

Changes in the hydrological properties of the peat after fire make the peat less conducive to Sphagnum moss growth. River flow in catchments where burning has taken place appears to be slightly more prone to higher flow peaks during heavy rain. However, this was not a conclusive finding. Burning vegetation alters the natural peat hydrology in the upper layers of the peat affecting the balance of where water flow occurs. Recovery of many hydrological properties appears to be possible if a site is left unburned over many years. [This means the site shows a capacity to recover.] Thermal regimes appear to recover as vegetation regrows. This recovery was also seen in soil hydrology data from burned plots

of different ages. Macroinvertebrates play a vital role in aquatic food webs by feeding on algae, microbes and detritus at the base of food chains before they themselves are consumed by birds, fish and amphibians. The research found that river macroinvertebrate diversity was reduced in burned sites. [This means there is a reduction in the small fauna in burnt areas.] In burned sites, river macroinvertebrate populations were dominated by groups that are commonly found in higher abundance in disturbed river systems, such as non-biting midge larvae (Chironomidae) and burrowing stonefly larvae (Nemouridae). Increases in the abundance of disturbance-tolerant taxa counteract declines and/or losses amongst some groups (e.g. mayflies) which are typically sensitive to reduced pH, increased aluminium and deposition of fine sediments. These changes show that burning increases the effect of biological stressors compared to unburned rivers.

All these things suggest a dramatic impact on the chemistry and ecology of peatlands. In addition, section 8 extends the burning period which would affect a significant proportion of our most threatened species. Upland burning has been shown to have some positive aspects but it is essential that threatened species are not wiped out. Among those species are curlew, which used to be a very common feature of the Irish landscape. Now one hardly ever hears the curlew's call, or the golden plover. This section needs to be vigorously opposed and then rethought. I ask the Minister to do so.

Senator Kevin Humphreys: I have a real problem with this. It might not go far enough in collecting information over a three-year baseline but we need a baseline. The Minister's officials told us that three or four counties were sensitive to this but we do not have enough information. The first thing to do is put in place a database so that we know what we have and to know what we damage and do not damage.

The discussion has moved on from when the Bill was first introduced. On Wednesday, 9 November 2016 when the Bill was first introduced the Minister spoke nine times on road safety. On 17 November 2016 she spoke at length six times on road safety in connection with this section of the Bill. On 2 March 2017 she also spoke at length three times. I can give her the details if she requires. We have moved significantly on this section of the Heritage Bill from road safety to a pilot scheme to a baseline study among other issues. We can now rule out once and for all that the Bill has anything to do with road safety-----

Senator David Norris: Hear, hear.

Senator Michael McDowell: Hear, hear.

Senator Kevin Humphreys: -----and everybody here should accept that. When Senator Alice-Mary Higgins tabled amendments which would have greatly improved the road safety aspect of dealing with hedgerows her proposals fell on deaf ears.

I agree with Senator Norris that the measure must be opposed. I call on Members to support the amendment because at the very least one must support good science, which is what it is. One must investigate and carry out a proper baseline study and then one can move forward. Our neighbours in Northern Ireland, Wales and Scotland moved in that direction but they have moved back. Recently, Northern Ireland voted to ensure that August was still included. It is important to acknowledge that was done. I support the amendment. I will possibly table an alternative to the baseline study on Report Stage in terms of time, area and distance in kilometres. We need good science. What is proposed today relates to the Twenty-six Counties. The

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Minister asks us to trust her to do it by regulation. We would be failing citizens if we were to take it on trust. This is primary legislation and the baseline study must be outlined in detail in terms of what counties are covered and how many kilometres of hedgerows will be taken into account. Let us kill off the notion once and for all that the issue relates to road safety. Let nobody in this House try to justify the argument because that is not the case.

Deputy Heather Humphreys: I have listened carefully to the contributions of Senators not just today but on previous occasions when I was in the House. In response to Senator Humphreys, sometimes I do not get the opportunity to speak because I do a lot of listening when I am in here.

Senator Kevin Humphreys: The Minister spoke about the baseline study.

Deputy Heather Humphreys: Senator Humphreys was counting when I mentioned things. I wish to be clear that sometimes I do not always get the opportunity to speak.

I appreciate the concerns that have been expressed by a number of Senators on the impact the provisions might have on biodiversity. I share the views of Senators that hedgerows are a very important wildlife habitat that provide food, shelter, corridors of movement, nests and hibernation sites for many native flora and fauna. The changes in timing of cutting which are set out in the Bill will not interfere with any of those functions. As I stated previously, my intention is that any hedge trimming in the month of August may only take place on road sides or on land where reseeding or tillage is being carried out and that the trimming may only be of the current year's growth and should not involve the use of heavy flails or grubbing. If a person needs to carry out heavier cutting of hedges such as grubbing and flailing they must do so during the existing permitted period between September and the end of February. I wish to be clear; it was never my intention to allow the grubbing, heavy cutting or destruction of hedges in August. The text reflected the wording in the original legislation and I now propose on Report Stage to delete the words "grubbing" or "destroying otherwise" from section 8(2) of the Bill.

To be clear, this is a pilot scheme for two years, subject to regulations and guidelines and there will be monitoring of the pilot phase. After two years it must come back to both Houses of the Oireachtas, which must pass a resolution – that means it will not be a nodding exercise – for the pilot period to continue and if it is not passed the pilot scheme will fall and the scheme will cease.

Section 8 also allows for the controlled burning in certain areas to be specified by regulation during March should it be necessary, for example, due to adverse weather conditions. Members are all aware of the illegal burning that takes place. What I want to do is allow flexibility to work with landowners and to do that in a managed and safe way.

Section 8 also provides for managed hedge cutting to be allowed under strict criteria during August to help ensure overgrown hedges impacting on roads can be tackled. The sunset clause of two years provided for in section 8 can only be extended by separate resolutions of the Seanad and the Dáil. It is good practice for the provisions to be reviewed during the two-year period in order that we can assess the works in practice and determine if there are any lessons to be learned or if any improvements are needed. We must also ensure that the new provisions should not adversely impact on wildlife. That will be a key aim of mine, taking account of my responsibilities for natural heritage.

I am aware of some concerns surrounding scientific data to underpin the nesting and breed-

ing periods for wild birds. I am satisfied that the provisions to be put in place in section 8 fully respect the requirements of the nesting and breeding seasons for wild birds. Furthermore, Senators will note that the provisions in the section provide that the cutting of hedgerows in August will only be possible if it is done in accordance with regulations which I will make in relation to hedgerow husbandry and to ensure that wildlife and other flora and fauna are protected. No cutting will be possible in the absence of the regulations. The provisions in the Bill are for a pilot phase of two years. In that time my Department will monitor activity under the provisions and an assessment of the impacts will be carried out before any decision is taken on continuing the measures beyond the pilot phase.

Senator David Norris: When the damage is already done.

Deputy Heather Humphreys: My Department will work towards gathering further data to inform decision making into the future.

Senator David Norris: How can the Department get further data when it does not have any?

Deputy Heather Humphreys: My Department will work towards gathering further data to inform decision making in the future.

Senator David Norris: It is not further data.

Deputy Heather Humphreys: I also intend to launch a public awareness process for all stakeholders, including local authorities, landowners and members of the public so that they are fully informed as to the restrictions on hedge cutting and burning. Accordingly, I am of the view that the monitoring regime that will be put in place during the two-year pilot phase will allow my Department to decide on whether to continue with the provisions post the two-year pilot phase based on the scientific data available. For that reason I ask Senators to support section 8.

The Bill will not make it compulsory for anyone to cut a hedge in August.

Senator Michael McDowell: That is not possible.

Senator David Norris: Even where there is a serious road safety danger.

Deputy Heather Humphreys: People will not have to cut hedges.

Senator David Norris: That explodes the Minister's nonsense about road safety.

An Leas-Chathaoirleach: Order. The Minister should be allowed to speak without interruption.

Deputy Heather Humphreys: Could I finish, please? However, if a hedge is blocking the view of road users or where land management requires, the landowner will have the option to cut back one season's growth in the month of August if he or she so wishes. That is a serious issue on local byroads in rural areas where hedges grow out on roads in particular in the month of August following heavy rain. I know because I live there and I have experienced it. It damages cars, it restricts the view of motorists and it is dangerous for cyclists. People prefer local authorities to have the power to cut hedges. There is a provision whereby local authorities can cut hedges in the interests of road safety. However, the reality is that local authorities simply do not have the manpower or resources to be out on every byroad in the country inspecting and

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trimming hedges. They just do not have that capacity. Anyone who lives in rural Ireland will be aware of that.

Senator Alice-Mary Higgins: Excuse me, Minister.

An Leas-Chathaoirleach: I will call Senator Higgins next.

Deputy Heather Humphreys: We cannot have a situation where people are damaging their cars and accidents are being caused because people cannot see around corners due to overgrown hedges.

Senator David Norris: Does the Minister have statistics on that?

Deputy Heather Humphreys: It is a real problem.

Senator Alice-Mary Higgins: There is an inaccuracy here, but I will come back to it.

An Leas-Chathaoirleach: The Senator will get her turn.

Deputy Heather Humphreys: The proposals in the Heritage Bill 2016 represent a moderate and common sense approach. Many people talk about common sense. This is a common sense solution to address the problem.

Senator Paul Gavan: Common sense to-----

An Leas-Chathaoirleach: Order.

Deputy Heather Humphreys: I will talk about the curlew because I know it was mentioned.

Senator David Norris: There has been an 80% decline.

An Leas-Chathaoirleach: Please, Senator.

Deputy Heather Humphreys: I recently established a special curlew task force to examine what steps can be taken to support our native curlew. This has been warmly welcomed by groups such as BirdWatch Ireland. Similar funding has been provided by my Department to support important conservation projects, such as the red grouse management plan in Boleybrack Mountain in County Leitrim. That project, which involves a collaborative approach by farmers, gun club members and wildlife groups has brought about an increase in grouse numbers locally. That shows what can be achieved when there is a collaborative approach with local landowners.

I want to replicate the approach in my county, Monaghan. We have six nesting curlews in the Sliabh Beagh area. I arranged an information evening some time ago to raise public awareness about what we can all do to work together to protect the curlew. There were many farmers at that meeting and they genuinely want to protect the curlew. It infuriates me when accusations are thrown around that all farmers are looking to destroy our wildlife. That is not-----

Senator David Norris: We never said that. That accusation has never been made.

(Interruptions).

An Leas-Chathaoirleach: Senator, please.

Senator Alice-Mary Higgins: That accusation has never been made and I ask the Minister to correct the record.

Senator David Norris: No such remark has ever passed the lips of-----

An Leas-Chathaoirleach: Senator Norris is out of order.

Senator Alice-Mary Higgins: The Minister needs to correct the record.

Senator David Norris: The Minister needs to withdraw that comment.

(Interruptions).

An Leas-Chathaoirleach: Senator Norris is totally out of order.

Senator Alice-Mary Higgins: The Minister needs to withdraw the comments.

An Leas-Chathaoirleach: The Senators are all out of order.

Senator David Norris: The Minister is out of order, making unjust accusations about a debate that has taken place in this House.

An Leas-Chathaoirleach: The Senator should resume his seat. He is not in a place to carry on like that. He should have more manners. We will hear the Minister, and then I will call on Senator Higgins and Senator Norris in turn.

Deputy Heather Humphreys: I will clarify that I did not name any specific Senators. I said that general accusations are thrown around that all farmers are looking-----

Senator David Norris: Where are they thrown around?

Deputy Heather Humphreys: They are on social media. They are all over the place.

An Leas-Chathaoirleach: Dún do bhéal.

Senator David Norris: That is a load of twitter.

An Leas-Chathaoirleach: No, that is the Senator.

Deputy Heather Humphreys: That could not be farther from the truth. Farmers are the custodians of our countryside.

(Interruptions).

Senator Alice-Mary Higgins: The Minister is quoting our book.

An Leas-Chathaoirleach: The Senators cannot all interrupt. Please obey the Chair.

Senator David Norris: So one person interrupting is-----

An Leas-Chathaoirleach: Stay quiet. I will call on the Senator in due course.

Deputy Heather Humphreys: This legislation is not and has never been about widespread heavy cutting of hedges. It will allow hedges to be cut in August in certain circumstances only, subject to strict regulations, and in this regard, any cutting of hedges in August may only be of

the current season's growth and may only be carried out on roadsides and on land where reseed-ing or tillage is taking place. This represents only a small percentage of the overall hedgerows in the country. Furthermore - I have said it before and will say it again - I will prohibit grubbing and flailing in August. If farmers and others need to carry out heavier cutting of hedges such as grubbing and flailing, they must do so during the existing period between September and the end of February.

Senator Alice-Mary Higgins: I was going to speak strictly to amendment No. 2. I will not go extensively into amendment No. 3, which I believe we will be debating together.

I need to correct two key points for the record. We have had this debate and I do not think it is constructive. As a Minister for all of Ireland, the Minister needs to be very clear that it is not constructive to suggest or ascribe comments to the Seanad. Nobody here has cast any aspersions about farmers. That has been clear. We spoke as custodians. My colleague spoke as her father is a proud member of the Irish Farmers' Association, IFA. We have spoken about the interests of farmers, for example, horticultural farmers, those growing crops who are deeply concerned about the impacts of this legislation on pollinators. We need to be very careful and appropriate and not try to create division where division has not been sown in this House.

I would also like to make a technical correction. The Minister said "as all who would live in rural areas". All who live in rural areas and many of us who now live in urban areas are aware that the legislation is currently that councils can issue a permit which will allow the landowner to cut the hedge. The Minister suggested that councils can cut hedges but do not have the capacity to do so. The section 70 order allows a landowner to cut the hedge. I do not believe in this context that this was accurate. Let us be accurate about what the legislation provides.

That said, I believe there is a resource issue. It would be useful, as we have often said before, if we looked at places like County Clare and others where resources have been given to county councils to allow them to support the hedge cutting in issues of road safety. I acknowledge that my colleague, Senator Kevin Humphreys, kindly acknowledged the amendment I put forward along with my colleague Senator Grace O'Sullivan, which would have strengthened road safety. Our amendment is the only amendment to this legislation that is explicitly set out to strengthen road safety. It was to ensure that not only landowners would be allowed to cut hedges where they feel there is a road safety concern, but that individuals could do so too. We heard passionate testimony from persons with a disability about the obstructions for them. Any person who is a road user or a path user could ask for a section 70 order to be issued. It was a strengthening provision to allow road users who are concerned about road safety to ask for an exception. Where road safety is a concern, section 70 allows for cutting at any time of year, 365 days a year.

I wish to speak on amendment No. 2 and my other concerns around gorse-burning and hedges.

An Leas-Chathaoirleach: Is this on a new section?

Senator Alice-Mary Higgins: It is amendment No. 2. We are speaking only on amend-ment No. 2. Those were simply clarifications of the Minister's speech.

On amendment No. 2, unfortunately, the Minister did not comment on her views on baseline data. We have been hearing at length that this is a pilot. We have been hearing ideas as to what might be done. We need to be very clear on the messages the Minister has given today with

regard to one year's growth, what is or is not included and where it will be targeted. None of this is currently in the legislation. At present, the legislation gives clear and wide permission, and none of the constraints or the concerns on which we have heard very welcome suggestions from the Minister are in the legislation before the House. We need to be very clear. It is imperative that the Minister puts what she is saying here in the Chamber into the legislation. We have a very wide divide at the moment between stated policy intent and the legislation that is before the House.

There is also a concern when we talk about a pilot. We have not really heard what is the intention of the pilot. Why are we doing a pilot on cutting? What is the urgency? We know that road safety can be addressed elsewhere. What is the driver? What is the Minister's perspective as Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs? What is the major heritage concern in rural areas that is driving this intrusion into our wildlife legislation? It is a template that has stood for a long time and has been copied across Europe and in the UK. We need to know why we are doing this pilot, and the case for doing it needs to be strong. There is a key concern. The Minister talks about science and such, but she is still talking about assessing the impacts. If we do not have a baseline, we do not know how to assess the impacts. At present, there is no provision for baseline data gathering. If, in two years' time, we simply say here is the situation now for whatever species may have expired or still be there, there will be no indication as to from where we have come or what we may have lost. As I have said before, we know from the people who write to us and who monitor nature in their own areas that they have seen what has been lost already. What about a baseline? The Minister has not made provision for a baseline or indicated for a baseline. Amendment No. 2 is separate to our general provision. We have put forward very reasonable and appropriate scientific terms under which a baseline could be conducted so we know what is the biodiversity in our hedgerows right now, what is the nature of our hedgerows, what is there and what species are there. We have information from the UK, which has done this research, and it is very interesting that when the UK conducted research on its hedgerows and looked at its baselines and impacts, it decided to change and copy our legislation because it was better. It decided to remove August from the period of cutting and burning. We also need to be clear that there needs to be freedom.

The Minister mentioned assessment. At no point in the legislation do we have clarity on what assessment will be published, where it will be shared and how we will all be able to talk about what has happened during the two year period. There is no plan for the pilot at present. There is no specification. It is not simply enough for the Minister to ask for blanket permission to invent a pilot. The pilot cannot be all of Ireland and the Minister needs to set out what proportion of Ireland will be covered and not covered. The Minister is giving assurances which, sadly, I do not believe she is in a position to give, that no wildlife will be affected. We just do not know this unless we have the data and the science.

I welcome the Minister's comments on grubbing. That is dealt with in amendment No. 3. I imagine the Minister plans to accept our amendment on grubbing and destroying. I also welcome the Minister's comments on flailing. I note we will have an opportunity in this regard, if the Minister is genuinely serious about addressing issues of grubbing and flailing, as amendments to section 10 look to strengthen and set out regulations in respect of both of these practices.

I will not speak to the substance of section 8 until we come to the next group of amendments. Will the Minister indicate whether she will accept the amendment on a baseline? Will she put forward her own amendment on a baseline on Report Stage?

Senator Michael McDowell: This debate, which is on a substitute section 8, has, perforce, gravitated towards a discussion on the section 8 in the Bill. This is no surprise because in essence it is quite clear this section is designed to pre-empt any measure such as section 8 without a baseline data study being put in place to justify it. There are a few points we must consider on what is being proposed. The Minister has indicated road safety is an issue which concerns her and motivates the legislation. If this is the case, I would like to see some mention of road safety as one of the criteria for making regulations in her section when we come to it.

Senator David Norris: Hear, hear.

Senator Michael McDowell: It seems to me if this is one of the genuine motivating factors one would expect it to appear as one of the criteria by which regulations would be crafted, but we do not see this. In a spirit of genuine conciliation in this debate it seems to me the Minister should indicate she is open to accepting the introduction of road safety as one of the constraining factors in section 8 if her section 8 is to proceed.

The second point that occurs to me is there is a distinction between section 8(1) which is a burning section and section 8(2) which, at present, is a cutting, grubbing or destroying section, but the Minister now indicates it is purely to be cutting. It is very notable from the wording of section 8(1) it is proposed it should apply to such part or parts of the State as the regulations may permit. When we look to the regulations envisaged by section 8(2) no such geographical criteria are there. If we were considering a genuine pilot study to evaluate whether this should take place on scientific grounds, and bearing in mind the implications for wildlife and flora and fauna, one would expect, even from the point of view of having control studies and the like, that any scientific approach to a pilot study would look at areas where it was permitted and areas where it was not permitted, and see whether there was any significant difference between the two. I was interested that Michael Viney in an article on this subject in *The Irish Times* pointed out there are particular species which produce second clutches of eggs and chicks in August each year. The beekeepers of Ireland have come forward and their objections are based on the needs of bees with regard to cutting back that year's growth.

This brings me to the next point the Minister mentioned in her contribution. She mentioned the regulations she had in mind would deal with roadside hedge cutting and non-roadside hedge cutting where it was necessary for land management in a tillage context. Why is this not mentioned in the section? I am worried by a particular point in all of this. I do not doubt the Minister's good faith for a minute, but it is all very well to say that cutting would be restricted to that year's growth, whatever that would mean for bees and animals dependent on berries, but if somebody brings a machine into a field and starts cutting, afterwards who will say the person cutting went further than this year's growth? In the real world what inspector will be sent out, and by whom, to crawl along the hedges and state that cutting has gone a bit further than this year's growth and it is 4 inches into last year's growth? Where will the line be drawn? People will not be out with secateurs and measuring tapes. Either a hedge cutting machine will be deployed on a hedge or it will not. In the aftermath, there will be nothing to show how far into last year's growth the cutting actually went. There will be no person whose job it is to state the cutting went further than this year's growth because that person would have to prove he or she was there last year and saw the state of the hedge last year.

Senator Paul Gavan: Shane Ross could do it.

Senator Michael McDowell: Indeed, I forgot about that. If the Minister is actually saying

this is the justification for this, how will anybody control it?

I come back to the point about the provision on cutting, grubbing and destroying being a nationwide operation as section 8(2) stands. There is not the mechanism, machinery, resources or capacity on the part of any wildlife agency or conservation body to do anything effective to stop widespread cutting of hedges in August once an order is made under this regulation. Nobody will be able to police any regulations effectively. I do not see why we have not been shown the draft regulation. We pass referendums and we see the draft Bill. The child adoption Bill was put before the people, the abortion Bill was put before the people, divorce legislation was put before the people in draft, various pieces of legislation are put before the people on occasions so they could work out what they were actually voting for. On this occasion no attempt has been made to produce a draft regulation which has the limiting factor such as tillage and land management and this season's growth, all of these issues are just absent from the legislation. It occurs to me that if this season's growth is to be a genuine criterion, there is absolutely no reason it should not be mentioned in the legislation in respect of off-road hedge cutting. I presume the Minister would tell me before we go much further that she would accept an amendment on Report Stage to do that. If she is not willing to say that, and put it in the legislation that it is intended to have that minor effect, there is no point in making a speech justifying it in this House by reference to something she is not willing to commit to in legislation.

Likewise, if it is required for the purposes of reasonable land management, what do we mean by that? If it is to be in a tillage context, let us see what is actually meant by all of that. What I am coming down to is this - that the amendment proposed is effectively putting in place a standstill until some scientific basis for a change in this area is established on scientific grounds. That is the precautionary principle that we are supposed to follow in environmental matters. It worries me that this seems to be a very unscientific, broad-brush approach and one which gives a free licence to all farmers to attack any hedge. Even if the Minister took out grubbing and destroying, as long as there is something left at the end of the operation the possibility of proving that any particular landowner had infringed the legislation would be very small indeed as would be the chance of enforcing it.

Lastly, I do not want to reignite the controversy that we saw some moments ago. This is not a question of the townies versus the farmers. This is not about idealists. Some of us are very conversant with rural Ireland, and know what it is like when a bramble grows out of a ditch and it forces bikes out into the road and such like. No one needs to have a particular background to know what growth occurs and what the road safety implications can be of roadside hedges growing out onto the road in summer. By the same token, although some people may get hot-headed on social media and use broad-brush language about this particular proposal, the Minister should not underestimate the feeling that there is on this issue. It is not just that *The Irish Times* wrote an editorial on this and praised this House for querying what the Minister is doing. There is a huge amount of people in Ireland who object to this, they object to its unscientific basis, the manner in which it has been done, the absence of draft regulations, the unthought-out way that this has been done; they object to what they suspect is just a deal done with farmers' organisations and that is why it is being pushed forward with such vehemence. We live in a very uncertain world but I do believe that if by any chance the Minister manages to progress this into legislation she should bear in mind that this Government has a lot of problems - we only have to look around at what has been happening in the last week - and this is going to alienate a very significant area of votes from it. They are not just people who sit on beanbags thinking about San Francisco in the 1960s.

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Senator David Norris: Beanbags.

Senator Michael McDowell: There is nothing wrong with Senator Ross's beanbags.

Senator David Norris: Senator Ross. Who is the Senator calling Ross? I am out of this House. Gone.

Senator Michael McDowell: Well, that is one advantage.

An Cathaoirleach: Can we please get back to the Bill?

Senator David Norris: I am back. It is all right.

Senator Michael McDowell: This is not a case of a minority of tree-huggers or people who live in some sort of idealistic world. This is a case of real ordinary people who are upset about this. It is a significant group in Irish society. As somebody who uses them myself, I cannot object to there being some order on them and if resources permitted somebody might enforce minimum standards of safety on the use of our canals and rivers. If the Minister wants to bring order to Irish waterways, I have no problem with all of that but I ask her to consider this. This legislation could do without section 8.

Senator David Norris: Hear, hear.

Senator Michael McDowell: I do not think it would be regarded as a humiliation for the Minister if at this stage, she said she would like to think about it further. There are an awful lot of people outside this House who would say she should get on with her Bill and leave out section 8. Those people would be well disposed to the Minister if they felt that she had listened to a debate in this House where considered opposition to section 8 had been voiced. I do not think that it would do any harm to her electorally or to her ministerial standing. As one of the people who admires many of the things the Minister does, I do not believe that it would detract in the slightest if between now and Report Stage, she were to reconsider her support for section 8. I do not think that the farming organisations would go mad if she modified section 8 along the lines that she says she intends to do and could do by restricting its application. I do think that with so many political problems around her neck, this is not a case of her taking the hard decision in the national interest. It does not fall into that category and the Minister should not think of herself, or the Government of itself, as taking the hard decisions with a whole lot of intemperate, ill-informed critics voicing half-thought out opposition. This is something where most people, I think reasonably, come down against section 8 if they consider the issue. Most independent commentary comes down against section 8. I ask the Minister, between now and Report Stage to consider whether this Bill would not be a far better Bill if she walked away from section 8 and said that she had listened to the debate in this House. That is what the Seanad is for. She has not tried to push it through on a whip. The balance of opinion in society is against it. There is not a very good scientific basis for enacting section 8 at this stage; in fact there is none.

4 o'clock

The Minister is not merely a Minister. She is also a politician, and I am saying that it would be good politics to delete section 8 from the Bill completely.

Senator Kevin Humphreys: I have to respond to the earlier remarks. I am very supportive of the Irish farming community. We would not have the landscape we have without the farm-

ers. They have cared for the environment. We have what we have because of them. In this House, we have actually listened to each other. We may have started from different places but we have moved closer together. At a very early stage, I made the same suggestion that section 8 be shelved, and that we look at the signs and develop a logical approach. If we want to deal with the road safety element, Senator Higgins's road safety amendment could be adopted by the Minister for Transport, Tourism and Sport, Deputy Ross, when he gets around to doing something.

I doubt anyone is happy with the idea and taking it on trust. We have to understand what the baseline is. The baseline cannot be Twenty-six Counties. If we are asking for a study to be done, or a change in legislation to allow a study or a pilot project be carried out, it cannot be on a Twenty-six County basis. I said earlier that this is a place to start from, if we insist on going forward. This is not a townie versus rural Ireland. It is actually the opposite. The vast majority of e-mails I have received on this issue come from outside the Dublin area from the agricultural community and from people who live and work in rural Ireland. I was accused earlier of just being a Dublin 4 person. Hedgerows are an important part of our environment. I thank the Minister for the indication that she is removing the words "grubbing and destroying". I also notice she has changed her language. In the Bill the word used is "cutting" but she is using the word "trimming". Does that refer to a different length or distance?

A job well done would be to allow the canal section of this Bill to progress, and possibly send section 8 into an Oireachtas committee. Let us invite everybody in to discuss this in depth to ensure we are doing the right thing. It is not just the birds, bats and hedgehogs. It is about farmer's livelihoods as well. There is REPS and payments are made to the protection of the environment. That all has to be considered.

Rural Ireland is facing great problems with Brexit. Its economic viability is going to be threatened in the coming two years, and as a country and a nation we need to stand together. To build trust between the communities we should remove section 8 and send it to an Oireachtas committee, perhaps the Joint Committee on Agriculture, Food and the Marine.

Senator David Norris: Hear, hear.

Senator Kevin Humphreys: Let us invite BirdWatch Ireland, the tillage farmers, the livestock farmers and the small farmers in and let us have a very informed and focused debate about section 8 to see if it should be brought forward. I certainly support the previous Senator's position that we should drop section 8 completely. If we do not, I will vote for this amendment too.

Senator Tim Lombard: I have not spoken on this very important Bill today but I thank the Minister for bringing it forward. I have sat here or in my office for most of the day listening to the contributions, and many Senators mentioned the amount of communications we have received. We have received communications by e-mail, on Facebook and on Twitter, and I have read most of them. I have also met people. I went to Bantry a week ago last Monday night, to the Cathaoirleach's home town. I met 500 people. Rarely have I gone into a room with 500 people. There was an unfortunate feeling, as other Senators have mentioned, that it was them against us. That was an unfortunate feeling to get from that room. Entrenchment has become an issue in this debate. That has been the unfortunate thing in this debate. Rural people feel that they have been driven into the ground on this. I am not saying that is on purpose, but they do feel that it has become "them" and "us". That has been the unfortunate outcome of this very important debate.

There is an issue. Everybody in this House who understands rural Ireland is aware that when one goes to the local council one of the key issues is cutting hedges. Anyone who has served on a rural county council knows it is one of the key issues with the engineers at the area roads meeting. As most of us here who went through the local authority system will be aware, the first thing that the engineer will say is that they do not have the money and that it cannot be done because it is against the law. It is an issue. In many ways, this legislation is trying to put something to bed. Let us look to see what will work and what will not work. Let us look at a two year pilot study and at trimming back hedges for two years where they must be trimmed back. Some Senators have said that maybe we will cut every hedge in Ireland. We will not. A small percentage of hedges will be cut.

Senator Alice-Mary Higgins: Nobody said that.

Senator Tim Lombard: I can use my own example. I live in a place called Minane Bridge. I will not be cutting a hedge in August because I do not need to. I am a grassland farmer. I do not need to cut those hedges. I can cut them when it comes to the appropriate time that is in the legislation at the moment. However, I have neighbours who have grain farms and when it comes to winter cereals, which is a huge issue further south from me near Kinsale, they need to cut their hedges back because they are doing their tilling and their sowing and their setting in August. They cannot do it at any other time of the year. At the moment, they do it afterwards. The weather goes against them and it affects their crops. It just does not work. The use of phrase “land management” by the Minister is such an appropriate one because that is exactly what it is. In many ways, it is helping the environment because at the moment they are doing double the work.

This legislation is looking to see if there is a better way. It will come back to this House in two years’ time if it is not a better way, and we can take that into consideration then. This legislation allows for the results of the information to come back to these Houses. Then the Seanad can look at the results of what we have seen. That is appropriate, and is what the farming community wants. It has been an unfortunate, damaging debate. This is our third day in the Seanad. I have seen it in the e-mails and text messages I have received from my own part of the world and it is unfortunate how entrenched people have become. That is something that I am deeply conscious of.

This legislation set out to do two things. One was to help the farming community manage certain conditions when it comes to land use regarding re-seeding and winter cereals. That was the idea of it from an agricultural point of view. The other issue was to help road safety for the month of August, for the 31 days required. That is what the Minister has proposed, and if she brings the information back from this two year pilot study to these Houses, we will have a say. That is important and appropriate and is what people want to know, namely, that the reports will come back to these Houses when we will know exactly what is happening. How many hedges will be cut in August? Will it be everywhere? I would say less than 5%. In major grassland areas, there will be no hedge cutting done in August. That is why it is limited to such a small area. There are parishes further south from mine which have nothing but dairy cows. There will be no hedges cut there. There are parishes near Kinsale where they will be cut because that is where grain is grown. It is location, location, location.

I commend the Minister on this good legislation. We are working towards a system wherein we can see what will and what will not work. The thing I am concerned about more than anything else is the damage that has been done in terms of the urban-rural divide. That has been

the unfortunate fallout from this debate. I have seen it in the public meeting I attended as well as in the information I have received from rural Ireland.

Senator Fintan Warfield: The Senator might tell that to Deputy Michael Ring. He was good enough in the committee to invite me to rural Ireland.

An Cathaoirleach: It is not appropriate for one Senator to have a conversation with another. They should speak through the Chair. Senator Warfield will have a chance in due course to rebut what Senator Lombard is saying. Otherwise, the debate will fall apart.

Senator Tim Lombard: This debate is important for rural Ireland and Ireland in general. The legislation is appropriate and the Minister has done the right thing by bringing it forward. I am afraid that an unfortunate side effect will relate not to hedges, birds or bees but the relationship between rural Ireland and urban dwellers.

Senator David Norris: The debate has certainly moved on. In the last Parliament, I was the only Member of the Seanad to oppose section 8. I could not get another Member to stand for me to get a vote or to act as a teller. It is really terrific that we have had such a diverse expression of opinion.

We have to take into account what the facts are. The Minister has pretty much accepted that a large number of birds are under threat of extinction. She instanced six pairs of nesting curlews. How fantastic. It is hardly overcrowding on a grand scale. Many birds and small mammals are actually getting very close to extinction, including the curlew and the corncrake. When my mother was in central Africa, she used to ache for the sound of the corncrake. Now, one can travel the length and breadth of Ireland but one will not hear one. The cuckoo was another bird one used to hear regularly but it is practically gone. Small mammals such as bats, hares and stoats are also endangered.

I will not rehearse the whole debate but I will put a few established scientific facts on the record. Yellowhammer, linnet and greenfinch nest well into September. As a result, hedge cutting is damaging to them when it takes place at this time. At the other end of the season, curlew and other upland breeding birds have begun their nesting in March and they will also be impacted. They require tall vegetation in which to nest. Burning in March will destroy this kind of habitat. Other wildlife animal areas have also been affected. I have already mentioned butterflies, but moths, hedgehogs, bats and so on are also affected, not to mention bees. This is at a time when we are just beginning to roll out the all-Ireland pollinator plan. One policy contradicts another.

As has been said before, there are six months in the year when they can already cut the hedges. I did not quite understand what my colleague from Bantry was saying when he set out that he was one particular kind of farmer whereas there are others. Perhaps it is a lack of information on my part. I do not see why being a tillage farmer sowing seeds means one has to rape the hedgerows. I do not see it at all. I will leave it there for the time being except to say in conclusion that reviewing legislation from other member states demonstrates that we are quite out of kilter with what is happening there. They are far more conservation conscious than we are.

An Cathaoirleach: By way of clarification, Senator Lombard lives a long way from Bantry. Roughly as far as Senator Norris lives from Carlow. He lives near Cork city.

Senator David Norris: I love Carlow.

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An Cathaoirleach: There are no grain farmers down my way in Bantry. I wish there were.

Senator David Norris: I would not inflict him on the Cathaoirleach for anything.

An Cathaoirleach: It is to clarify the facts.

Deputy Heather Humphreys: What I am trying to do is introduce flexibility into the system. Managed hedge cutting will be allowed under strict criteria during August to help to tackle issues such as overgrown hedges on roads. Controlled burning will also be allowed in certain areas around the country to be specified during March should it be necessary due to adverse weather conditions such as those we had this month. I had announced a review in late 2014 of section 40 of the Wildlife Act which relates to hedge cutting and burning. These measures are being implemented as a result of the review. Over 200 submissions were received in that regard. I am trying to strike the right balance. Hedgerows and scrub are important wildlife habitats, but they have to be managed in terms of biodiversity and land management. I am not changing the closed period. What we are doing is permitting cutting and burning in a managed way within the current closed system. I want to collect more information on the impact, if any, of these changes. I will collect that information on bird life and different hedgerow types during the pilot period.

To provide some extra information to the House, my Department is monitoring 59 habitats, 175 NHAs, 100 animal species and 180 bird species. I have issued a call to experts in the area to get a baseline. We need to set a baseline as that is important. We will then monitor the impact of the pilot. To be clear, the Wildlife Act prevents the disturbing or destroying of nests and, as such, it is incumbent on land owners to ensure that they are not damaging wildlife if they decide to cut or trim back within the specified time of 1 to 31 August during the pilot period. That law is still there and land owners must be mindful of it. A two year study to track the breeding outcomes of individuals from several bird species, with particular attention on the yellowhammer, will include hedges that are uncut as well as those subject to cutting in early August. Additional focus will be given to estimate the bird use of the hedgerows in the study areas outside the breeding season and the linear extent of hedges necessary to provide robust data will have to be estimated as part of the study. There is also a hedgerow monitoring project aimed at providing robust contemporary data on the extent, timing and intensity of hedge cutting at sample sites around Ireland including but not confined to August. As such, the Department will consider interested parties contributing to data collection and the use on a pilot basis of the nature conservation web address.

I do not want to put these regulations into primary legislation because this is a pilot project. The legislation remains and this is just giving me a degree of flexibility to carry out the pilot project. Concern was raised about enforcement. I will launch a public awareness process for all stakeholders, including local authorities, land owners and members of the public, so that they are fully informed about the restrictions on hedge cutting and trimming. Enforcement is the job of the authorised officials of the National Parks and Wildlife Service. They enforce the law and will continue to do so. I have already advised the House that I will introduce an amendment on Report Stage to align section 70 of the Roads Act on hedge cutting for road safety purposes with section 40 of the Wildlife Act

Amendment put:

The Committee divided: Tá, 18; Níl, 30.

Seanad Éireann

Tá	Níl
Black, Frances.	Ardagh, Catherine.
Craughwell, Gerard P.	Burke, Colm.
Devine, Máire.	Burke, Paddy.
Dolan, John.	Butler, Ray.
Gavan, Paul.	Buttimer, Jerry.
Higgins, Alice-Mary.	Byrne, Maria.
Humphreys, Kevin.	Coghlan, Paul.
Kelleher, Colette.	Conway, Martin.
Mac Lochlainn, Pádraig.	Daly, Mark.
McDowell, Michael.	Daly, Paul.
Mullen, Rónán.	Feighan, Frank.
Nash, Gerald.	Gallagher, Robbie.
Norris, David.	Hopkins, Maura.
Ó Donnghaile, Niall.	Horkan, Gerry.
Ó Ríordáin, Aodhán.	Lawless, Billy.
O'Sullivan, Grace.	Leyden, Terry.
Ruane, Lynn.	Lombard, Tim.
Warfield, Fintan.	McFadden, Gabrielle.
	Mulherin, Michelle.
	Murnane O'Connor, Jennifer.
	Noone, Catherine.
	Ó Domhnaill, Brian.
	O'Donnell, Kieran.
	O'Donnell, Marie-Louise.
	O'Mahony, John.
	O'Sullivan, Ned.
	Reilly, James.
	Richmond, Neale.
	Swanick, Keith.
	Wilson, Diarmuid.

Tellers: Tá, Senators Alice-Mary Higgins and Grace O'Sullivan; Níl, Senators Gabrielle McFadden and John O'Mahony..

Amendment declared lost.

SECTION 8

An Cathaoirleach: Amendments Nos. 3 to 3c, inclusive, are related and may be discussed together by agreement.

Senator Grace O'Sullivan: I move amendment No. 3:

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In page 12, line 1, after “1976,” to insert “the Minister may make regulations to allow”.

I will not press the amendment.

An Cathaoirleach: The Senator is moving it but she is not pressing it.

Senator Grace O’Sullivan: Yes.

An Cathaoirleach: So it is withdrawn.

Senator Alice-Mary Higgins: When it comes to the point of withdrawing we will.

An Cathaoirleach: Does the Senator want to say a word about this?

Senator Grace O’Sullivan: I just said that I am not pressing it.

An Cathaoirleach: Does somebody want to say a word about it, no?

Senator Grace O’Sullivan: No.

An Cathaoirleach: It is not being moved.

Senator Alice-Mary Higgins: It is the group.

An Cathaoirleach: It is part of the group, yes. Who is going to speak on the group then? Nobody has to.

Senator Alice-Mary Higgins: It is amendments Nos. 3 to 3c.

An Cathaoirleach: Senator Humphreys is offering.

Senator Kevin Humphreys: No it is the group. We are speaking on the group.

An Cathaoirleach: It is amendments Nos. 3 to 3c.

Senator David Norris: If nobody is prepared to speak, may I just contribute a line from Finnegans Wake? “Ere the hour the twattering of bards in the twitterlitter between Druidia and the Deepsleep Sea.” That characterises the debate we have had here this afternoon. The twattering of the bards.

Senator Kevin Humphreys: The Minister has said she will remove grubbing and destroying at the next stage and I want to acknowledge that progress. Senator Ó Domhnaill tabled the amendment 3b, to delete “land” and substitute “roadside” which meant that internal fields could not be cut. I want to mention that I have an amendment which would apply to 10% of hedgerows in the State. A huge quantity of hedgerows grow onto the roadside. It would concern me that it is limited cutting in relation to road safety, a much abused term here. I want us to be careful that it is limited and I hope that Senator Ó Domhnaill can support my further amendment to that.

Senator Paul Daly: I will pursue our amendment No. 3b. I have listened with great interest and intent. This is our third time here to discuss this Bill. If nothing else, as the Minister told a previous contributor, she may not have commented on everything but she has been listening and has come today with a lot of information and new points which unfortunately would have been very beneficial had they been in the Bill we received and have now spent over 12 hours discuss-

ing. With a view almost to compromise, we will pursue our amendment, that while we support the main objectives of the Heritage Bill, we will examine any further proposals or amendments at the subsequent legislative stage.

The Minister has made some very good proposals today, but they are not in the Bill. Naturally enough, we cannot support them until we see them. As such, we will pursue our amendment to limit, for the moment, cutting to roadside hedges.

Senator Grace O’Sullivan: It would strengthen the amendment to insert the term “public roadside” to make it clear that it is the public roadside we are referring to specifically.

Senator Brian Ó Domhnaill: I have listened to a great deal of the debate on the section, which is one of the most contentious sections of the Bill. I agree with a great deal of the sentiment expressed around the fact that the section is not relevant to the Bill. Certainly, it is not relevant to the work of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. It is more akin to the remit of the Department of Agriculture, Food and the Marine. I read the submission of the Department of Agriculture, Food and the Marine in the public consultation process on this issue. It submitted that hedge cutting could have been more comprehensively addressed through reform of section 70 of the Roads Act. That course of action was not pursued, however. The eight submissions on hedge cutting by local authority members all focused on roadside hedges as did those by local authorities themselves.

There has been condemnation of people who have raised issues on this section because they were perceived to be people who are based in the city. I have reservations about this element of the Bill and I consider myself a small farmer as someone who grew up on a small farm. At this time of year, I often work on the family farm at home at weekends as it is the lambing season. Many of my neighbours who are members of farming organisations are not supportive of a universal permission to allow everyone to cut hedges for an extended period. There is an agenda among some to open this up as proposed in the Bill, but it is the wrong approach to take. Arguments have been expressed here today which are balanced and reasonable on introducing legislation based on scientific evidence. That should always be the backdrop to legislation and changes of this nature which have the potential to affect our natural habitats, wildlife and, indeed, farmlands. This element of the Bill requires further scrutiny and I support very much the suggestion of Senator Humphreys that the section be referred to committee to undergo further pre-legislative scrutiny before entering Dáil Éireann so that every interested stakeholder has an opportunity to express an opinion. It is my understanding that many of the stakeholders who wanted to engage with the Department were not afforded the opportunity to do so, including some of the key interested stakeholder groups. I have some written correspondence to that effect which has been sent to me.

Further scrutiny is required. In an effort to restrict cutting to roadside hedges, we have submitted an amendment that would have the effect of reducing hedge cutting by more than 81% in circumstances in which 19% of hedgerows intersect the public road network. That figure came from a consultant who is a hedgerow manager living in County Leitrim. He gave an excellent presentation in Buswells Hotel prior to the Bill coming before the Seanad. I have received, as has every Senator, very reasonable, balanced and well-thought-out e-mails and phone calls. I have met many people, including farmers, to discuss the Bill. The farmers I know are in receipt of Common Agricultural Policy, or CAP, money. In the previous Seanad, I was Fianna Fáil spokesperson for agriculture and I advocated for a fairer, more balanced payments mechanism under the CAP so that moneys would be taken away from the east coast and provided to the

west coast of Ireland. In other words, it should be removed from the larger intensive farmers, such as the Larry Goodmans of this world, who are in receipt of over €500,000 of CAP money and transferred to rural areas in economic decline where it would be better spent. In those areas, people are leaving because the family farm is no longer viable and people are struggling, particularly elderly farmers, to maintain the farm enterprise. The money could have been better spent but that did not happen. Some of the farming organisations opposed that proposal, which I fail to understand. They had no credible justification apart from the protectionism that exists for the bigger intensive farmers. In any event, there are conditions attaching to the money available under the CAP and those conditions relate to greening, GLAS, REPS and environmental protections to protect natural habitats.

While farmed animals are farmed, other animals also exist on our landmass which I understand comprises 6.9 million ha and they are protected under legislation underpinned in the Minister's own Department. That is why I fail to understand why legislation is being introduced which is in stark contrast to the legislation protecting those species within the Minister's Department, which is without scientific justification and which will result in the widescale destruction of habitats, including hedgerows. Unfortunately, the scientific evidence is lacking in Ireland for this. However, my attention was drawn to scientific evidence from our nearest neighbour, Britain, which shows that widescale cutting of hedges destroys natural habitats, including flowers. We have even had the beekeeping community contacting us on this, because they are being affected. The honey bee is affected. There are many implications which I am not qualified to go into in detail, but we should listen to all of the concerns that are being raised. The best mechanism to do that is the committee system.

In the meantime, we will press the amendment to restrict this to roadside hedges. It was said in previous debates that road safety was the driving force behind the introduction of hedge cutting. If that is the case, I am sure the Government parties will have no hesitation in accepting the amendment. It deals with that issue. If there are particular issues around tillage farmers who may require a special dispensation, that can be dealt with also. However, it is something that should be teased out at the relevant committee where all stakeholders have an opportunity to express a viewpoint. I concur with my colleague Senator Mark Daly and put the Minister on notice that we will press this amendment to restrict hedge cutting.

Senator Maura Hopkins: Amendment No. 3b proposes to delete "land" and substitute "roadside". Senator Ó Domhnaill has pointed out that in some way he wants to support tillage farmers, but this removes the ability to do that. The Minister has stated clearly-----

Senator Brian Ó Domhnaill: They make up 3% of all farmers.

An Leas-Chathaoirleach: Senator Hopkins, without interruption.

Senator Maura Hopkins: The Minister is trying to introduce on a pilot basis the management of hedgerows in order, first, to deal with road safety and, second, to do so in a managed, restricted way for tillage and re-seeding. It is as simple as that. The terms and conditions will be set out in the regulations. We have a commitment from the Minister that officials from the National Parks and Wildlife Service will monitor, inspect and keep a close eye on ensuring a proper pilot scheme is undertaken. The Minister outlined today that studies are being carried out on a wide number of habitats across the country. We have a level of baseline data. We need to be reasonable and practical. We also need to make sure we are supporting the two issues that are before us today. I am very disappointed that Fianna Fáil has brought this amendment before

us today. It has been mentioned that others have met lots of farmers. I have also met lots of farmers and they tell me we need to support them in a practical way using common sense. That is what we intend to do. We want to ensure that we do this in a managed way. I have listened intently to this debate. The words “raping” and “widescale” have been used. It is complete scaremongering.

Senator David Norris: Who said “raping”?

Senator Maura Hopkins: “Raping hedgerows” were the words that were used. “Raping hedgerows” and “widescale” are the words that were used. This is about ensuring, first, that we protect our habitats. We will do so by undertaking a pilot scheme, which will last for two years, to look in depth at our flora and fauna. Second, we will ensure we are supporting farmers with regard to tillage and reseeding and, third, we will ensure we have better visibility on our roads. They are the objectives of the Bill before us. I am very disappointed by the proposed substitution of the term “roadside”. There is a sense that Senators want to support farmers yet at the same time, there is a sense that they do not want to support them. We need to be clear about the objectives. I am very disappointed.

Senator Tim Lombard: I concur with my colleague, Senator Hopkins, on this issue. I am deeply disappointed that Fianna Fáil has pushed this amendment. It is an anti-farmer amendment. There is no point saying it is anything less than that. They have taken from farmers who want to reseed or grow winter grains the opportunity to cut their hedges. It is an appalling outlook.

Senator David Norris: Why are they seeding-----

An Leas-Chathaoirleach: Senator Norris, please.

Senator Tim Lombard: I was at a meeting in Bantry at which a Fianna Fáil Deputy gave a commitment that this would not happen and it has happened here tonight. It is disappointing. We deserve better than this. With this amendment, Fianna Fáil is telling farmers who want the opportunity to reseed or grow winter grain that there is nothing that can be done about it, that it is their issue and Fianna Fáil will not step in. Fianna Fáil is blatantly stopping this from going ahead. It is appalling. This is politics on a different level than I ever thought I would see.

At the end of the day, these people are trying to make a living. They do not want to go out and spend money cutting hedges. They do not want to spend time cutting hedges. They do not have an agenda about cutting hedges. They want to survive in rural Ireland. It is damn hard to survive in rural Ireland at the moment. It is damn hard to survive. We are putting another impediment in their way today.

We have the opportunity to amend this legislation. I appeal to Fianna Fáil Senators not to press this amendment. I realise they might be under pressure from above but at the end of the day the farming community will not thank them if they push this forward. This is a common sense proposal. We are on about trimming hedges. We are not on about cutting them back. We are on about 31 days and it is logical all the way through. The Minister has explained the logic. It is a pilot scheme for two years with reports to come back to the House for due consideration. What more can we do? We need to look after our communities. We need to look after everyone if we can. This amendment will not take care of the farming community. Senator Ó Domhnaill said the public will not be thankful when it comes to the polling booths. I assure the House, when it comes to the polling booths, Fianna Fáil will not be thanked for what it is doing to the

farmers here today.

Senator David Norris: Now I have heard everything. I have never heard such tripe in my life - farmers going bankrupt because they cannot sow seeds underneath hedges. Come on. What kind of eejits does the Senator think there are in Seanad Éireann? Sowing seeds underneath the hedges - I never heard anything like it. It is absolute rubbish. I hope Fianna Fáil will press the amendment. It refers to public roads. It seems to be a very sensible amendment. I wonder if the Minister will consider accepting it or it might be put back in on Report Stage. It has a very beneficial effect of removing over three quarters of the hedgerows.

Senator Tim Lombard: Where is the evidence of that?

Senator David Norris: What?

An Leas-Chathaoirleach: Senator Norris should return to his own seat, please.

Senator David Norris: There was a kind of a bantering mumble. I could not distinguish a single syllable.

An Leas-Chathaoirleach: This is not a roaming microphone situation.

Senator David Norris: It also addresses quite directly what the Minister has gone on bleeding about but never actually put in the legislation, as Senator McDowell very rightly said.

Senator Catherine Noone: Senator Norris should not use derogatory words.

Senator David Norris: Does the Senator object to the word “bleeding”?

An Leas-Chathaoirleach: Senator Norris should address the Chair.

Senator David Norris: I am addressing the Chair. I am addressing the Chair to say that if anybody is genuinely concerned about road safety, here it is in black and white. We are allowing the trimming of hedges on the roadside. That is road safety covered. I will certainly be supporting this amendment. I rather wish Fianna Fáil had seen its way to opposing the whole of section 8 but at least this is something. There seems to be a rationale behind it of which I approve. I think it was Senator Ó Domhnaill, formerly of Fianna Fáil, who spotted this loophole in the first place. Well done to Fianna Fáil Senators for galloping into the breach and getting the amendment down before he did. I commend them on their political acumen. I will be supporting the amendment.

Senator Kevin Humphreys: Earlier in this debate, which we started many months ago, Senator Lombard let the cat out of the bag by remarking that if people had a couple of weeks’ downtime in August, what else would they do but cut their hedges. After his very passionate speech about bringing people together, I remind Senator Lombard that the first people who started calling people names was the Minister of State, Deputy Ring, when he was debating with me. His answer to the argument was that I was from Dublin 4.

Senator Tim Lombard: The Senator loved it.

Senator Kevin Humphreys: The Senator should think of that if he wants to talk about dividing. The Senator played the political card here today. Fianna Fáil has tried to bring a compromise, thought-out amendment yet the Senator threatens them that they will lose the farmers’ vote. Is that the position the Senator started at - to try to win the farmers’ vote, to divide com-

munities?

Senator Tim Lombard: It was to listen to the people.

Senator Kevin Humphreys: The Senator has not.

An Leas-Chathaoirleach: Senator Humphreys has the floor.

Senator Kevin Humphreys: This is a compromise. The Senator raised this very early in the debate when he was a member of Fianna Fáil. I am not fully satisfied with the compromise but I see a logic to it. Politics is about trying to move a step forward. I will be supporting the amendment reluctantly.

Senator Jennifer Murnane O'Connor: I agree with previous speakers. This has become political now. We all represent the farmers and we all live in the farming community. My biggest issue-----

Senator David Norris: I live in Dublin 1.

Senator Jennifer Murnane O'Connor: How can a pilot scheme be carried out all over the country? It is unacceptable. For Fine Gael to stand by something that does not make sense to the normal person does not add up. The Minister should pick a part of the country, carry out a pilot scheme there and see how it works.

Senator David Norris: Hear, hear.

Senator Jennifer Murnane O'Connor: Then we will know it works. Until the Minister can come in here and tell us that she has something in place to pilot a scheme on a small basis, we cannot support it. I have never in my life seen a pilot scheme carried out across the entire country. It does not add up for the Minister to come here and say that carrying out a pilot scheme across the country would work and for her Senators to agree with her. We are trying to find a balance here today. We want to work with the farmers and all the different people involved in this. This is what it is about. It is not political points. What I am saying is-----

5 o'clock

An Leas-Chathaoirleach: I am sorry, the Chair is speaking. I must interrupt the Senator and ask her to report progress because under the order of the day we are now in Private Members' time.

Senator David Norris: There has not been progress. It is a stalemate.

Senator Jennifer Murnane O'Connor: I am calling on the Minister to look again at this pilot scheme.

An Leas-Chathaoirleach: That is it. That is all that the Senator has to do.

Senator Jennifer Murnane O'Connor: Thank you.

An Leas-Chathaoirleach: I thank the Minister. That was a very hard time trying to keep order. What an unruly class the Members are.

Progress reported; Committee to sit again.

Electoral (Amendment) (Voting at 16) Bill 2016: Second Stage

Senator Fintan Warfield: I move: “That the Bill be now read a Second Time.”

Today is an important day. It is a big day for young people, for Irish society, and also for this House. I hope that all Senators will rise to this occasion-----

Senator David Norris: I am in the process of sitting down. I am rather slow. I am very feeble. The Chair should have compassion.

An Leas-Chathaoirleach: We must show respect for Senator Warfield. Apologies Senator.

Senator Fintan Warfield: -----that all Senators will act in the public interest this evening, not in their party interest or in the private self interest and that all Senators will acknowledge that only the safe passage of this Bill through the House tonight will ensure that young people have an opportunity to have their say in local elections and European elections in 2019. President Michael D. Higgins has said, “Democracy is always and must always be a work in progress, and how we use the independence we have been gifted will continue to challenge us morally and ethically.” These words were spoken by him during a speech in the RDS on 26 March 2016 at a State event for relatives of those who participated in the Easter Rising. I think about the context in which President Higgins spoke of independence in the centenary year. The independence of a nation, the journey into the future is a collective journey, and I am mindful that a recent announcement by the Taoiseach, Enda Kenny, to extend presidential voting rights to the global Irish diaspora and to citizens in the North of Ireland. That is a welcome and a positive development. Ireland extends far beyond the border that divides us and the coastal boundaries of our islands.

Four years after the Constitutional Convention proposed presidential voting rights, movement and initiative have now followed. Now, more than ever our collective response to a fractured world must be truly inclusive. Ireland as a model republic that facilitates a collective journey in which the Irish at home and away truly identify, partake and take ownership of the narrative, where citizen engagement is cherished and where active citizenship can thrive. That is the essence of republicanism. A positive outcome in that the upcoming referendum on the extension of presidential voting rights will be transformative. This Electoral (Amendment) (Voting at 16) Bill 2016 will be equally transformative.

If we choose to widen the electoral franchise to include citizens who have reached the age of 16 years our society will reap rewards and profit from the inclusion of our young people in the part of the political process that is most local and most international, elections to local government and to the European Parliament. This is achievable through legislation alone, legislation that will energise and bring dynamism unique to both elections.

Why should we follow the example set by Norway, Austria, Scotland and others? Why should we draw on the experience of our young people in constructing the foundations of that model republic, a model republic as a beacon of hope for people everywhere? In Scotland 75% of 16 and 17 year olds cast their vote when afforded the opportunity. That right is now afforded them in all Scottish elections and enjoys a high level of public support. When addressing the

Seanad in 2016, First Minister, Nicola Sturgeon, reiterated her support for voting rights for those who have reached 16 and 17 years. The voting age in Norwegian local elections was lowered to 16 years in 2011 as a trial in 21 municipalities. Some 58% of 16 and 17 year olds cast their vote. That number was far higher than the turnout of regular first-time voters between the ages of 18 and 21. In 2007, Austria lowered its legal voting age in all elections. Turnout among this age group was over 65% and research into this case study shows a high level of political maturity when casting a vote for the first time.

Another reason to support the Bill today is because the proposal was supported by the Constitutional Convention. This legislation is recognition of the wishes of citizens as expressed and set out through the structures of this State and of Government. A majority of the Constitutional Convention members in March 2013 favoured a change to the Constitution to lower the voting age and, if making such a change, a majority opted for a reduction to 16 years of age. The Constitutional Convention was not established to just explore optional extras. Today is our chance to realise its demand. Let the Seanad be the House that does so.

When addressing the State event for relatives of those who participated in the Easter Rising, President Higgins went on to say, “We must ensure that our journey into the future is a collective one; one in which the homeless, the migrant, the disadvantaged, the marginalised and each and every citizen can find homes, are fellow travellers on our journey which includes all of the multitude of voices that together speak of, and for a new Ireland born out of contemporary imagination and challenges”. It is my firm belief that young people must no longer be left out of the national conversation. Young people are at the cutting edge of change; 16 and 17 year olds must be facilitated in channelling that desire for change, in channelling their contemporary imagination. Cannot we Senators do better in facilitating young people in holding the representatives to account or would that be a dangerous move, a bold move, and create problems for the established norms or backfire on some of those involved in the political system? Ideally, yes, because certain things are so much more important than private self interest.

Some 165,000 young people between the ages of 15 and 24 have left this State since Fine Gael took office in February 2011. One in six young people born in this State now live abroad. At 14.5%, youth unemployment between the ages of 15 and 24 remains stubbornly high and has only decreased by 0.8% since I tabled this Bill in June 2016. Youth unemployment is more than double the overall unemployment rate. Activation schemes such as JobBridge and Gateway have fostered attitudes that young people and graduates are a cheap form of labour at a time when young people are vulnerable in workplaces relative to the arts, to retail, to care and hospitality sectors. Young people are tired of hearing how Ireland can be the best small country for this and that. That is not the language of hope, it is not the language of optimism. We can be world leaders in everything that we do. We can achieve that by drawing on the experiences of the old and young, by doing less and listening more, and drawing on the experiences of the homes and homeless Irish abroad and the old homes of the new Irish. Ireland’s culture is changing and we must embrace new realities in our midst.

The children’s rights referendum on 10 November 2012 and the establishment of a Department and the Office of the Minister for Children and Youth Affairs has been widely regarded as the State and society righting the wrongs of its treatment of young people since partition and beyond. It is more than appropriate for us to continue that journey this evening by opening a pathway for young people to express their feelings, emotions, attitudes and point of view on ballot papers in polling stations across the State and, perhaps, most important, to have their values reflected by their Government.

Senator Lynn Ruane: I am honoured to second the introduction of this legislation. It is an important Bill. I became involved in activism as young as the age of eight when I campaigned to become an altar girl in a male-dominated space. I know Members would not think it now and they are all shocked, but I was an altar girl. I acted on the principle of the rights of gender-----

Deputy Damien English: Was it a winning campaign?

Senator Lynn Ruane: Yes, I was one of the first altar girls. I was also involved in a campaign to change loads of different school policies. As a young person, I believed I was well capable of making a political decision regarding where my vote should go. I knew at the age of 16 after I left the room having met local Deputies and other public representatives in An Cosán at a voting workshop who I would vote for and who I would not vote for, and who represented my voice and who did not. That has not changed to this date. People think one will vote one way when one is so young and somehow one is not mature enough, and that view that one has then will change as one gets older. There is not much difference between being 16 and being 18. The majority of the research for my contribution was carried out under the lead of Eoin, a 15 year old work experience student in my office. He is present in the Visitors Gallery. He has worked for me all year and he has led the research on the voting age and engaged with approximately 600 students from 28 DEIS schools. He will be 16 when the next election is held and he is well capable of making a decision on where his vote will go.

What we are seeing today is fear on the part of establishment politicians that the youth vote will not go their way and that is why the amendment is designed to stall the legislation. There is fear of a shift because the views of young people are no longer represented in politics. That means Fianna Fáil and Fine Gael are standing in the way of the democratic process. They fear for themselves in respect of where these votes will go. The DEIS students had significant knowledge about this field. A total of 418 out of 600 students who filled out a survey said they would vote if they were given the chance. They highlighted issues such as LGBT rights, the eighth amendment, homelessness, the rise of right wing populism, the exit of the UK from the EU, hospital overcrowding, mental health services, Irish unity and reunification. They know their politics and they are engaged. It is an awful shame to see politicians getting in the way of that. When asked if they would vote, 75% said they would. That reflects the turnout in Scotland when it lowered the voting age. When asked what influenced their voting decision, they mentioned friends, family, speeches by politicians, debates between politicians, one's own political beliefs, the traditional media and political advertising.

I was sent a few messages regarding a document Fine Gael issued in respect of the amendment. These show that there are no solid reasons to oppose this legislation. One of the reasons given by Fine Gael was that "Minister Coveney needs time to consider the issue further". That is ridiculous. We are on Second Stage in this House. There are three more Stages in this House followed by five in the Dáil. This is a long process and there is plenty of time for consideration. Another reason given by Fine Gael, which is supported by Fianna Fáil, was that "The Bill would create a divide between those who can vote at EU-local elections and general-presidential elections". There is already a divide between who can vote in those sets of elections. We have legislated for non-EU citizens to vote in local elections and deemed them ineligible to vote in general and presidential elections, and referenda. It is not a new, radical or unusual idea in Irish politics to set different eligibility criteria for different elections and I cannot see how Fine Gael can justify blocking that.

Fine Gael has stated that "It is not clear there is public support for reducing the voting

age; therefore we need to have a referendum on the issue”. Again, this is a weak argument. We make decisions all the time in the Oireachtas for which we do not seek full public support. Sometimes we just choose to do what is right. According to Fine Gael:

Lowering the voting age needs to be accompanied by a civic education programme to prepare and inform 16 and 17 year olds for being able to vote. The new Politics and Society class needs to be given time to better inform students.

This is also a Fianna Fáil argument. It is an extraordinarily offensive idea that only through a formal education programme can a young person become informed enough and engaged enough to be able to vote. Young people are in the Gallery. They are ready and we should listen to them. Politics and society is a new leaving certificate subject. Should we all give up our vote and return to school to sit this subject? All of us have voted since we turned 18 and none of us took that subject. We were influenced by our parents, families, neighbours and our environment. I have a 16 year old who is at work all day today. She has worked and paid tax since she was 14, but she is still not eligible to vote. The State says that young people like her can contribute to society but they will not have a voice in saying who will represent them.

Fine Gael also said that “There is ambiguity around the constitutionality of amending the voting age”. I would be curious to read the details of the Government’s legal advice on this issue. I just had a quick read of the Constitution. Article 16 sets 18 as the age for Dáil elections, with other parts of the Constitution linking eligibility at presidential elections and referenda to Dáil eligibility. Nowhere does the Constitution make any reference to eligibility for other elections and, indeed, Article 28A, in the section relating to local government, states that the right to vote of persons in local elections will be determined by law. We are debating a law. The Government’s response is contradicted by the text of our own Constitution. It is very important to get involved in local politics. Local councillors are involved in youth clubs, schools and GAA clubs, and their offices are at the end of the road. If young people become engaged at local level when they are aged 16 with the person they can recognise in their own community who is accessible to them, they will remain engaged by the time they turn 18 to become involved in national politics.

The Fianna Fáil manifesto states that the party wants to trial lowering the voting age to 16 in local and European elections in 2019, yet it supports the amendment, which does the opposite and pushes the date for lowering the age back. By the time we get through the process proposed at the end of the year, it will be too late for 16 year olds to register. I am looking to Fianna Fáil Members to change their minds in the next hour after we have heard everybody else’s contribution.

Senator Neale Richmond: I move amendment No. 1:

To delete all words after “That” and substitute “the Bill be read a Second Time on 31 December 2017.”.

During the Order of Business, I was struck by a comment made by former Minister, Senator Reilly, when he was referring to the plain packaging of cigarettes. It is probably out of context but I thought it was a good line. He said, “Children are not stupid”. He was referring to the choices people make when it comes to tobacco legislation. When it comes to this legislation, my comments might seem a little out of kilter with the Government and I will explain that later. At the end of the day, when people are aged 16 and 17, they are old enough to work, pay

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tax, drive, join the Army and, God forbid, die for their country, but yet we still rob them of the right to participate fully in our democracy. This issue has been a journey for me. When I was involved in youth politics, I firmly opposed ever changing the voting age from 18 to 16 and the flimsy excuse I used at the time was that we did not have proper political education in schools and that civic engagement.

It is a rubbish excuse because you do not need that formal political and civic education to know what your community and society is all about. Despite this, I am delighted to say that subject is being brought in by the Government. It is a very positive thing and should be embraced as such.

As I have explained, I am on a personal journey. The party of which I am a member, and of which I chose to be a member at the age of 19 while having no family ties to it, is also on a journey when it comes to this issue. I accept that the vast majority within my party, and probably within Government as the Minister of State himself can address in due course, are not where I am on this issue. I remind the House that when I joined Fine Gael the party had just about gotten its head around civil unions, let alone marriage equality. When I joined Fine Gael it had quite different positions, particularly in social areas, than it does now. Parties need time to change and unfortunately we cannot always push that change as fast as individual members would like. I admit, as I said throughout my seven years on the county council, that if I agree with Fine Gael 75% of the time, I am doing well.

I chose to join a party, however, because I believe in party politics. While I fully respect those who are representatives of other parties or none, for me the party system is the best way to actually achieve things and get things done. In turn, one has to make personal sacrifices, put one's pride aside and, although I hate to say it, put one's principles aside and accept that one's colleagues are not necessarily there yet or that one's full opinions are not exactly those of the party. That does not mean that a person must stop believing in something and cannot keep pushing for something internally. I could have very easily stood up here and read the excellent notes prepared by our press office and our Government office about why the amendment is being pushed, exactly what the Minister of State will say in due course. I will not do that. I will be frank because I fully respect-----

Senator David Norris: Well done.

Senator Neale Richmond: -----both Senator Warfield and Senator Ruane and their credentials. I agree with them. Unfortunately, due to the Whip, I will not be in a position to support this motion. I am reaching out, however, and I ask the Senators to possibly take on board the Government amendment and look at this as an opportunity. Let us make progress. Let us convince those who are not where we are. Let us try to get there. We are not there yet. A referendum must be put to society.

I understand what people are saying and I fully take on board what Senator Ruane has said about us already discriminating and differentiating when it comes to vote. We had an internal discussion about this in the Fine Gael Seanad group on Tuesday before we came into the House. I will not breach confidence and I will not say anything that would be out of order.

Senator Victor Boyhan: The Senator should.

Senator Gerard P. Craughwell: We will not tell anybody.

Senator Neale Richmond: The Senators are able to read the minutes of our parliamentary party meetings in the newspapers but the Seanad group holds itself to a slightly higher standard.

Senator Gerard P. Craughwell: Senator Richmond is new.

Senator Neale Richmond: I was taken aback, because I thought that people were perhaps just not interested in this, that they had moved away. There was, however, a level of vehement opposition. I found myself in that room, like I have found myself in many a room, being an absolute minority with respect to this legislation. Unfortunately, the Government will not be supporting this motion. I personally think that is an absolute shame, but, not to necessarily get too party political, I would appeal for the House to come at this again. Let us take what is on offer and let us come at this again in 12 months.

Senator Jennifer Murnane O'Connor: Like previous speakers, and as a mother that has children that are able to vote, I would always encourage voting. Most of us in this Chamber have been somewhat involved in politics. Voting is crucial to us, whether it is part of our life or whether it is part of a tradition that we have been brought in. People fought and died for their vote. They fought so hard for their vote and I believe it is crucial that we remember that.

I am here as the Fianna Fáil Senator. The Bill seeks to amend the Electoral Act 1992 to lower the voting age for the European and local elections to 16 years. We support the principle of the Bill but we believe that the proper scrutiny should take place before it goes to Committee Stage. There are many models around the world, as we have been told. In Australia one can vote at 16 years, although it seems one has to have a job before one can vote. There are also the Estonian, Scottish and many south American models. EU citizens have to be 18 years of age before they can vote. Fianna Fáil supports a referendum on lowering the voting age to 16 years as we believe this is truly an issue for Irish people to debate and decide. That is crucial. When I think of it, originally the abolishment of the Seanad was a massive issue and it went to the people in a referendum. They made that correct choice. We in Fianna Fáil have stuck by the Seanad. We are all here today because Fianna Fáil delivered on what we said we would do. We went out, against all other parties I might add,-----

Senator Aidan Davitt: Hear, hear.

Senator Jennifer Murnane O'Connor: -----and we fought hard to make sure that this Seanad would be here today. I can guarantee that we will do the very same-----

Senator Gerard P. Craughwell: As Fine Gael.

Senator Jennifer Murnane O'Connor: -----with a referendum and represent those young people of 16, who I believe should be entitled to vote. Again, however, it is up to the Irish people in a referendum. This is an issue that needs to be addressed. I feel people need to learn about voting and money needs to be put in to educate people on how crucial voting is. I do not care what age one is, from 16 up to 90, to vote is such a privilege. Statistics show that there has been a massive downwards trend in the turnouts for European and local elections. I believe, that by giving younger people the vote, that will change. We in Fianna Fáil are going to work to make sure that young people of 16 will be able to vote. We want it to go to a referendum.

I ask the Government and the Minister of State to introduce a voter education programme in secondary schools to promote awareness of voting, but also a voting awareness campaign. There is no point in holding a referendum to allow younger people to vote, although that would

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be very welcome, if we do not make sure that the other Irish citizens, that are not coming out to vote, are encouraged to vote. Going forward from here, we need a referendum, we need our young people to vote, we need the Irish people to stand up as they did for the Seanad. We also need to make sure that this Government, or any other Government, delivers and that everybody should know how important it is to use their crucial vote, whether in local, European or general elections. People need to get out and use their votes.

Acting Chairman (Senator Diarmuid Wilson): Senator Billy Lawless has indicated that he wishes to share time with Senator Gerard Craughwell. I think Senator Lawless is wise to go first. The Senators will have four minutes each.

Senator Billy Lawless: I commend Senator Warfield for bringing this Bill forward today and also the National Youth Council of Ireland, which has been instrumental in promoting it. As has been noted on the record of this House countless times, including earlier today, I have been very supportive of extending voting rights in presidential elections to the Irish living abroad. I would also like to lend my support to giving the youth of Ireland a voice at a local and European level. Both will go towards implementing the recommendations of the Constitutional Convention of 2013.

Giving a vote to 16 and 17 year olds in local and European elections presents a unique opportunity to better educate the youth of Ireland in politics. Research has shown that a vote in a person's first election leads to an increase in active citizenship. This is a time in young people's lives, before they go to college, when they can still be contacted in their home constituency to educate them on politics. It allows parents the opportunity to educate their young adults on democracy and the functions of both our State and the European Union. A vote in these elections will not only encourage young people to vote in the future, it will also encourage them to register to vote, as most 16 and 17 year olds are still in second level education. Logistically, it would be easy to assist them in registering, again having a knock-on effect for future elections. Scotland, since giving 16 to 17 year olds a vote in their independence referendum, which saw a turnout of almost 75% of their young voters, has seen increased involvement from young people in politics, which shows clearly that the evidence is there.

This could help change the agenda of local politics. Too often we hear that there are not enough amenities for young people, that they are not represented adequately and that they are left out of the community. Giving them a vote at this age would encourage local politicians to look at the issues facing young people in their communities. Perhaps we might even see more young people become involved in politics at local level. In 2015 the European Parliament passed a recommendation that the voting age in EU elections be reduced to 16 years in all member states. From what I gather, we will still be in the European Union. As Article 50 has been triggered by the United Kingdom and arguably with growing Euroscepticism across Europe and even further afield, there has never been a better time to educate the youth of Ireland on the work done by our MEPs and the benefits of Ireland's membership of the European Union, particularly in these turbulent times. As such, just like Irish citizens living in the United States where I live, giving them a vote would greatly enable the young people of Ireland to truly engage with the political system. Thus, I will be giving the Bill my full support.

Senator Gerard P. Craughwell: I thank Senators Warfield and Ruane for bringing the Bill before the House. I am delighted that there are some young people in the Visitors Gallery. Today they have received their first lesson in politics: "They should have the vote but the Whip states they cannot and the Whip is superior to everyone else. Sorry about my personal feelings,

but I will put them aside because the Whip states they cannot have it.” Lesson No. 2 in politics is: “Kick it to a referendum if we do not want to do it and we might get to it in about 25 years time”. It is absolutely outrageous that Senators are going against the Bill. We are talking about bringing the political system to 16 year olds. Having worked with young people for 25 years, I can guarantee the House that they will vote. What is wrong? Fine Gael and Fianna Fáil have not yet had the chance to infiltrate them to ensure they will get their votes. We might finish up with young people such as Senator Warfield in the Seanad and the Dáil.

Senator Niall Ó Donnghaile: And Senator Ó Donnghaile.

Senator Gerard P. Craughwell: God help us if that were to happen.

Acting Chairman (Senator Ned O’Sullivan): The Senator should address his remarks through the Chair.

Senator David Norris: He always plays to the gallery.

Senator Gerard P. Craughwell: The time has come for political parties to put up or shut up. Fine Gael has sought to deal with the issue by proposing that the Bill be read a Second Time on 31 December 2017. We will all be on holidays at that time. You do not mean-----

Acting Chairman (Senator Ned O’Sullivan): Will the Senator, please, address his remarks through the Chair?

Senator Gerard P. Craughwell: I am sorry. I informed Senators Warfield and Ruane today that I was under severe pressure and felt somewhat intimidated to support the Bill because of the massive number of emails I had received from young people. Folks, rock on. Please drive us insane to get the vote for 16 year olds. I admire them 100% and I am 100% behind them.

(Interruptions).

Senator Paudie Coffey: Show some manners, please.

Senator Michelle Mulherin: I welcome the opportunity to debate the proposition that the franchise be extended to those aged 16 years. I was a member of the Constitutional Convention when this issue was debated and we heard evidence from experts and so on. Anyone, like me, who has dealings with young people in visiting schools to talk in CSPE classes, dealing with members of Young Fine Gael and seeing Dáil na nÓg in action could only but be impressed by them and think there is a great future for the country; they just have to be captured, cultivated, supported, nurtured and encouraged. Nowadays there is no point in telling a young person, “This is it.” More dialogue and conversation is required. In many respects, it is more empowering for young people and puts us so-called adults on our toes more. It is a different dynamic and very much part of our times. Parents, teachers and youth workers, in particular, know this. However, I do not agree with the proposal and I will tell the House why.

We are all entitled to our views, but I have a concern. I have worked with young people and do not wish to diminish any young person, his or her potential or capacity. At the end of the day, however, are we way too much in a hurry to make a young person an adult or an older person? This would expand the age of voting to include younger people who are becoming sexualised at an earlier age and so on. Our job as adults is to protect, nurture and cultivate young people. They will come to a point which in many societies is called a rite of passage. In this country

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the age of majority is 18 years. To my mind, in general, this is the point at which one passes into adulthood.

We know that there are young people who are very clued into politics. I am speaking about people younger than 18 years who cannot vote. I do not seek to diminish their interest, but I was a member of the Constitutional Convention when this topic was debated and it struck me that reducing the age *per se* would not be an assurance of participation. This is also shown in the research. For ourselves and young people who will come after us, we must encourage people to be more aware in a constructive fashion. In this time and era we are very concerned about individuals having their rights. We speak about the rights of the individual daily in this House, but we are connected to a community. There is a civic connection that sometimes involves the horrible term “self-sacrifice”, which is part of what parents do for their children. It is about giving. We pay our taxes, although we may debate how they are spent, in order that we will have services. This is tied intrinsically to the age of majority. Young people work and pay taxes but, equally, we have regulations that protect them and give them special treatment when they are working. They are not treated in the same way as adults in that regard.

On the age of criminal responsibility, a person under 18 years is a minor and treated differently from someone older. The juvenile system focuses on the rehabilitation of young people who commit even serious crimes as opposed to the full thrust and implications of the criminal justice system. One has to be 18 years of age to get married. There are exceptions, but an application has to be made to the Circuit Court or the High Court. In December 2015 the Government announced that it was looking to do away with this exception and that everyone would have to be 18 years of age to marry. In the area of social services the State is responsible for the welfare of a minor until he or she reaches 18 years of age. It can be argued that historically this has not been done very well in many cases, especially in cases involving those with disabilities which have come to light in recent times. Nonetheless, that is the law.

There are restrictions on enforcing contracts with minors. The most clear-cut case of a contract that is enforceable against a minor is a contract for necessities, that is, something a minor actually needs. If a minor, that is, someone under 18 years, gives a gift, it can be taken back while he or she is still a minor or he or she can have a change of heart on reaching the age of majority. If a minor signs something related to a land transaction, it can be voided within a reasonable period once he or she reaches the age of majority. In tort, the civil side to wrongdoing, minors have protections in their actions and activities.

Until the 1980s - I forget the year - the age of majority was 21 years. The Law Reform Commission examined what this meant and why it should be reduced. I agree that there is room for further debate. This issue is bigger than any political party. However, there is nothing wrong with acknowledging a young person’s interest but noting that, for various reasons, he or she is still not an adult. I am sure Senator Lynn Ruane and others might query why the age is 18 years. However, what is wrong with telling young people that they have to wait until they reach 17 or 18 years of age? We can hope that at that point people will be sufficiently engaged. There is much more scope to expand the abilities of all young people to engage in a meaningful way and realise the power of their vote. The concept of one person, one vote is the most powerful thing. Those who do not vote give their power to those who do, which is the ultimate proposition.

It is fair to say that every Senator values and upholds our democracy and the power of the vote. It is an equaliser. Whether I am President, a teacher or a person voting for the first time at 18 years of age, my vote has the exact same value. It is a very beautiful concept.

We are pushing people towards becoming adults earlier and earlier. We should be nurturing young people and encouraging talent, interest and participation. I am not convinced that equates to extending the franchise to a 16 year old. I have an open mind, notwithstanding what I have said. They are my general sentiments.

Senator Aodhán Ó Riordáin: I congratulate Senators Ruane and Warfield on putting the proposition to the House. While I agree with Senator Richmond that it is important to try to convince people who are not of the same point of view as oneself, people are seeing a window into what it was like being in government with Fine Gael for five years in terms of trying to get any progressive change over the line.

The marriage equality proposition was roundly celebrated, and some of those involved are still doing laps of honour around the country. It was something Fine Gael did not want and kicked into the Constitutional Convention in order to-----

Senator David Norris: I remember when I was the only person in the House who wanted it.

Senator Aodhán Ó Riordáin: It was not until the Constitutional Convention came to the conclusion that we should have a referendum that Fine Gael agreed that should happen. The Protection of Life During Pregnancy Act almost collapsed the Government, if memory serves.

It is, therefore, of no surprise to me or members of my party that a very progressive and innovative change to the voting law proposed by Senators Warfield and Ruane would be objected to by Fianna Fáil and Fine Gael. I am wondering of what they are afraid. Are they afraid of young people?

Imagine the dynamic in a local or European election when a candidate knocks on a door and a young person wearing a school uniform answers it. For the first time, the candidate will not ask if the person's mammy is in because he or she would have to listen to somebody who is in school and possibly going through all of the horrendous things that Senator Mulherin related. How are we supposed to learn about the lives of 16 or 17 year olds if we do not have to act on their opinions? Would it not be fantastically engaging to have a line of local election candidates in a secondary school or a youth club answering questions from young people as to what they are going to do with the property tax and what services would be improved?

I hate to tell the House this, but I am a guy with a mortgage and when one has a mortgage one gets a bit weird and begins to worry about stuff that will happen in one's area. One becomes a little bit more conservative when it comes to halting sites, injecting and drug treatment centres and social housing. Would not it be wonderful if a generation of young people without mortgages could stand up for decency, equality, public services and the things in which they fundamentally believe before they are beaten into the ground by our obsession with living in a capitalist society that chains them to mortgages and holding onto their castles for the rest of their lives?

I spent 11 years as a teacher and learned more from the children I taught than I ever taught them. I am fully behind this suggestion. I remind everybody in the Chamber that when the Constitutional Convention decided, in its wisdom, that we should do such radical things as removing suggestions that women belong in the home from the Constitution and one should have the right to marry the person one loves, it was also asked whether it wanted to reduce the voting age to 17 years of age. It said "No" and instead recommended that it should be reduced

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to 16 years of age. We do not need a referendum to do what Senators Warfield and Ruane are suggesting. What is actually needed is legislation.

Everybody has spoken about the Scottish experience when it held a referendum on independence and the number of young people who finally engaged in the democratic process. I believe in the idealism of youth. It would be wonderful to allow younger people to vote.

When people turn 18, they have their first chance to vote and are more likely to be disconnected from their home because they may be in college and are living away from home. If the buses are on strike because the Minister concerned does not want to know about it, young people will find it difficult to travel back to where they are from in order to cast their votes. If young people were still living in the area where they could vote for the first time that would provide a fantastic opportunity for local politics and councils to engage. They are very much part of the lives of young people, in terms of local facilities and infrastructure.

I am not surprised by the opposition of Fine Gael or Fianna Fáil to the proposal, rather I am disappointed. In fairness, they have said they are willing to work in order to make this a reality but, to be honest, if they fundamentally believed in it and young people, they would back the proposal.

Senator Jennifer Murnane O'Connor: We kept the Seanad going.

Senator Aodhán Ó Riordáin: It is a well-intentioned and important Bill, which would allow 16 and 17 year olds to ask their Fine Gael and Fianna Fáil candidate at local elections what they actually believe in and other pertinent questions.

I remember having a Dáil debate in my school which was attended by all the candidates, and it was fantastic. All the young people in my school asked questions. The most interesting one came from a little girl, who asked the Fianna Fáil and Fine Gael candidates what was the difference between them.

Senator David Norris: I get a little weary listening to people trying to make party political capital out of what should be a fairly simple issue of justice that is discussed on its merits. I was interested to hear that people died for the vote. If they did, they were complete bloody fools because we have had universal suffrage in this country since I do not know when.

The Bill should be referred to a committee or some other forum. It is a one-page Bill with three single sentence sections. I do not see anything terribly complicated about referring it to anywhere.

I laughed when I heard Fianna Fáil claiming credit for saving the Seanad. Let me tell Senator Murnane O'Connor that three Independent Senators turned around the campaign within the last three weeks when the political parties were losing it hand over fist. I can say that from personal experience because I was here at the time.

It is wonderful for young people to be involved in the political process. They should be involved at as young an age as possible. I would stop a hell of a lot of old men and women from having the vote if I possibly could. There should be an intelligence test.

I do not believe any large group of people, whether young, old or half-baked, should be sucked up to in a populist fashion. Voting for people is a real responsibility. Apart from other speakers, I honour Senator Richmond for speaking his mind. It was very good that he said his

political conviction was that young people should be able to vote and he will argue that within the party. If one is in a party, that is what has to happen. That is why I never joined a party in my life. I wanted the freedom to say and do whatever I liked.

Senator Aidan Davitt: Senator Norris started a few.

Senator David Norris: No, but I was at a few good ones. I understand that for constitutional reasons we cannot extend this beyond the European and local authority elections, but ideally it should operate for the general election, which is the crucial thing.

While there was some discussion of this at the Constitutional Convention, I must record that the most significant element with regard to elections, particularly the presidential election was something I argued for. I got it on despite the fact that it was a highly managed event. It was actually micro-managed. There were Government officers going around the place focusing, organising, selecting items for the agenda and all the rest of it. Despite them, I managed to table a motion to extend to the general public the right to nominate candidates for the presidency. It was passed by 97% of the vote. It was by far the highest vote yet it has been completely and utterly ignored by the political parties. That is an important issue. By the way, one of my political colleagues got into a terrible temper about this and said it was because I was going to run for the Presidency again. I have not the slightest intention of going near it again.

Senator Diarmuid Wilson: Go on.

Senator David Norris: I had a very serious cancer operation and I do not have the energy for it. Somebody younger and who is vital is needed in that role. As the highest office in the State, it should not be managed by the political parties. In a presidential election, everything is controlled in the interests of the political parties, including the funding regime, the propaganda and the nominations process. Absolutely everything is held tight in the grip of the political parties and that grip should be loosened. Young people should be given the opportunity to participate fully and the general population should be allowed to nominate candidates for the office.

I support the Bill and compliment Senator Warfield on tabling it. It is a highly imaginative proposal and a perfectly simple Bill. What is all the fuss about? It is one page long and contains three single sentences. I am going off to have my tea.

Senator Paudie Coffey: I am particularly enjoying this debate and it is especially welcome that there are a lot of young people in the Gallery listening to it. I have listened carefully to many points from all sides, including differing perspectives from within my own party, Fine Gael. Senator Richmond outlined his views while Senator Mulherin outlined her opposite view. I will be frank and open at the outset that my position is more aligned with that of Senator Mulherin as I will explain in the next few minutes. Before doing so, I note that we need more civic engagement and activism. We need to encourage that at local level whether people are young, old or in between. It is through that engagement and experience of activism in community groups and through general life experience that people form views and values in terms of where they stand politically and where they would like to see their country and their people going.

My fundamental belief is that at 16 years of age, young people are developing those formative views. They are very open to influence but they are also of their own mind. I listened carefully to Senator Ó Riordáin who said that after 11 years as a teacher, he had learned a great deal from the children he taught. Certainly, I believe that and over 24 years as an uncle and

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14 as a parent, I too have learned a great deal from the young people in my close-knit family. However, I am simply not convinced that they are ready to formulate views that will impact substantially in the electoral process. Those are their formative years and they should be given the time and space to develop their views. It is a responsibility that some of them may not even want. Having said that, I acknowledge that I have received considerable correspondence from 16 year olds who want this change.

While I do not want to politicise the debate, I note to Senator Ó Ríordáin that Fine Gael is not afraid of young people. I have been a Fine Gael representative for over 18 years but I was never a member of Young Fine Gael. I was more active in my community. I remember when there was no youth club in my area engaging with other young people to form one. I became a chairman of that youth club at 15 years of age. I have been involved in scouting, the GAA and many more local youth groups which I continue to support in their activism. That does not mean that activism should extend to voting at that age. There are other issues which are exercising their minds and taking up the energies of young people to a far greater extent at that age. Fine Gael's position this evening is to respect that there are quite a number of people who feel the legislation should change and that people should be allowed to vote at 16. We are saying that to decide on it here is, however, premature.

Perhaps we should widen the debate. I am one of the many politicians here that visit schools regularly and invite them to the Oireachtas. Rather than just have pre-organised statements, questions and answers, I always take the opportunity to organise with teachers beforehand to engage in real debate. I sometimes bring little plebiscites into a school and that creates a bit of excitement and engagement. One of the questions I always ask children is whether, if they had a vote in the morning, they would like to have six months off and six months on at school. A lot of the time, they vote to have six months off. I then ask whether that is in their long-term best interests. In the same session, they then disagree with what they voted for. We are developing the debate and the mindset and when one throws out a question, it is easy to give a populist answer. It is often the case here. It is just an example of some of the engagement I have had with young people. They thoroughly enjoy it and so do I.

I respect all views, as do we all. Certainly, I will not attack anyone who believes we should have voting at 16. Personally, I consider it to be premature and I remain to be convinced of why the age should be reduced. Having said that, if I hear something from future debates or there is a groundswell among young people in school and among the general population that this should change, I will be open to changing my view also, as any democrat should be. However, it is premature now and it places a responsibility on young shoulders for which they may not be ready as they develop in their formative years. They have enough to bother and worry them than subjecting them to influences of all kinds. I understand where Senator Norris was coming from when he spoke about political parties and others who might try to influence. If we are honest about it, they might utilise means which are not fair to young people to influence them to express a vote in a certain way. I do not want to be part of that. Adults have that responsibility and that is where it should remain.

Senator Niall Ó Donnghaile: Airím ní hamháin an tacaíocht ach an tacaíocht iomlán atá ann don Bhille seo agus gabhaim buíochas leis an Seanadóir Warfield agus leis an Seanadóir Ruane as é a chur os ár gcomhair inniu. I rise very much in support of the Bill. I rise very much in support of the mechanics of it but also very much in the sentiment of it as well. While, to be fair, elements of the debate have been very fair up to this point, it is also the case, as we have heard this afternoon, that politicians sometimes fall into the trap of showering young

people with platitudes. There is this notion of “Mol an óige agus tiocfaidh sí”. We have the opportunity to do something to respect, embolden, empower and enfranchise young people today so why would we not take it? Why would we not want to give young people a say in how the State is run? They are impacted by it. As many have said, young people can be taxed at 16 and do a whole range of things. A Fine Gael contributor made a point about how much the State impacted on the lives of young people, be it through the courts system, education or so on. The State permeates every aspect of their lives, yet they do not have a say in the Government’s policy direction. That is a shame and runs contrary to broader popular opinion, which wants young people to be entrusted with something. That would inspire them to get involved in civic and political life. We cannot teach people how to get involved. We must entrust them.

We have heard much today. We are all visited by schools and in turn visit them, youth clubs, etc., but it is not the case that young people only exist in schools, do not have lives beyond the classroom and do not have emotions, experiences, working lives, etc. We are doing young people a disservice if we only see them through that prism. I do not view them that way. The bulk of young people whom I meet are political activists. They were involved in the election in the North a few weeks ago. They were getting dressed up as crocodiles and demanding their rights as Irish speakers. They took to the steps of Stormont two days ago because they wanted a positive, equality-driven resolution to the talks process. They are the young people whom I see. Why would we not trust them with a vote? That is the core question today.

Since entering this institution, it has been my experience that Fine Gael and Fianna Fáil do not like giving people votes, be those people who are 16 years of age, the diaspora, Irish citizens in the North-----

Senator Paudie Coffey: We vote for the leaders of our parties. Does Sinn Féin?

Senator Niall Ó Donnghaile: We vote for the leader of our party at an Ard-Fheis every year.

Senator Paudie Coffey: Only for one candidate.

Senator Niall Ó Donnghaile: If the Senator wants to attend an Ard-Fheis, I will bring him. The age at which someone can vote for our leader is 16 years.

Senator Paudie Coffey: That is democracy, all right.

Senator Máire Devine: The Senator should get his facts right.

Senator Niall Ó Donnghaile: We do that every year. It is not our parliamentary group, but our entire membership that votes every year at an Ard-Fheis.

Senator Paudie Coffey: There is only one candidate.

Senator Niall Ó Donnghaile: That is because he is great and we do not need a new leader.

(Interruptions).

Senator Niall Ó Donnghaile: There is only one candidate because he has our full support, unlike in the Fine Gael Party, but we will not be distracted by that, Senator Coffey. Maith thú for trying.

I have a great deal of respect for Senator Richmond’s position. He was honest and forthright

when he said that he wanted to back this Bill but was unable to because of the view of his party. However, he did not explain why his party had that view. That is not good enough. The Senator does young people a disservice by simply saying that he would love to do this but cannot, certainly if there is no credible or reasonable argument for that. Senator Ruane touched on how some of the establishment parties are afraid of young people because their policy decisions of recent years have punished young people the most, forced them to emigrate and left them unable to find jobs or homes and lingering on housing waiting lists. That is the crux of the matter. Fianna Fáil tells us that it saved the Seanad, but what has it done in the Seanad?

Senator Jennifer Murnane O'Connor: Sinn Féin tried to abolish it.

Senator Niall Ó Donnghaile: It kicks everything down the line. It does not want to utilise the Seanad. It has an opportunity to do something.

Senator Jennifer Murnane O'Connor: Go away out of that.

Senator Niall Ó Donnghaile: It wants us to be a talking shop. It saved the Seanad to make it a talking shop.

Senator Paul Gavan: Hear, hear.

Senator Niall Ó Donnghaile: Here we have an opportunity-----

Senator Jennifer Murnane O'Connor: Sinn Féin is here now.

Senator Niall Ó Donnghaile: Am I going to be heard? Here we have an opportunity to do something that is positive, engaging and enfranchises our younger citizens, so why would Fianna Fáil not take it? What is the point in saving the Seanad if Fianna Fáil is just going to come in here and nod the head at everything that Fine Gael tells it to do? That is not the kind of Seanad that I want to see. I want a Seanad that plays a pivotal role and tells young citizens and citizens in the diaspora and the North that it cherishes and values them and will enfranchise and make them a part of the political life of this country. That is what we should be doing.

I wish to touch on a final point before splitting my time with Senator Gavan, who only wants one minute. Senator Norris made a fair point about young people voting in general elections. He was spot on, but it would have required an amendment to the Constitution, which is something that the Seanad is as yet unable to commence. One never knows what we can do down the line. This Bill is about utilising our power to effect and implement change.

A Bill was introduced by Deputy Adams in the previous Dáil concerning an issue that I raise regularly, namely, voting rights in presidential elections for the diaspora and citizens in the North. Alongside giving the vote, that Bill would have lowered the voting age to 16 years. The parties that are now kicking this Bill down the line voted for that Bill. What has changed? They trusted 16 year olds in the previous Dáil, but they do not trust them now. New politics, same old story.

Acting Chairman (Senator Ned O'Sullivan): Senator Gavan has barely a minute.

Senator Paul Gavan: That is all that I will need. I respect Fine Gael's position. It is a deeply conservative party and will not be in favour of extending rights for young people. In fairness, Senator Coffey and his colleagues have been honest enough to put their positions forward.

Deputy Damien English: I will speak for us. Senator Gavan does not have to.

Senator Paul Gavan: I am just repeating what was said. Fianna Fáil takes the biscuit. The flip-flop party, it is in favour of everything until it is given a proposal. It was in favour of emigrant voting rights until we proposed that in the Chamber and it scuttled away. It was in favour of workers' rights until we proposed legislation-----

Senator Jennifer Murnane O'Connor: We were in favour of the Seanad, unlike Sinn Féin.

Senator Paul Gavan: -----that it voted down. It was in favour of marriage equality, but Deputy O'Dea could not be found for love nor money during the three weeks of the campaign. He disappeared.

(Interruptions).

Senator Paul Gavan: It is in favour of a united Ireland, but it will never campaign in the Six Counties. It is the flip-flop party. The one lesson that is clear to young people is that new politics counts for nothing when conservative parties only pay lipservice to voters' rights. Apparently, Fianna Fáil is in favour of young people. Is that not wonderful?

Senator Gerard P. Craughwell: But not just yet.

Senator Paul Gavan: It is also in favour of voting. It just does not like the two going together. Young people should be clear on what they have seen today. Fianna Fáil, the flip-flop party, will do nothing for young people or working people. It is the party that broke this country and made the most young people emigrate. That is what it delivered.

(Interruptions).

Acting Chairman (Senator Ned O'Sullivan): I understand that the Fianna Fáil speakers are sharing time. Senators Wilson and Davitt are first with four and four. Is that agreed? Agreed.

Senator Aidan Davitt: I can feel the frustration behind me.

Senator Máire Devine: Is the Senator talking about those young people?

Senator Aidan Davitt: If the Senator would let me-----

Acting Chairman (Senator Ned O'Sullivan): Senator Davitt, without interruption, please.

Senator Aidan Davitt: This is typical Sinn Féin. It will not let people talk for themselves.

(Interruptions).

Senator Pádraig Mac Lochlainn: Senator Davitt's colleague did not stop interrupting for the past ten minutes, for God's sake.

Senator Aidan Davitt: I did not open my mouth once.

Acting Chairman (Senator Ned O'Sullivan): Carry on, Senator Davitt.

Senator Pádraig Mac Lochlainn: He should tell his colleague to behave herself.

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Senator Aidan Davitt: I can feel the anger. I know how Sinn Féin must feel when Arlene Foster portrays and speaks on behalf of the people of Northern Ireland.

Senator Pádraig Mac Lochlainn: Do not make it-----

Senator Aidan Davitt: I can feel that myself in the South but, given what she is doing, to be in government with her and play along is crazy. To speak on Fianna Fáil's behalf even before the Sinn Féin Senators have heard what many of us will say is also crazy.

After rising, I was going to start by commending Senator Warfield - I still will - and Senator Ruane on this legislation. I feel strongly about voting. This is a two-edged sword and we should tackle the issue of people who make no effort to vote.

Senator Paul Gavan: Start with the 16 year olds.

(Interruptions).

Senator Aidan Davitt: Might I speak, please? I feel strongly about people not exercising their franchise. It is wrong. That half of our people do not vote is a problem for our society. We should do something to address that.

As part of our party's aspirations, we have discussed giving 16 year olds the franchise. I am fully in favour of that and would be happy to back it. I would have no problem whatsoever with that.

Senator Paul Gavan: The Senator will work with us so.

Senator Aidan Davitt: Fine Gael can discuss whatever it wants to do, for example, sending this matter to a committee, but I do not know why that needs to be the case. It is a good proposal and should be thrashed out in the Chamber. There should be a more genuine discussion with those who are present to bring the matter to a head. That is my personal opinion. I would not like to hear anyone else talking on Sinn Féin's behalf.

Senator Niall Ó Donnghaile: No.

Senator Aidan Davitt: When Arlene Foster stands, I do not presume that she talks for Sinn Féin. It should not presume the same of me.

Senator Niall Ó Donnghaile: The Senator is certainly not talking for Fianna Fáil.

Senator Diarmuid Wilson: I commend Senators Warfield and Ruane and their colleagues on putting forward this legislation this evening in the Seanad. As somebody who worked for almost 25 years with young people, ranging in age from 15 to 18 years of age, I am certainly not afraid of giving them a vote.

Senator Gerard P. Craughwell: Hear, hear.

Senator Diarmuid Wilson: I am very proud of the fact that I worked alongside them. I have no doubt that if they had a vote at the time when I stood for the local elections I would have doubled my vote on that occasion.

Senator Gerard P. Craughwell: There is confidence.

Senator Aidan Davitt: It is the reality.

Senator Diarmuid Wilson: I am not afraid to give the franchise to 16 year olds in this country.

Senator Paul Gavan: Do it.

Senator Diarmuid Wilson: I will certainly not be lectured to here by those who have come late to the democratic process on our island.

Senator Máire Devine: Here we go.

Senator Niall Ó Donnghaile: Name them.

Senator Diarmuid Wilson: I will certainly not be lectured to here by those who claim to be liberals, yet have been part of a conservative Government that rules the Six Counties of this island for Britain.

Senator Niall Ó Donnghaile: No, one will be told what to do by Fine Gael.

Senator Diarmuid Wilson: If one wants to hear the truth, then let us hear the truth.

Senator Niall Ó Donnghaile: Come on up and stand in the North then.

Acting Chairman (Senator Ned O'Sullivan): Senator Wilson, without interruption.

Senator Diarmuid Wilson: Some people stand up here and say, "Let's not politicise this thing", and then they continue to politicise.

Senator Paul Gavan: This is a political Chamber, for God's sake.

Senator Lynn Ruane: We are here to represent young people, not party issues.

Senator Diarmuid Wilson: We, as a party-----

Senator Lynn Ruane: I suggest that we return to talking about votes for young people.

Senator Aidan Davitt: Sharing power with Sinn Féin has-----

Senator Máire Devine: That is the Senator's default response to everything that we try to do.

Acting Chairman (Senator Ned O'Sullivan): There are too many interruptions.

Senator Máire Devine: Default - boring. Get over it. The Seanad and-----

Senator Aidan Davitt: In here we have-----

Senator Máire Devine: A terrible past.

Senator Aidan Davitt: One has to be honest.

Senator Máire Devine: No.

Acting Chairman (Senator Ned O'Sullivan): We need to get a list of speakers.

Senator Aidan Davitt: Sinn Féin is not being honest.

Senator Máire Devine: No.

Acting Chairman (Senator Ned O'Sullivan): Will Senators stop speaking when the Acting Chairman is speaking? We have a list of speakers that we want to accommodate, including the Minister of State. Please allow Senator Wilson to continue without interruption.

Senator Diarmuid Wilson: I listen to everybody's point of view here, without interruption, and I would like the same courtesy afforded to me.

Regarding the proposal before us, what Senator Gavan and some of his colleagues said is true. It is part of Fianna Fáil policy and it was in our manifesto for the last general election. That is correct and nobody has denied it. I am in favour of affording the opportunity to vote to 16 and 17 year olds, but we should not treat them as second-class citizens. If we do not afford them full voting rights and extend it to general elections as well----

Senator Jennifer Murnane O'Connor: Yes.

Senator Diarmuid Wilson: -----then it is not worth the effort. That is my firm belief. As has been pointed out by some colleagues, it is necessary to hold a referendum to roll out full voting rights.

Senator Jennifer Murnane O'Connor: Yes. That is what we will do.

Senator Diarmuid Wilson: I accept that this House has no power in that regard.

Senator Jennifer Murnane O'Connor: It is not called a referendum.

Senator Diarmuid Wilson: It is not that long ago since the voting age was reduced from 21 to 18 years. It was in 1973 after a referendum was conducted in 1972. The proposal was passed by over 300,000 votes. In May 2015, a proposal was put, by way of referendum, to reduce the age of persons deemed eligible to stand for a presidential election from 35 to 21 years of age. The proposal was overwhelmingly defeated by a vote of almost three to one. I am not at all convinced that if we put this current proposal to the people, by way of referendum, it would be carried. I agree with what my colleague, Senator Murnane O'Connor, said that we need to educate the people positively towards the reasoning behind affording 16 year olds an opportunity vote.

Senator Niall Ó Donnghaile: I doubt, if a Fianna Fáil Deputy was in the competition, that he or she would get it.

Senator Diarmuid Wilson: I thank the Senator for being consistent. When he hears something that is not to his liking, he interrupts.

Senator Niall Ó Donnghaile: I am only saying.

Senator Diarmuid Wilson: The Senator had an opportunity to speak. With respect, through the Chair, I have been afforded this time to make my point on behalf of my party and myself. We need to take time out and deal with voting rights correctly. We need to treat 16 and 17 year olds with respect.

Senator Jennifer Murnane O'Connor: Hear, hear.

Senator Diarmuid Wilson: We must give them full voting rights-----

Senator Jennifer Murnane O'Connor: Yes.

Senator Diarmuid Wilson: -----by way of putting this matter to a referendum at a time when we feel we have a chance of winning it.

(Interruptions).

Senator Diarmuid Wilson: If we held one at the moment, I do not believe that a referendum would pass, based on the result of the vote to reduce the age at which people are eligible to stand for presidential elections. We need to give this matter time. I will go along with this proposal even though I cannot give it my full support because it does not go far enough as far as I am concerned. We should give this matter until the end of December when we can revisit it. I want a commitment from the Acting Leader and the Minister that this matter will be revisited early in January when we resume after Christmas. I give a commitment to this House that if this matter is not put on the agenda by the Government, I will table it on behalf of the Fianna Fáil Party.

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

Senator Lynn Ruane: Senator Wilson's proposal makes no sense. There will be no difference between now and January.

Acting Chairman (Senator Ned O'Sullivan): I call Senator Boyhan and he has eight minutes.

Senator Victor Boyhan: I welcome the Minister of State to the House. I also welcome all of the people of different ages who are seated in the Visitors Gallery and thank them for taking the time to come here.

I commend Senators Warfield, Mac Lochlainn and Ruane on introducing this Bill. Senator Norris is right that the Bill consists of three paragraphs on two pages. Let us be clear what this Bill is about. It states: "An Act to reduce to sixteen years the age at which a person is entitled to be registered as a European Parliament and Local Government Elector, and to provide for related matters." That is simple.

It is possible on this very day for the Taoiseach to nominate a 16 year old to be a Member of Seanad Éireann.

Senator Niall Ó Donnghaile: Correct.

Senator Victor Boyhan: Nowhere in legislation is such an appointment precluded.

We are talking here about electoral reform and allowing young people to fully engage, which I fully support. I would like to see young people being able to vote. They can already vote in universities and I would like to see a major expansion of that franchise. It is another area where we should have young people engaging, being able to vote and being able to stand. We need to consider the matter at some other point.

I point out that 16 and 17 year olds hold many responsibilities in our society.

Senator Niall Ó Donnghaile: Hear, hear.

Senator Victor Boyhan: They want to influence key decisions that affect their lives and

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the lives of the people they live with and in our communities of all ages. They bring a vast energy, enthusiasm and commitment to their own communities and to life itself. We have seen the track record of young people engaging in environmental issues and in many referenda and we have seen them actively participate in communities. I was been a councillor for many years so I know how young people engage, particularly as advocates for their community, sports facilities, etc. Things have happened in my county that would never have happened if young people had not engaged.

There are local youth parliaments in 31 local authorities. The Minister for Children and Youth Affairs gave €20,000 to each of those last week and on that occasion she asked them to engage and use the funding to address issues relating to inequality, homophobia, bullying and IT. She spelled out different areas that she would like them to pursue in youth parliaments. She is another Minister who has recognised the capacity, capability and commitment of young people.

Many young people want to be involved in various facets of life. It is interesting to learn what the law permits 16 and 17 year olds to do in this State. Let us remember that we are in a republic so at all times we must advocate the principles of a true republic. The law allows consent to medical treatment at the age of 16. They have an absolute right at the age of 16 to consent to it if they so wish. They have the ability to leave school and enter work or training at 16 and 17 years of age if they so wish. They pay income tax, PRSI and USC in many cases and I spoke to a 17 year old today who pays all three of them. They can obtain tax credits and welfare benefits in their own right. The common age of consensual sexual consent, whether heterosexual, homosexual or any other orientation, is 17 years of age. I checked that fact today. Like anyone else, they are entitled to enter into meaningful, loving relationships. That happens all the time, and why not? They can also become a member of a trade union. I rang Congress today to clarify whether there were any restrictions on persons aged 16 or 17 working in a union house and was told that yes, they are entitled to pay their union dues and to participate if they choose freely to do so. It is important that we tap into the energy, vibrance and enthusiasm of young people which they can bring to any walk of political life, be it Dáil Éireann, Seanad Éireann, a local or municipal council or a State agency.

It has come to my attention recently that the MRBI commissioned a very substantive poll on the issue of voting for 16 year olds and 17 year olds. The poll was never published and I am calling on all members of *The Irish Times* political staff who may be listening to check this, to confirm if the poll took place and to explain why the outcome was never published. Who was it going to upset? What political organisation felt most under threat because of the results of the poll? I ask *The Irish Times* to tell us if it paid for such a survey to be carried out and, if it was carried out, to publish it as quickly as possible.

This is a brave, courageous, simple but good piece of legislation. It is very important and has my absolute support.

Senator Paul Gavan: Hear, hear.

Acting Chairman (Senator Ned O'Sullivan): I thank the Senator for keeping well within time. If we all do that, including the Minister, we will all be able to speak.

Senator Colette Kelleher: I am sharing time with Senator Black, five minutes and three minutes. I hope we also have time to allow Senator Higgins to speak. I warmly welcome this

Bill and praise Senators Warfield and Ruane for bringing it forward. I also congratulate the National Youth Council of Ireland, the Irish Second-Level Students Union and the Union of Students in Ireland who have campaigned for this day for well over a decade. After their long battle to get this issue onto the political agenda it is up to us to make good on the promises we made and support the Bill.

Since joining the Seanad last summer, and through my role in the public petitions committee and the Seanad public consultations committee, I have been voicing my concerns about the future of democracy. It is not an exaggeration to state that, across the Western world, parliamentary democracies are under strain. To our east, the UK Government will today leave the European Union while, to our west, President Trump continues to attack the media, women's rights, LGBTI rights, migrant rights and the basic freedoms and protections on which America was built. In Ireland, 21st century citizens operating in a digital age increasingly feel disconnected from the political system and there is a growing awareness that the voices of many marginalised groups have historically been ignored. To overcome these challenges we need to fundamentally reassess how we best engage with citizens. One of the changes we need is to expand the franchise to ensure that everyone is truly heard and that is why I am supporting this Bill.

Let us remember that the people who will be given new voting rights if this Bill passes are in many cases already old enough to drive, to get married, to join the Army and pay income tax. If we reflect on the decisions made in these Houses in the past decade, it is abundantly clear that the voice and input of young people were absent and that young people bore the brunt of the great recession and others before that. The ESRI states that one quarter of young people suffer from at least three of the following: income poverty, inability to afford basic goods, financial strain, poor health, mental distress, poor housing, overcrowding, neighbourhood problems and mistrust in institutions, including this one. We can understand that when we hear of what is happening with An Garda Síochána, Tusla and the HSE. One institution after another is failing us so it is important to extend our franchise to younger people.

In 2012 youth unemployment was over 30% and while the Government has made great progress, today the rate is still twice what it was in 2007. Some 16,000 young people are long-term unemployed and, to add insult to injury, jobseeker's allowance for young people was cut from €188 to €100 in an act of unforgivable, blatant ageism and age discrimination.

Senator Paul Gavan: Shame.

Senator Colette Kelleher: With average room rents of €80 per week, thousands of young people are left with €20 per week on which to survive. Those in work face the exploitation of zero-hour contracts, JobBridge and unpaid internships, even in this House. Those who wish to study now pay the second highest fees in Europe, with pledges to freeze fees having been shattered. Care leavers have been left to drift with no supports and 250,000 young people emigrated during the economic crisis. Millennials are the first generation to be poorer than their parents since the Great Famine of the 1840s. Politics have not protected young people and the least we owe them is a say, a vote and a voice. Reducing the voting age could be truly transformative. This is real political reform which would lead to meaningful change but if it is to be in place for 2019 we need to act now and reject any attempt to delay.

Senator Fintan Warfield: Hear, hear.

Senator Paul Gavan: Hear, hear.

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Senator Colette Kelleher: In my home city of Cork, I am constantly struck by the positive active citizenship of young people. I spoke previously about the work of Reimagine Cork and another group, Mad About Cork, comprising young people who are painting vacant properties, planting flowers on neglected quays and cleaning up alleyways that have long been forgotten. Young people have a powerful curiosity and fresh eyes to probe and examine and once they get the chance to flex their electoral muscles they will breathe new life into local and European democracy. We need to believe in young people, trust young people and undo some of the harm that has been done so that we strengthen democracy for the future. That started today. It starts in this Chamber with voting for this Bill.

Senator Fintan Warfield: Well said.

Senator Niall Ó Donnghaile: Well said.

Senator Frances Black: I commend Senators Warfield and Ruane on this great legislation and I welcome all the young people here today. Robust voter participation is fundamental to a healthy democracy and 16 and 17 year olds voting would increase voter engagement across the entire electorate. There are a few reasons the voting age should be lowered to 16. First, 16 year olds voting builds lifelong voters. Second, 16 year olds voting will increase voter turnout over the long term. Third, 16 and 17 year olds are prepared to and deserve to vote. Research in the USA has found that, in practical assessments, 16 year olds function at about the same level on cognitive, moral and legal reasoning tests as adults and these are the very qualities needed to evaluate candidates and issues.

At 16, people are still at school in their own areas and not at college or work so they can discuss issues affecting their communities from personal experience. Political discussions at school would be more relevant as young people would feel they would have a say in legislation that affects them. Democracy is precious and it is important that all eligible voters participate. At 16, young people could be encouraged and assisted to register to vote as most are still at school. Students may actually be more frequent and thoughtful voters because they have the space in school and at home to engage in discussion about civic issues. Many 16 year olds are living at home and this could help to involve parents, teachers and community members in the process of learning to vote. There could be a trickle-up effect that translates to larger voter turnout among older family members across the entire electorate.

The evidence is clear from European countries that have extended suffrage to teenagers that voters who start earlier in life will vote longer and more consistently over their lives. In June 2015 the Scottish Parliament officially extended its franchise to 16 and 17 year olds after a remarkable 75% of that age group turned out to vote in the 2014 Scotland independence referendum. In 2007 Austria lowered its voting age to 16 and from 2004 to 2008, the first year in which students voted, young people's interest in politics jumped by approximately 23%. People aged 16 and 17 have some form of voting rights in countries such as Germany, Norway, Argentina and Brazil.

The earlier we engage young people in democracy and politics the greater the chance that we will promote and sustain a lifelong interest in and commitment to voting and participation in the democratic process. The introduction of a new subject, politics and society, at senior cycle level in September 2016 is to be welcomed as it is important that young people are taught about democracy and their duty to participate. The extension of the right to vote, alongside the introduction of this subject, will help young people not only to learn about participation in the

electoral system but to experience it through voting. I support my colleagues, 100%, with this legislation.

Senator Pádraig Mac Lochlainn: I will deal first with a couple of points in response to some of the comments that have been made. Some argue that young people aged 16 and 17 years should not have the right to vote because they are not fully aware of all the issues. Unfortunately, it is clear in listening to some of the comments made in the Chamber that some Senators are not aware of all the issues. This legislation has been drafted by Senator Fintan Warfield and I am very honoured to co-sign it with Senator Lynn Ruane. Intentionally, it would not require a referendum to be held. That is why it was designed for local and European elections. As such, it would be in keeping with the practice across Europe, including in such countries as Austria, Belgium, Estonia, Germany, Greece, Malta, Norway and, most famously as far as people in Ireland are concerned, Scotland where, in the case of the independence referendum, it was so successful and uplifting. In all of these countries, it was introduced on an incremental or trial basis to see how matters progressed. That is the spirit of the legislation drafted by Senator Fintan Warfield.

I was at an event in my home town on Monday evening which had been organised by Foróige. A number of young people had consulted fellow students in their schools and come to put to us the issues of importance for them in the area in which they lived on the Inishowen Peninsula. It was a tremendous meeting. They listed all of the issues that mattered to them having consulted democratically in their schools and in dialogue with their communities. For me to go to that meeting, at which all of us, as public representatives, gave our responses, listen and talk to those young people about the importance of what they had to say and then to come here and say they are not ready to vote would be downright patronising. Some of the parties which will deny 16 and 17 year olds the right to vote were represented at that meeting too.

The other point that was made was about populism. Without a proper debate on the issue, it is likely that the majority of Irish people would, unfortunately, deny younger people the right to vote. As such, it is not popular to bring forward this legislation, but it is the right thing to do. It is the leaderly thing to do. I received an e-mail from a young person during the week. We all received lots of e-mails pushing for our support on this matter, which was great to see. It was clear that the person concerned was very socially aware in raising issues of public concern, including the current humanitarian crisis. The phrase in the e-mail that stood out was, "All I can do is hope my parents vote for someone with the same compassion for these people as me". They have to hope all of these issues of concern will be addressed by their parents. That is not right; it is wrong.

Comhairle na nÓg, the National Youth Council of Ireland, Foróige, the Young Voices programme and the future leaders programme are some of the organisations and programmes calling for 16 and 17 year olds to have the right to vote. We already have the infrastructure in place. I met the young people mentioned under the auspices of Foróige and most public representatives have met youth councils or Foróige in their areas in recent years too. If we believe, having met them, that they should not have the right to vote, we are patronising gits. That is all we are if we think they do not have the right to vote. We want to listen to their concerns, but will not give them the right to vote. It is the most basic, fundamental issue of democracy. The Proclamation in the foyer of Leinster House was in large part about extending the franchise to everybody, male and female, regardless of class. It was the core component and core battle in our democracy. Somebody said this was a republic. While it is a republic, the battle continues to extend the franchise to everybody. It is not popular for us to say it and it is not a huge vote

winner, but it would be the right thing to do.

The Constitutional Convention was established and one can argue that, like a lot of reports and committees, it was done to kick things down of the road. However, it was a good forum which made recommendations. Not only are Governments kicking cans down the road, the structures they establish to do so are dismissed. They are taking it even further down the road to deny, in this case, citizens their say and chance to be involved in a real and tangible fashion. We all read the information provided by the independent Library and Research Service of the Houses in preparation for debates. It conducts tremendous independent research and analysis. What stood out in that research was that in all of the European countries to which I referred where this measure has been introduced the evidence was clear that the younger people engaged in the voting process, the more likely it was that they would continue to vote. We complain about the low turnout at local and European elections. This legislation has been designed to increase turnout and create energy. It addresses even 18 to 24 year olds and perhaps those who are older by saying, “Here are all these 16 and 17 year olds who are energised and excited about the ability to vote and perhaps they can be excited too.” We saw that happen in Scotland where it was very uplifting to see young people involved in the debates.

Fianna Fáil and Fine Gael really need to reflect on what they are doing and the phrase “new politics” because all I see when it comes to anything that means leadership, debate and a difficult decision is the kicking of everything further down the road. It is kicked to a committee or a fine-spangled forum and decisions are not being made. The parties are working together again and again. Look at the issue of Seanad reform and the legislation Senators are trying to put together to ensure Members would be elected directly by the people to the greatest extent possible. It would not require a constitutional referendum, yet the debate on the legislation is dragging on and going nowhere. Even in the reform of the House we are going nowhere. We had another committee which was tasked to look at an issue. Not only did it make recommendations, it drafted legislation. There are Senators who are trying to advance that Bill, but they are being stymied. Fianna Fáil and Fine Gael need to look at themselves in terms of the credibility of the Houses. There comes a moment when one must make a decision and stop kicking everything down the road. The young people in the Visitors Gallery have observed it again today. I hope, when they are older, have the franchise and are perhaps in these Houses, they will do politics in a very different way.

Senator Paul Gavan: Hear, hear.

Acting Chairman (Senator Ned O’Sullivan): Members of the Civil Engagement group are sharing time. I understand Senator Higgins will be first to speak. Is that agreed? Agreed.

Senator Alice-Mary Higgins: I will endeavour to be a little shorter as I am conscious that Senator Fintan Warfield and the Minister need to come in.

Senator Gerry Horkan: I also have to get in.

Acting Chairman (Senator Ned O’Sullivan): It was actually Senator Horkan’s turn. We will try to accommodate everybody.

Senator Alice-Mary Higgins: I will proceed.

I am very proud as leader of the Civil Engagement group to support the legislation which Senator Ruane is co-sponsoring with Senator Warfield, on which I commend them. It is both

excellent and necessary. In the limited time we have available I will address some of the points made.

We heard a great deal of talk about education. The Government has, rightly, been commended for the introduction of civic, social and political education in schools. I also commend the work of Mr. Eoghan Gilroy who has led a great deal of the effort in this regard, as well as some of the messages and testimonies we have heard from the secondary school union, the National Youth Council and the USI. Anybody who has engaged with these groups will know how ready they are and of the depth of their analysis. I will not be able to get across the strength of their arguments, but they are many. They cover the most practical points in terms of the registration process and how we ensure people get into the system and do not fall out. For example, there is a huge issue where people do not register because they may have temporary addresses when they reach 18 years of age.

One of the points raised about civic, social and political education concerned the need to learn through doing. The Bill provides an opportunity to ensure civic, social and political education is partly about doing. People will have the experience of voting, discussing their vote and engaging.

Senator Coffey spoke about short-term thinking. I assure him that the dangers of short-term thinking are not an age related issue. He spoke about having six months off school. Unfortunately, the Irish public will often say “Yes” to tax cuts. I would hope that after longer reflection they might decide to look to long-term interests.

A further benefit is the message this proposal sends. It presents an opportunity for collective debate and engagement of students while they are still in secondary school in a system and a country that too often individualises people. People are moving to a period of individualisation. They are thrown out on their own into the world. That is a time of collective engagement when people can learn from each other. There can have peer-to-peer exchange on, for example, how to analyse and scrutinise fake news and messages. This is crucial.

Let us look at the actual proposal. It relates to local and European elections. We have heard about young people being connected to the community. What more meaningful connection to the community than their participation in local elections. The message would be that they shape their environment, beginning outwards from their most immediate environment. They could vote, have a say and shape their community. It is crucial that people get that message in terms of local elections.

The other elections are the European Parliament elections. Lest this House were considered to be over-reaching, the European Parliament has requested that nation states would endeavour to give the opportunity to vote to 16 year olds. The European Parliament wants 16 year olds involved in the decision of who sits in it. It realises the future of Europe is crucially changing all the time. If the amendment is accepted, there is a real danger that young people will not be enfranchised in the next elections in 2019. Those elections will be at a time of rising right-wing populism and talks of a multi-speed Europe and may shape the future direction of Europe. In the case of Europe, in particular, it is not only that 16 year olds need the right to vote but we as a society need 16 year olds to vote. It is crucial that they are engaged. We heard the messages from Scotland. No one could not be inspired by young voters such as Eva O’Donovan.

Acting Chairman (Senator Ned O’Sullivan): The Senator’s time is up.

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Senator Alice-Mary Higgins: On a practical note, we need engagement at this level. The centenary of suffrage for women will be in 2018. The same bad arguments as to why women should not vote were thrown about.

The way to make this case is to introduce the legislation for the EU and the local elections. It is a legislative change contained in a one-page Bill. People will see it in practice and then we will have the referendum for the Dáil elections. I appeal to those in Fianna Fáil. If they are passionate about this in terms of Dáil elections, they must not block the Bill. This is like everything else when we have progressive change. If we introduce the vote for 16 year olds in EU and local elections and people see it happening in 2019, I assure those in Fianna Fáil that the public will get behind giving a vote in Dáil elections to 16 year olds. That is how we make it happen.

Senator John Dolan: I commend Senators Ruane and Warfield on introducing the Bill. There is a genuine concern or conservatism which must be respected. If the banks were a bit more conservative, 16, 26, and 36 year olds would not be in the kind of trouble that they are in now.

For young people, things are black and white and there is no harm in our getting a dose of black and white when considering matters. The two elections about which we are speaking occur every five years. Therefore, not every 16 or 17 year old will get a shot at this. There is a balancing and a weighting already in it. The point made by Senator Ó Riordáin and others is important. When people are at home and still in their normal environment, if one likes, before they move away, it is easier for them to get involved in social activities. We have spoken about new politics. It is important that we all discipline ourselves to address the issue rather than the people or entities making the points. Can we please play the ball and not the man or the woman in this debate? That would honour the importance of this for young people and our future.

The behaviour of this House at times is not something that would compel the young or not so young to take a greater interest in politics. I have been involved in the disability sector for most of my life and I have seen people give up their summers, holidays and weekends to get involved and to work and support people, be they young or not so young, who have disabilities. We are talking about 16 and 17 year olds but I know 12, 13, 14 and 15 year olds who are acting as family carers and taking on responsibilities they should not have to carry on their young shoulders.

Senator Paul Gavan: Hear, hear.

Senator John Dolan: Tomorrow is the tenth anniversary of our signing of the UN convention. A bit like Charlie O'Connor in Tallaght, I mention the UN convention every time I stand up. The convention states that every single human being has the capacity to make decisions. I do not see how that would not apply in some decent and relevant way to youngsters that are 16 and 17 years of age.

Acting Chairman (Senator Ned O'Sullivan): I know that Senator Horkan will oblige the Chair by being as brief as he can.

Senator Gerry Horkan: I will.

Acting Chairman (Senator Ned O'Sullivan): No pressure.

Senator Gerry Horkan: I want the Minister of State to have time to respond. I would have been in earlier only for a little oversight, but not to worry.

I am in my 14th year as a member of the board of management of a secondary school and my eighth year as chairman of a school board. They are two different schools. I was a member of Ógra Fianna Fáil, one of the largest political youth movements in the country. It is probably the largest in terms of membership numbers and has been for many years. It was set up by Séamus Brennan in 1975. UCD, the largest third level institution in the country, was a part of my local electoral area in Dún Laoghaire-Rathdown every time I ran in the local elections. I ran in 1999, when I was a lot younger than I am now, as well as in 2004, 2009 and 2014. I was made an honorary life member of the Kevin Barry cumann in UCD, which is the largest Fianna Fáil cumann in the country, have chaired their AGMs for the past ten years in a row and have been invited to chair my 11th one next month. I was very lucky to be proposed as a vice-president along with the founder, Gerry Collins, at the AGM last year.

I will not be lectured to by anyone about my involvement or that of Fianna Fáil in representing young people over many years. I have listened to the debate and would love to be in a position to propose accepting the Bill as is and allowing 16 and 17 year olds to vote at local and European elections immediately. I was a chair of Ógra Fianna Fáil and the youth officer in my area. I helped out in elections when I was nine years of age by packing envelopes and doing various other tasks that nine year olds were able to do. Fianna Fáil, during its participation in the constitutional convention, supported the idea of reducing the voting age and Fianna Fáil, according to various recent polls, is as popular as any other party and more popular than most in the 18 to 24 years bracket. As a party, we have nothing to fear by allowing the voting age to be reduced to 16 years.

I canvassed people in their houses during my four local election campaigns and while campaigning for other people in general elections and found 22, 23 and 24 year olds who were not on the register and had no interest in voting. I would like to see more information being provided. The marriage equality referendum got young people on board, but this proposal would not do anything. In recent days, I have received e-mails from people stating that they wanted to vote in the marriage equality referendum. In time young people might be able to vote in referendums, but this Bill will not address that problem. If it is passed or introduced, the position in respect of referendums or Dáil elections will not be any different from the current position, unfortunately. Although my party and I are very supportive of the thrust of the legislation, we want to ensure whatever concept is passed has the support of the majority of the population. The general public needs to receive a level of education in order that voters will understand what is at stake. When I attend various events in schools such as transition year musicals and prize giving nights, I see great ability and talent. I would be delighted if every 16 and 17 year old in my local area had the right to vote. Like Senator Diarmuid Wilson, I think I would have done even better if they had been entitled to vote when I was running in local elections. There is a great number of young people involved. We need to make sure 18 year olds are on the register. Perhaps we might have registration campaigns within schools. I have forms to give to people. I know that others have done likewise. Many students in sixth year are 18 years of age. Sometimes there are 18 year olds in fifth year. It is most important that we get them involved. We are, therefore, supportive of the thrust of the Bill and I commend Senators Fintan Warfield and Lynn Ruane for its introduction. I think Senator Padraig Mac Lochlainn mentioned that his name was on it also. I am absolutely supportive of the concept. I do not want anybody in this Chamber to say Fianna Fáil is not in favour of implementation of this proposal in the fullness

of time. We absolutely want it to happen.

Acting Chairman (Senator Ned O’Sullivan): I thank the Senator for being brief. It has been a very good debate. The Minister of State has been very patient. The time available to him is limited, unfortunately.

Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English): I welcome the chance to make a few comments on the Bill. I am conscious that Senator Warfield will wrap up the debate. We will split the remaining time between us as best we can. Perhaps we might take four or five minutes each.

I am pleased to have an opportunity to participate in the Second Stage debate on the Electoral (Amendment) (Voting at 16) Bill 2016 on behalf of the Government. The purpose of the Bill is to reduce to 16 years the age at which people are entitled to vote in local government and European Parliament elections. While this is a relatively short Bill, a proposal to reduce the voting age for any election is of fundamental importance to any modern representative democracy. With this in mind, I welcome the opportunity provided to hear the views of the House on the matter. The Minister, Deputy Coveney, has asked us to take time out to hear more views on it. In the months ahead we will take the time to have this conversation and debate and make a genuine attempt to act on the views we will hear.

As a Minister of State at the Department of Housing, Planning, Community and Local Government and a member of Fine Gael, I am totally in favour of the principle of extending the vote to 16 and 17 year olds. I will explain why I think it is right to do so. I entered politics at quite a young age. Like Senator Fintan Warfield, I became a member of my local council at the age of 20 years. I was first elected to the Dáil at the age of 24 years. I must have been part of the crèche. I understand young people can make a major contribution to politics. All of the young people who are watching us and many others want to have their say in the polling booth because they have a contribution to make and we have to find mechanisms to make that possible. It is important to give young people an opportunity to have their say. I agree with Senator Lynn Ruane that if we give people a chance to vote at a younger age, they might become involved in politics and stay involved in decision-making. People generally are living at their home address as part of their community at the age of 16 years. This means that they will be around to vote in a couple of elections before leaving school to go to college, travel the world or find a job. People who get into the habit of voting at a younger age like 16 or 17 years might stay with the habit. I have a major problem with people of all ages - 20 or 30, 50 or 60, or 80 or 90 years - who do not take the time to vote. Anything we can do collectively to increase the number of people who vote and participate is to be encouraged. I understand we have to talk through and work on practical issues around the Bill and this process.

The Minister has made it clear that he is not against the Bill, but he has asked for more time to debate it thoroughly. It is important for those who are watching the debate to understand that it is not the case that someone will not be listened to just because he or she has entered politics at a young age. When I entered politics at the age of 20 or 21 years, I was convinced that no one would listen to me. I was wrong. When I became a member of my local council, politicians of all ages and from all parties were prepared to listen to me, even though I was just 20 years old. When I was elected to the Dáil as a 24 year old, Ministers and Tánaistí - one of them is present as a Senator - were prepared to debate with me and allow me to have my say. It must be understood it is wrong to suggest politicians are not interested in young people’s views, do not want to hear from them or are afraid of them. I think we all have a desire to bring the proposal to ex-

tend voting rights through the system and the process. The Minister has made it clear that there should also be a wider debate about extending voting rights, not just for one or two elections but across the board. That is a conversation we want to have and the Minister wants to facilitate it. I ask the House to provide time for such a conversation before the Bill is pressed or ended.

I take issue with those Senators who have claimed that my party is afraid of young people having the vote. It has been suggested that because of the decisions we have made in government, we have something to be afraid of or concerned about. I remind some of the Sinn Féin Senators of the most common conversation I had on the doorsteps with the parents of young people during the 2011 general election campaign. Every day of the campaign the parents of children aged eight, nine or ten years or school students aged 15, 16, 17 and 18 told me they thought the country was bunched. They did not see any future for young people. The parents of children in primary or secondary school or college at the time said they did not believe their children had a future in Ireland. That was the conversation in 2011. It is now over. We did not have that conversation during last year's election. We debated social problems in areas such as water provision, health and education. We had a different set of discussions about a different set of problems. The conversation about there being no hope is over. People now believe the country has a future and young people of Senator Warfield's age do have a future.

I ask Sinn Féin Members not to suggest those of us in Fine Gael who were involved in the last Government have anything to fear from young people in having a say. We have nothing to fear. We are proud of our record in restoring the country to give people of all ages a future. I understand 16 year olds are very intelligent and have a great deal to contribute. I know that they will make wise decisions when they vote. Therefore, I do not need to be lectured or told that my party is afraid of allowing them to vote. We are not. We will work with this legislation, where possible, as the debate evolves in the months ahead. The Minister has made it clear that he wants to do this for genuine and the right reasons. When we had the same conversation about extending the vote for presidential elections, he asked this House for more time to consider the matter and make proposals. That is what he did and he has brought forward proposals. He delivers on what he says.

Senator David Norris: What about the Minister, Deputy Varadkar?

Deputy Damien English: His message is that this Bill is premature. He thinks more time is needed for the debate and discussion and to recommend changes. He has a proven track record. When he asks this House for more time to do something, he acts on it. That is all I will say.

I am conscious that I want to give Senator Warfield more time in which to reply. I am sorry that I missed his contribution at the start of the debate. There was a mix-up. There were also delays. I understand the importance of this issue and we want to work with the Senator on it. We think the Bill, as it stands, is premature. My full contribution, setting out the other reasons the proposal is just not right at this time and mentioning other practical issues that need to be debated, has been circulated. I make it clear that we are not against the principle of the Bill. It is something we are willing to discuss and debate because we understand young people have a lot to offer. We want to try to facilitate it as best we can.

Acting Chairman (Senator Ned O'Sullivan): I thank the Minister of State for his co-operation.

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Senator Fintan Warfield: I thank Senator Ruane and her colleagues in her office. I have had the pleasure of working with them as I campaigned on the Bill in recent months. I thank every citizen and resident who has taken the time to engage and get in touch with Senators on all sides. Some of them are present. Their input is welcome and deeply appreciated. I thank the National Youth Council of Ireland, the Irish Second-Level Students Union and all the other organisations that support young people for their work on the issue. The Bill has been on the Order Paper for nine months, since 12 July 2016. We were given notice this morning that Fine Gael had tabled an amendment that, frankly, slobbered all over the Bill. The amendment which was moved during the debate proposes that the Bill “be read a Second Time on 31 December 2017”, nine months from now. The Bill has been in the public domain for nine months, but the Government wants another nine to consider it. At no stage during the debate have we heard what the additional nine months will be used for. I assure the Government that we will raise this issue in the corridors every day for the next nine months. I want to know what it has done in the nine months since the Bill was published. Why does it need another nine to review the matter?

The question of the value citizens and residents should place on the manifestos of political parties also arises in this context. I urge Fianna Fáil to stand by its election manifesto and its document, *Engaging the Future*, which proposes to “reduce the voting age from 18 to 16 for the 2019 Local Elections”. Fianna Fáil knows well that by supporting the Fine Gael amendment, it will quash any chance of engagement by 16 and 17 year olds in elections in 2019.

Senator Paul Gavan: Shame.

Senator Fintan Warfield: Is Fianna Fáil aware that this is the case? It is as sure as night follows day that this approach will have no impact on the 2019 elections. A number of Senators, including Senator Mulherin, said this issue was bigger than one political party.

7 o'clock

Senator Mulherin said the issue was bigger than one political party. I am serious about legislating for the rights of young people, as is Sinn Féin. It was for that reason that we reached across the House to Senator Ruane and asked for cross-Chamber support on the issue. As I said, it has been my pleasure to work with her and those in her office.

At some point Senators must take responsibility for the public office they hold and not kick stuff down the line. This has to go through now. It is a one-page Bill. We have not debated a shorter Bill in this House. We can make the decision this evening. I plead with Senators to live up to their responsibility. We are here for to legislate. Young people listen. Those in the Visitors Gallery are listening. All organisations supporting our young people are listening.

Should this legislation be delayed, dragged through the mud and walked over, youth organisations and young people know that a delay of nine months will ensure that young people will not vote in the 2019 local and European Parliament elections, which as Senator Higgins said are likely to be the most important European Parliament elections in my lifetime, determining the future of the European Union and perhaps its very existence.

Sixteen-year olds do not just need the vote. Their communities, society and Europe need 16- and 17-year olds to vote. They need their contemporary imagination. I plead with Fianna Fáil Senators in particular to vote against the Government's amendment and support the Bill.

Amendment put.

Seanad Éireann

The Seanad divided by electronic means.

Senator Fintan Warfield: Under Standing Order 62(3), I request that the division be taken again otherwise than by electronic means.

Amendment again put:

The Seanad divided: Tá, 32; Níl, 21.	
Tá	Níl
Ardagh, Catherine.	Bacik, Ivana.
Burke, Colm.	Black, Frances.
Burke, Paddy.	Boyhan, Victor.
Butler, Ray.	Craughwell, Gerard P.
Buttimer, Jerry.	Devine, Máire.
Byrne, Maria.	Dolan, John.
Clifford-Lee, Lorraine.	Gavan, Paul.
Coffey, Paudie.	Higgins, Alice-Mary.
Coghlan, Paul.	Humphreys, Kevin.
Conway, Martin.	Kelleher, Colette.
Daly, Mark.	Lawless, Billy.
Daly, Paul.	Mac Lochlainn, Pádraig.
Feighan, Frank.	McDowell, Michael.
Gallagher, Robbie.	Nash, Gerald.
Hopkins, Maura.	Norris, David.
Horkan, Gerry.	O'Sullivan, Grace.
Leyden, Terry.	Ó Céidigh, Pádraig.
Lombard, Tim.	Ó Donnghaile, Niall.
McFadden, Gabrielle.	Ó Ríordáin, Aodhán.
Mulherin, Michelle.	Ruane, Lynn.
Murnane O'Connor, Jennifer.	Warfield, Fintan.
Noone, Catherine.	
O'Donnell, Kieran.	
O'Donnell, Marie-Louise.	
O'Mahony, John.	
O'Reilly, Joe.	
O'Sullivan, Grace.	
Ó Domhnaill, Brian.	
Reilly, James.	
Richmond, Neale.	
Swanick, Keith.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Gabrielle McFadden and John O'Mahony; Níl, Senators Paul Gavan

and Fintan Warfield..

Amendment declared carried.

Motion, as amended, agreed to.

Heritage Bill 2016: Committee Stage (Resumed)

Debate resumed on amendment No. 3:

In page 12, line 1, after “1976,” to insert “the Minister may make regulations to allow”.

-(Senator
Grace O’Sullivan)

An Cathaoirleach: I welcome the Minister back. When progress was reported, Senator Murnane O’Connor was in possession. Is the Senator finished?

Senator Jennifer Murnane O’Connor: Yes.

Senator Joe O’Reilly: I want to speak to the amendment. With the greatest respects to my colleagues who put forward the amendment, there is an inherent illogicality in the amendment. There is an inherent wrongness or lack of soundness in the amendment. If the Senators argue that it is subjectively wrong on biodiversity grounds, on ecological grounds, etc., to permit the cutting of hedges in the month of August, if that is their opening premise, then surely it is illogical to isolate roadside hedges on that basis. There is an illogicality in the motion. If it is logical to cut the roadside hedges, why would it not be logical to extend that facility to tillage or reseeded farmers?

The problem with the amendment is that it is neither one thing nor another, that it makes no sense. Let me explain briefly. It makes no sense to this degree. If the Senators’ contention is that one should not cut hedges in August, then one should eliminate all. If the Senators’ contention is that in certain instances it is permissible, then it should be permissible in the case of reseeded, tillage and the roadside. I appeal to my colleague to see reason and to think it through logically. I see a lawyer in front of me on the front bench of Fianna Fáil. She is the leader of the Fianna Fáil group. Surely a lawyer can appreciate the point I am making.

Senator David Norris: They are all lawyers in Fianna Fáil.

Senator Joe O’Reilly: I meant it in the professional sense. She is a very eminent lawyer, and surely an eminent lawyer such as the Senator can see the illogicality of the position.

An Cathaoirleach: The eminence or lack of eminence of the lawyer has nothing to do with the amendment.

Senator Joe O’Reilly: It is a totally-----

Senator David Norris: He might have said “liar”.

Senator Joe O’Reilly: The position does not stand up to logic. I want the Fianna Fáil

Senators to think logically and reasonably. Assuming the amendment passes tonight, I have anecdotal evidence to suggest there will be amendments in the Dáil to restore the *status quo*. I have heard anecdotally that will happen. It could well be proposed from the Fianna Fáil benches. Do Senators realise that will mean a 90-day delay? It will be three full months until it returns to the Seanad and we begin the merry-go-round again. It is a total waste of the House's time and resources. We should address the question forthrightly when it is before the House. Senators must go completely against it or make no illogical amendments.

Senator David Norris: Great.

Senator Brian Ó Domhnaill: Excellent.

Senator Michael McDowell: Where is the majority in the Dáil?

Senator Joe O'Reilly: There are three very important points. The amendment makes no sense. It is neither one nor the other.

An Cathaoirleach: Which amendment is the Senator referring to?

Senator Joe O'Reilly: The one we are discussing.

An Cathaoirleach: There is a group of them.

Senator Joe O'Reilly: I am referring to amendment No. 3b. It makes no sense. The second problem is that is a delaying thing, to the extent that common sense will prevail in the Dáil. Its illogicality will become clear, it will be reversed and it will come back here.

Senator Paul Daly: We have seen it delayed here for the past three months.

Senator Joe O'Reilly: We are a year on with nothing achieved.

Senator Paul Daly: We are trying to make progress. We have been delayed for the past three months.

Senator Joe O'Reilly: We are a year on with no progress made. The final reason the amendment is verging on the farcical is that what we are talking about here is a pilot scheme. We are proposing a pilot scheme.

Senator David Norris: It is like hell.

Senator Joe O'Reilly: It is effectively a pilot scheme.

Senator David Norris: It is not.

Senator Joe O'Reilly: It is a pilot scheme and-----

Senator Jennifer Murnane O'Connor: It cannot be a pilot scheme if it is across the country.

Senator Joe O'Reilly: -----it will be monitored.

Senator Jennifer Murnane O'Connor: It is across the country.

Senator Joe O'Reilly: Objective evidence will emerge. I say to the proposers of the

amendment that it is time to see reason and withdraw it.

An Cathaoirleach: What happens in the Dáil is none of our concern.

Senator Joe O'Reilly: We will make it twist.

An Cathaoirleach: If it comes back here, sin scéal eile.

Senator Kevin Humphreys: The responsibility we have here is to ensure the legislation that comes out of the Seanad is robust and correct. What happens in the Dáil happens in the Dáil. We have a responsibility to make sure we pass the best possible legislation here. The Fianna Fáil amendment is an improvement. If we are talking about a pilot scheme, amendment No. 3c, which is in my name, proposes that it be “in such part or parts of the State as specified in the regulations, but covering an area no greater than 10 per cent of the hedgerows in the State”. That allows a pilot scheme. It covers 10% of the nation. We could call that a pilot scheme. We cannot call a scheme in the Twenty-six Counties a pilot scheme. Amendment No. 3c gives the Minister the option of doing a proper pilot scheme in a small part of the area of the country.

An Cathaoirleach: Is amendment No. 3 being pressed?

Senator Alice-Mary Higgins: We have actually debated it.

An Cathaoirleach: I accept that. They are all to be dealt with separately. Is amendment No. 3 being pressed?

Senator Grace O'Sullivan: No.

An Cathaoirleach: It is not being pressed.

Senator Grace O'Sullivan: No.

Amendment, by leave, withdrawn.

Senator Kevin Humphreys: I move amendment No. 3a:

In page 12, lines 2 and 3, to delete “, grubbing or destroying otherwise”.

I moved the amendment but I will not press it because the Minister has indicated that she will come back on Report Stage.

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendment No. 3b is in the name of Senators Paul Daly and Brian Ó Domhnaill and has already been discussed.

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Heather Humphreys): May I speak on some of these amendments? I did not have an opportunity.

An Cathaoirleach: If I allow the Minister in, everyone else can come in because they have already been debated. That is the difficulty I am in.

Deputy Heather Humphreys: I did not get to speak to any of the amendments in this group.

Senator Michael McDowell: They are not being pressed.

An Cathaoirleach: I presumed the Minister had spoken.

Senator Alice-Mary Higgins: Perhaps the Minister's points can be made when she speaks on the next section. It is important she is able to make her points, so perhaps she can do that later.

An Cathaoirleach: I was out for the last half hour before we adjourned. Do Senators agree to allow the Minister to make her contribution without further debate?

Senator David Norris: No.

An Cathaoirleach: It is not agreed. Is Senator Daly moving amendment No. 3b?

Senator Paul Daly: I move amendment No. 3b:

In page 12, line 4, to delete "land" and substitute "roadside".

Amendment put:

The Committee divided: Tá, 29; Níl, 19.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Bacik, Ivana.	Burke, Paddy.
Black, Frances.	Butler, Ray.
Clifford-Lee, Lorraine.	Buttimer, Jerry.
Craughwell, Gerard P.	Byrne, Maria.
Daly, Mark.	Coffey, Paudie.
Daly, Paul.	Coghlan, Paul.
Davitt, Aidan.	Feighan, Frank.
Devine, Máire.	Hopkins, Maura.
Dolan, John.	Lawless, Billy.
Gallagher, Robbie.	Lombard, Tim.
Gavan, Paul.	McFadden, Gabrielle.
Higgins, Alice-Mary.	Mulherin, Michelle.
Horkan, Gerry.	Noone, Catherine.
Humphreys, Kevin.	O'Donnell, Kieran.
Kelleher, Colette.	O'Mahony, John.
Leyden, Terry.	O'Reilly, Joe.
Mac Lochlainn, Pádraig.	Reilly, James.
McDowell, Michael.	Richmond, Neale.
Murnane O'Connor, Jennifer.	
Nash, Gerald.	
Norris, David.	
O'Sullivan, Grace.	
O'Sullivan, Ned.	

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Ó Domhnaill, Brian.	
Ó Donnghaile, Niall.	
Ruane, Lynn.	
Warfield, Fintan.	
Wilson, Diarmuid.	

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

Amendment declared carried.

Senator Kevin Humphreys: I move amendment No. 3c:

In page 12, line 4, after “land” to insert the following:

“in such part or parts of the State as specified in the regulations, but covering an area no greater than 10 per cent of the hedgerows in the State”.

Amendment put:

The Committee divided: Tá, 19; Níl, 32.	
Tá	Níl
Bacik, Ivana.	Ardagh, Catherine.
Black, Frances.	Burke, Colm.
Craughwell, Gerard P.	Burke, Paddy.
Devine, Máire.	Butler, Ray.
Dolan, John.	Buttimer, Jerry.
Gavan, Paul.	Byrne, Maria.
Higgins, Alice-Mary.	Clifford-Lee, Lorraine.
Humphreys, Kevin.	Coffey, Paudie.
Kelleher, Colette.	Coghlan, Paul.
Mac Lochlainn, Pádraig.	Conway, Martin.
McDowell, Michael.	Daly, Mark.
Nash, Gerald.	Daly, Paul.
Norris, David.	Davitt, Aidan.
O'Donnell, Marie-Louise.	Feighan, Frank.
O'Sullivan, Grace.	Gallagher, Robbie.
Ó Donnghaile, Niall.	Hopkins, Maura.
Ó Ríordáin, Aodhán.	Horkan, Gerry.
Ruane, Lynn.	Lawless, Billy.
Warfield, Fintan.	Lombard, Tim.
	McFadden, Gabrielle.
	Mulherin, Michelle.
	Murnane O'Connor, Jennifer.

	Noone, Catherine.
	O'Donnell, Kieran.
	O'Mahony, John.
	O'Reilly, Joe.
	O'Sullivan, Ned.
	Ó Céidigh, Pádraig.
	Ó Domhnaill, Brian.
	Reilly, James.
	Richmond, Neale.
	Wilson, Diarmuid.

Tellers: Tá, Senators Ivana Bacik and Kevin Humphreys; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

8 o'clock

An Cathaoirleach: Amendments Nos. 4, 4a and 4b are related and may be discussed together.

Senator Grace O'Sullivan: I am withdrawing amendment No. 4.

Amendment No. 4 not moved.

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

In page 12, to delete lines 11 to 13.

I am concerned about the fact that the pilot project could be extended for the foreseeable future, even though it would need a resolution of the House. We should have a pilot project and should then come back and consider new legislation to reflect what we learn from the project. I still do not believe we will have a pilot project in front of us on Report Stage but, were we to have one, it would need to have an expiry date. The practices in the project should not continue on an ongoing basis. We should either delete the point that it could be renewed or insert a limit, of perhaps no more than three more years, after which we would need new legislation reflecting the experience gained from the data gathering and impact assessment of which the Minister has spoken. I ask the Minister to indicate if she is open to an expiry date in the legislation to avoid allowing for ongoing indefinite renewal. In such a case, I would be happy to withdraw my amendments and come back on Report Stage to discuss what an appropriate expiry date would be.

I will also speak to amendment No. 4c. These are valuable points. I do not need to press them now and I will bring them forward on Report Stage but I am hoping that the Department will take on board these and other more nuanced amendments.

An Cathaoirleach: We are only discussing amendments Nos. 4a and 4b. The Senator is prepared to take these amendments to Report Stage so it is up to the Minister to appease her.

Deputy Heather Humphreys: Two amendments were voted on and I did not get the opportunity to speak to them. I have been listening to Senators for 16 hours, I have provided extensive briefing and I have engaged constructively. The Chair put it to the floor that I be allowed to speak and Senator Norris said “No”.

Senator David Norris: Absolutely.

Deputy Heather Humphreys: If that is what the Senator considers to be democracy then so be it, but it is not what I consider to be democracy. It is not funny. I have been here for 16 hours and will stay for as long as it takes. I have been very co-operative and I am disappointed.

I will outline my position on amendment No. 3b. Grubbing and flailing would not be permitted in August but if a farmer wanted to trim, he or she should be allowed to do so for one season’s growth in the interest of land management and when reseeding or tillage is being carried out. This is an issue of trust. Do we trust our farmers, the custodians of the countryside, to act in a responsible manner? I trust them.

As regards amendments Nos. 4a and 4b, the Bill proposes that the provisions in section 8 on burning and hedge cutting will be in force for a pilot period of two years to allow my Department to monitor activity under the provisions and to gather the necessary scientific data. However, I am prepared to accept the Senator’s amendment to extend the pilot period to three years, which should allow for a more comprehensive assessment of the provisions. Section 8(4) states that I must seek the approval of the Oireachtas, by way of resolution, for the extension of the two-year pilot phase. I am of the view that the period of the extension will be influenced by the various studies undertaken during the pilot phase so I cannot accept amendments Nos. 4a and 4b.

Senator Grace O’Sullivan: For clarification, I withdrew amendment No. 4 because it was predicated on amendment No. 2.

Senator Alice-Mary Higgins: Amendment No. 4 was put forward on the basis of the base-line amendment being accommodated.

Senator Grace O’Sullivan: It did not make sense in the circumstances.

Deputy Heather Humphreys: On amendments Nos. 4a and 4b, the decision will come before both Houses of the Oireachtas and a motion must be passed to extend the time limit. It will not be a case of being nodded through. A resolution has to be passed to say it can be extended for another period and if it is not approved, it will revert to the old legislation and the pilot period ceases.

Senator Alice-Mary Higgins: Perhaps on Committee Stage we can discuss other more appropriate provisions than an Oireachtas resolution. I will withdraw the amendments for now but I will seek engagement across the House on what more appropriate renewal processes might be put in place. I know that others have mentioned that it would be appropriate for an Oireachtas committee to examine the results of what happens after the pilot period expires. I believe clear limitations and terms for the pilot scheme must be stipulated in legislation. If we do so it would be hard to see how a pilot scheme with such scientific provisions could be renewed on a resolution base. We need to give an opportunity to amend and change rather than simply extend. With that said, I shall withdraw my amendment but will resubmit it on Report Stage.

An Cathaoirleach: I respect that decision. Senator Humphreys has indicated so I shall allow him to make a brief comment.

Senator Kevin Humphreys: I shall be brief. The Minister asked the direct question of whether we trust farmers. Yes, I do. Do I trust the vast majority of citizens? Yes, I do but we still passed legislation to stop people breaking into our homes. We still need to pass legislation that will protect the environment. Do I trust the vast majority of farmers? Of course I do. This is not a them and us situation. We simply want to protect the countryside. I suggest that people stop trying to create division between groups. The vast majority of farmers are good, honest and hardworking people that protect the environment.

Senator Brian Ó Domhnaill: Hear, hear.

An Cathaoirleach: Senator Humphreys has made a general point. Do I take it that Senator Higgins is withdrawing her amendment No. 4a?

Senator Alice-Mary Higgins: Yes.

Amendment, by leave, withdrawn.

Amendment No. 4b not moved.

An Cathaoirleach: I was personally disappointed that the Minister was not allowed to speak on the last occasion. This is her Bill and a Government Bill. The behaviour was disrespectful and I personally apologise to her.

Senator David Norris: Seriously, this has been said several times before. Did the Cathaoirleach not hear what she said this time?

An Cathaoirleach: It was extraordinary that she was not allowed to speak. We have gone past that now and I regret it.

Amendment No. 4c is in the name of Senator Higgins. Amendments Nos. 4c, 5, a5a, a5b and 5a are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Alice-Mary Higgins: Is amendment No. 4c in section 8 or 9?

An Cathaoirleach: Section 8.

Senator Alice-Mary Higgins: All of the other amendments are in section 9.

An Cathaoirleach: Yes, I accept that but I cannot do anything about the way amendments have been grouped. Amendment No. 4c is listed on the third additional list of amendments dated 27 March. The Senator will have to deal with amendment No. 4c now and we can bundle the others together in section 9.

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

In page 12, line 15 after “Act of 1976”, to insert the following:

“and any naturally occurring species including flora species protected under:

(a) the Wildlife Acts 1976 to 2012;

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- (b) any convention which Ireland has ratified;
- (c) any Directive of the European Union; and
- (d) any national provisions implementing paragraphs (a), (b) and (c) above.”.

An Cathaoirleach: It has been agreed that we will discuss the amendments together. I have been advised that she should not withdraw the amendment until the end after we have a general discussion. All of the amendments must be discussed together.

Senator Alice-Mary Higgins: Are we discussing section 9-----

An Cathaoirleach: Yes.

Senator Alice-Mary Higgins: -----and section 8?

An Cathaoirleach: Amendments Nos. 5, a5a, etc. are all in section 9.

Senator Alice-Mary Higgins: Would it not be better to finish discussing section 8?

An Cathaoirleach: The amendments are grouped together so the Senator can discuss them.

Senator Alice-Mary Higgins: That makes no sense.

Senator Kevin Humphreys: I understand that we have finished section 8.

An Cathaoirleach: No.

Senator Kevin Humphreys: Amendment No. 4c has been withdrawn.

An Cathaoirleach: No.

Senator Kevin Humphreys: Can we not finish section 8?

An Cathaoirleach: No, we are not. The amendments are all related. I cannot complete section 8 until all of the amendments have been dealt with together.

Senator Kevin Humphreys: That is okay.

Senator Alice-Mary Higgins: Fine.

An Cathaoirleach: That is the way this matter has been put in front of me. Senator Higgins has the floor. She has confirmed that she wishes to withdraw amendment No. 4c but she can reserve that option until we reach it.

Senator Alice-Mary Higgins: Yes.

An Cathaoirleach: Amendments Nos. 5, a5a, a5b and 5a are related. The Senator can speak about any of them if she so wishes.

Senator Alice-Mary Higgins: This is an unusual grouping. I imagine that we will be very tight for time if we want to finish and vote on section 8. I had decided to withhold a few of my points until we commenced making generally comments on the section, whether supported or opposed.

An Cathaoirleach: The Senator can speak on the section. I shall allow her to make further comments later.

Senator Alice-Mary Higgins: Will I have a chance to briefly speak on section 8?

An Cathaoirleach: Yes.

Senator Alice-Mary Higgins: I also commiserate with the Minister. I had indicated previously, before the debate broke to go to Private Members' business, that I intended to speak and I, too, did not get an opportunity to speak. I regret that the Minister did not get an opportunity to respect either. I imagine we will get to speak on Report Stage.

In terms of these amendments, I have two key amendments in section 9 that relate to when we had the debate and conversation opened up by this Bill. Interestingly, many people have contacted us about this matter. Many of them are concerned, and the Minister has expressed her concern, at the way hedgecutting is carried out throughout the year, including the six months when hedgecutting is permitted. Numerous people have spoken, as has the Minister, about the use and inappropriate use of the flail. There have been clear messages about times when machines are used but there has been a lack of proper supervision and engagement.

My amendment a5a is quite reasonable. Again, I have been in no way prescriptive and have left it to the Minister to proscribe. My amendment suggests that the Minister may make regulations and she had indicated a desire and willingness to do so. I add that my amendment refers to overall regulations and not simply regulations for the pilot scheme. My amendment states:

The Minister may make regulations to set out the permissible use of certain machinery or certain classifications of machinery which may or may not be used for the purposes of cutting or maintaining hedgerows.

I tabled my amendment in ensure that we have good practice when it comes to cutting hedgerows. Interesting, we have heard quite detailed debate on good and bad practices. There can be good ways to cut hedges and we need to make sure that they are the predominant model.

If there is an opportunity to engage with the Minister then I shall not press my amendments. I am keen, as others are, to see this Bill conclude this Stage. I want an indication. This issue arose from the debates, communications and education that I have received on the practices used for hedge planting and hedgecutting.

Amendment No. a5b shares a similar concern. The amendment relates to something that we heard today. We have heard the emerging argument being made by tillage farmers. It is a fact that large scale tillage farmers make up a small fraction, and I apologise if my exact percentage is incorrect, but I believe it is under 5% of current farmers and I have heard that it may be 3.5%. It has been made very clear, certainly during this debate today, that they are clear and strong advocates for this Bill. In many cases they seem to drive this legislation. Some tillage farmers may not be in the GLAS scheme so they may not have the same vulnerabilities as other farmers. The following concern was expressed to me and I hate to think that it was a threat. What if these tillage farmers decide to use the six months where it is permissible to grub hedges and dig them up? Is that concern being considered? I am aware that regulation already exists that stipulate that where hedgerows are grubbed and removed they need to be matched by planting.

My amendment goes a step further. When we have large-scale removal and grubbing of

hedged at any time of year then we weaken the case for all farmers when we go to Europe. The farming sector is struggling now. I have been surprised by how strongly the IFA has lobbied about this matter because it has other serious concerns to tackle. Along with others, I have championed its concerns in respect of agribusiness and the threat from Brexit. At this volatile time the IFA should seek to make allies rather than divide people. I imagine that many in the IFA will see beyond this single issue and consider the bigger picture of Ireland's agricultural well-being and future on which a large part depends on the CAP payment. As we know the Irish nominee to the European Commission, the agriculture Commissioner Phil Hogan, is actively proposing to further green the common agricultural payment. Ireland is strongly advocating for greening to form part of the common agricultural policy. We need to increase it because greening only forms one third of the payment that many farmers receive. We argue for that proportion to be increased because we know that other parts of farmers' productivity will come under pressure from British exports. That is a fact. The common agricultural policy and rules are very important.

The one greening measure that tillage farmers must comply with is the protection of hedgerows as an ecological focus area. That aspect is a condition that tillage farmers must comply with in order for them to receive the single farm payment. If persons grub hedged on a large scale they will diminish Ireland's overall case, as well as their case, to receive the payment.

My amendment may seem small but it is important. The requirement is already there but it simply states that the Department should be notified, that the Minister would set out regulations as to when, and there may be valid reasons from time to time, the grubbing of more than 1 km of hedgerow would be allowed, and that those who grub more than 1 km of hedgerow without the permission of the Department, or whatever body under its aegis the Minister deems appropriate, would be committing an offence because they would be undoing the common agricultural good of our nation and other farmers.

I recognise my amendment may not be perfect and I am extremely happy to work with the Minister on it. I am trying to strengthen Ireland's case and the interests of all farmers in this respect. It is very important that large-scale tillage farmers who may choose to remove hedgerows on a large scale during the six months permitted do not do so without some due process, oversight and regulation. I am happy to withdraw the amendment if the Minister indicates she can engage with me on this issue between now and Report Stage.

Senator Kevin Humphreys: I will withdraw amendment No. 5a, but I would be grateful if the Minister or her officials would enter dialogue on the amendment.

Deputy Heather Humphreys: On amendments Nos. 4c and 5, the provisions in section 8 of the Bill, and the regulations I will make, on the burning and hedge cutting issues will take account of our obligations under the EU birds and habitats directives. Under other international nature conservation conventions and the Aarhus Convention on access to information on the environment, it would not be normal practice, and I outlined this earlier, to list these various directives or conventions in legislation. EU directives are binding on member states so there is no need to separately provide for them in legislation. Accordingly, I do not consider it is necessary to list the various directives, conventions and plans in the Bill.

On amendment No. a5a, I do not feel it is necessary for me as Minister to make regulations on cutting equipment for hedge cutting. I take the point, but it is very prescriptive. I can look at it. On amendment No. a5b, the current provisions in section 40 allow the grubbing and destruc-

tion of hedgerows from 1 September to the end of February. I will propose on Report Stage an amendment to prohibit the grubbing and destruction of hedgerows in August. I cannot see the point of requesting landowners or public bodies to obtain my consent to grub or destroy hedges of a certain length during the open season for cutting from September to the end of February. It appears like overregulation and I cannot accept the amendment.

An Cathaoirleach: Senator Higgins said she would withdraw amendment No. 4c.

Senator Alice-Mary Higgins: To clarify, there is already regulation and a requirement that where hedges are grubbed during the six months they would be replaced.

Deputy Heather Humphreys: That is fine.

Senator Alice-Mary Higgins: I am asking for a joined-up approach between the existing regulations and their implementation. I will come back to it.

I apologise - I neglected to mention my other amendment, to which the Minister has responded, on the statutory requirements. A serious concern that emerged in the meetings we had on the Bill, and I appreciate the Department meeting me, was that the all-Ireland pollinator plan is not regarded as statutory or a binding concern. This is one of the areas I have asked the Minister to list. The Minister mentioned that the list of directives and obligations is already there, but unfortunately what I have learned is that the all-Ireland pollinator plan is not something that will automatically be considered.

I will withdraw the amendment for now, but I put the House on notice that I intend to put forward an amendment explicitly on the all-Ireland pollinator plan. Will the Minister indicate that she intends to take its recommendations very seriously even though they are not, as I have been told by the Department, on a statutory basis? This is something of very serious concern to me. We heard from the beekeepers, from those in the butterfly movement and with regard to birds that pollination is absolutely crucial not just for the flourishing of our nature and wildlife, but also for the horticultural business and for food production in Ireland. Pollination is not a whimsical notion. It is the core of how we actually have thriving agriculture. It is green Ireland and it is what we put out there. Will the Minister indicate she takes the plan seriously? I will withdraw the amendment for now but I will table an amendment on Report Stage explicitly on the pollinator plan. I will probably also table Report Stage amendments on further tightening regulations on gorse fires and how they are managed because this is the section of the Bill into which they are likely to go.

An Cathaoirleach: The Senator will withdraw amendment No. 4c and the Minister understands where she is coming from.

Amendment, by leave, withdrawn.

Question proposed: "That section 8, as amended, stand part of the Bill."

Senator Alice-Mary Higgins: We have not reached that.

An Cathaoirleach: We are going along. The Senator has dealt with amendment No. 4c by withdrawing it. We have spoken about all of the amendments and we must now dispose of the section.

Senator Alice-Mary Higgins: We have not discussed the section which is opposed.

An Cathaoirleach: The Senator is entitled to speak on section 8.

Senator Alice-Mary Higgins: I will not speak at length on section 8. The case has not been made for section 8. The amendment tabled by Fianna Fáil somewhat improves and ameliorates the damage in the section. I will still oppose the section even though it has been amended. The message was sent out on the idea that people would vote on a single issue. I believe people very much have been listening and I commend Fianna Fáil because although it did not agree with us on large parts of section 8, nonetheless it engaged with all stakeholders respectfully on it. It has not come to the point of being able to support our amendments, and I regret this, but respectful engagement with the full farming community and the full community of rural Ireland and the rest of the population of Ireland is very important and I commend it in this regard. This is why I supported the amendment although I oppose the section.

This is our last chance to speak on section 8 and I must highlight this point. The section on gorse fires has not been addressed. Anybody who read the newspapers this week would have seen stories about burning gorse in March. In my part of the country in Connemara, the electricity supply cable to the Aran Islands was damaged by uncontrolled gorse fires in Carraroe. In Donegal, the primary water source for Donegal in Lough Fad was endangered by gorse fires. In County Louth, fire crews battled overnight to prevent the spread of gorse fires to forestry land. The EPA has raised serious concerns about the damage done by gorse fires.

If there is anything on which we need to gather statistics it is certainly this, but we know that in Cork, where statistics have been gathered, from 2012 to 2015 the cost of responding to illegal gorse fires to the fire services was €750,000. This is huge public expenditure. We have heard much talk about pilot programmes. I am very concerned that the section allows burning, and I know the Minister says part or parts of, but there is real concern that we could see a further escalation of this burning in March. We could see the incidents which have happened and got out of hand here multiplied further because there will be a sense of greater permission for burning in March. I would also point out, to those who would speak to the wet February that we had, that we had one of the driest Octobers and Novembers in history. In Scotland, where they have sought to engage with this same issue, significant regulation around this has been brought in. Burning in Scotland is done in October and November. It is done in autumn. There is no reason we cannot have controlled burning taking place in October or November. It is the practice elsewhere. It is a more appropriate practice. There is no need to extend this into March.

We have already heard about the nesting seasons. On some further interests we have heard, the EPA and other groups have raised concern, in particular, that there is an issue with burning in February already, which many people believe should not happen. This is of concern because when there is burnt ground in February or March, it does not simply endanger nests and fledglings that may already be on the ground there, but it also damages the habitat. We have heard that many species will not nest on ground that has recently been burnt. A whole habitat, which is relied on for nesting, is destroyed. There is a real concern.

I am conscious that I should signal that we may table detailed amendments on section 8, because we did not specifically put amendments forward besides our general opposition. We would be remiss if we said that this was somehow okay or fine. There are massive issues in this area and it is something that needs to be looked at very seriously. As I said, I will certainly be seeking to tighten the regulations. I know the Minister has said that these are illegal fires in many cases but there is a concern that, if we open the season further, the danger, jeopardy and cost to the public will be increased.

Senator Kevin Humphreys: I acknowledge the Minister’s engagement on this issue and her openness to the removal of the term “grubbing or destroying otherwise” from the Bill. We should acknowledge the progress we have made in the Seanad in respect of the debate. Unfortunately, I am not convinced about the pilot scheme. I just do not see it there, across the 26 counties, so I cannot in honesty vote for this section of the Bill. As Senator Higgins has pointed out, we have not even touched upon upland burnings in March. In respect of climate change, things are moving so rapidly. We have seen the change of seasons already and we have seen nesting patterns change.

I believe that this Bill could be improved and strengthened if it could go to the Joint Committee on Agriculture, Food and the Marine to allow the different stakeholders to come in and give evidence at that stage. It could inform the Bill further and possibly strengthen it. We pretty much just get soundbites in here, which is not meant as a criticism of anyone, but by carrying out pre-legislative scrutiny, we could allow those stakeholders to come in and talk honestly and openly about their concerns. I think the Bill would be better for it. That gives both sides, the farming community and the environmentalists, their say. It is a way we can move on. Like many other Senators, I have been doing my own research, but it is not as comprehensive as what we could find out through pre-legislative scrutiny. The Bill should go ahead without section 8. Section 8 should go for pre-legislative scrutiny where we can have a really positive engagement to make this as strong as possible.

I thank all the Senators here for their co-operation and hard work in improving the Bill. I would also like to acknowledge that we have often killed off that divisive language, townies as opposed to urban or anything like that, and that we are actually working for the betterment of our environment, both for the farming community and the urban community.

Question put:

The Committee divided: Tá, 27; Níl, 17.	
Tá	Níl
Ardagh, Catherine.	Black, Frances.
Burke, Colm.	Craughwell, Gerard P.
Burke, Paddy.	Devine, Máire.
Butler, Ray.	Dolan, John.
Buttimer, Jerry.	Gavan, Paul.
Byrne, Maria.	Higgins, Alice-Mary.
Coffey, Paudie.	Humphreys, Kevin.
Coghlan, Paul.	Kelleher, Colette.
Conway, Martin.	Mac Lochlainn, Pádraig.
Daly, Mark.	McDowell, Michael.
Daly, Paul.	Nash, Gerald.
Davitt, Aidan.	Norris, David.
Feighan, Frank.	O’Donnell, Marie-Louise.
Hopkins, Maura.	O’Sullivan, Grace.
Horkan, Gerry.	Ó Donnghaile, Niall.
Lombard, Tim.	Ruane, Lynn.
McFadden, Gabrielle.	Warfield, Fintan.

Mulherin, Michelle.	
Murnane O'Connor, Jennifer.	
Noone, Catherine.	
O'Donnell, Kieran.	
O'Mahony, John.	
O'Reilly, Joe.	
O'Sullivan, Ned.	
Ó Domhnaill, Brian.	
Reilly, James.	
Richmond, Neale.	

Tellers: Tá, Senators Gabrielle McFadden and John O'Mahony; Níl, Senators Alice-Mary Higgins and Lynn Ruane.

Question declared carried.

NEW SECTIONS

Deputy Heather Humphreys: Section 9 amends section 40(1) of the Wildlife Act 1976, lines 17 to 21, page 12. It is a simple tidying-up exercise which updates the collective citations for fisheries legislation and replaces the reference to the Central Fisheries Board, which is now Inland Fisheries Ireland. Following further consultation with the Attorney General's office, however, I have been informed that the changes proposed in section 9 were already included in the Inland Fisheries Act 2010. Therefore I will bring an amendment on Report Stage to delete section 9 from the Bill.

Senator Michael McDowell: Is there a reason it should not be deleted now?

Senator David Norris: It is a very good point.

An Cathaoirleach: A very valid point was made. Is there any reason it cannot be deleted now rather than on Report Stage?

Deputy Heather Humphreys: We did not have an amendment tabled so we will do so on Report Stage if that is all right.

An Cathaoirleach: If the section itself is being deleted the Minister does not have to table an amendment. It just goes.

Deputy Heather Humphreys: Okay. That is fine.

(Interruptions).

An Cathaoirleach: To deal with our housekeeping properly, I have to go through all the amendments that have been moved individually. Then, if the Minister wishes, we can agree to delete section 9 if the Seanad so wishes. I had dealt with amendment No. 4c. We are now on amendment No. 5.

An Cathaoirleach: Did Senator Alice-Mary Higgins indicate that she was going to with-

draw amendment No. 5?

Senator Alice-Mary Higgins: I said I would withdraw it and that I would be tabling a version of it on Report Stage taking account of comments made on it.

Amendments Nos. 5 to 5a, inclusive, not moved.

Question, “That section 9 be deleted”, put and agreed to.

NEW SECTION

Senator Grace O’Sullivan: I move amendment No. 6:

In page 12, between lines 21 and 22, to insert the following:

“**10.** (1) Section 40(2) of the Act of 1976 is amended by inserting the following:

“(g) the removal or destruction of vegetation required by a notice served by a local authority under section 70 of the Roads Act 1993 (as amended).”.

(2) Section 40 of the Act of 1976 is amended by adding after subsection 40(2) the following:

“(2A) Any activity undertaken under Section 40(2), by a public authority or any activity authorised by them in the interests of public health and safety is required to be notified to the Minister by the public authority responsible for the execution or authorising of such works, and shall outline:

(a) The public health and/or safety concern or other rationale as to why the works need to be undertaken during the prohibited period together with supporting evidence in this regard; and

(b) How such works were strictly limited to those necessary, and were undertaken in a manner so as to limit the negative impacts on biodiversity where possible, or any issues in respect of such considerations.”.

(3) Section 70(1)(b) of the Roads Act 1993 is amended by inserting the following:

“(c) (i) where there is a risk to public health and safety from a structure on the land to the safe use of a public road or the maintenance of the public road, any party including a land owner or occupier of land, may apply to a local authority to serve a notice in writing in accordance with this section on the owner or occupier of any land on which the structure is situated to remove, modify or carry out specified works in relation to the structure within the period stated in the notice. The local authority shall consider the necessity of such works and determine whether to issue a notice accordingly. Such works shall be considered exempted for the purposes of section 40 of the Wildlife Act 1976 (as amended);

(ii) the local authority shall comply with all legislative obligations, screenings, assessments and notifications necessary to the making of any such a notice; and

(iii) the notice shall contain details of—

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- (a) the precise location of the issue to be addressed,
- (b) the precise nature of the issue to be addressed, and
- (c) precisely what remedial work needs to be carried out;

(iv) where notification is during the closed period for hedge-cutting specified in section 40 of the Wildlife Act 1976 (as amended) detailed guidance on biodiversity considerations shall be included;

(v) the local authority shall notify the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, with responsibility for Natural Heritage of the making of any such notice, at the same time it notifies the land owner or occupier of the land.””.

Senator Alice-Mary Higgins: We spoke on this amendment such a long time ago so I beg the indulgence of the Chair. I seek clarification for those who have not signed the amendment which is quite long and complex and who may wish to put forward their own version of a road safety amendment on Report Stage. This is a complex amendment which includes a number of provisions. Will we still be free on Report Stage to put forward our own version of a road safety amendment which might be worded somewhat differently?

An Cathaoirleach: Yes. That appears clear, if the Senator wants to table an amendment on Report Stage.

Senator Alice-Mary Higgins: I reserve the right to do so. I have not signed the amendment.

Amendment put:

The Committee divided: Tá, 11; Níl, 25.	
Tá	Níl
Devine, Máire.	Burke, Colm.
Gavan, Paul.	Burke, Paddy.
Higgins, Alice-Mary.	Butler, Ray.
Kelleher, Colette.	Buttimer, Jerry.
Mac Lochlainn, Pádraig.	Byrne, Maria.
Nash, Gerald.	Coffey, Paudie.
O'Sullivan, Grace.	Coghlan, Paul.
Ó Donnghaile, Niall.	Conway, Martin.
Ó Ríordáin, Aodhán.	Daly, Mark.
Ruane, Lynn.	Daly, Paul.
Warfield, Fintan.	Feighan, Frank.
	Hopkins, Maura.
	Horkan, Gerry.
	Leyden, Terry.
	Lombard, Tim.
	McFadden, Gabrielle.

	Mulherin, Michelle.
	Murnane O'Connor, Jennifer.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Reilly, Joe.
	O'Sullivan, Ned.
	Ó Domhnaill, Brian.
	Reilly, James.
	Richmond, Neale.

Tellers: Tá, Senators Alice-Mary Higgins and Grace O'Sullivan; Níl, Senators Gabrielle McFadden and James Reilly..

Amendment declared lost.

9 o'clock

SECTION 10

Question proposed: "That section 10 stand part of the Bill."

An Cathaoirleach: We are on section 10. The Minister might wish to comment before I put the question.

Deputy Heather Humphreys: I do not intend to propose an amendment here but I intend to table a small textual amendment on Report Stage to subsection 3(e)(ii), on page 15, lines 25 to 29, on occasions where authorised officers know or suspect that a vehicle in particular has been used in committing an offence.

Question put and agreed to.

SECTION 11

Senator Alice-Mary Higgins: I move amendment No. 6a:

In page 18, to delete lines 9 to 12.

An Cathaoirleach: Does the Minister wish to comment on amendment No. 6a on section 11 in the name of Senators Kevin Humphreys, Aodhán Ó Ríordáin, Grace O'Sullivan and others?

Deputy Heather Humphreys: I intend to table an amendment to section 11 on Report Stage to retain certain provisions in section 69(3)(c) of the Wildlife Act. The other repeals relate to provision penalties in both the 2000 and 2010 wildlife legislation, which are updated in this Bill, and consequently the repeal stands. I also wish to advise the House that I will bring forward an amendment on Report Stage to section 44 of the Wildlife Act, which includes provisions on the unlawful hunting and entry onto lands. The amendment that I will propose will involve a small technical change to the text of the section, clarifying the powers of authorised officers of my Department or a member of An Garda Síochána to bring prosecutions for unlaw-

ful hunting with animals.

An Cathaoirleach: Is amendment No. 6a being pressed?

Senator Alice-Mary Higgins: To clarify, the concern was that there was an inadvertent perception that the Bill, as it was currently drafted, could potentially allow for an assault on a National Parks and Wildlife Service officer. It could inadvertently repeal the legislation which makes an assault on a National Parks and Wildlife Service officer an offence. I imagine that is not intended and I recognise that the Minister has recognised the potential inadvertent consequence. We are happy to work with the Minister to ensure that is addressed. We have to value our very important National Parks and Wildlife Service officers.

Amendment, by leave, withdrawn.

Section 11 agreed to.

SECTION 12

An Cathaoirleach: Amendment No. 7 in the name of Senator Grace O’Sullivan has been ruled out of order as it involves a potential charge on the Exchequer.

Amendment No. 7 not moved.

Question proposed: “That section 12 stand part of the Bill.”

Deputy Heather Humphreys: I do not propose an amendment here at this time. However, I intend to move two further amendments on Report Stage to the effect that the upper, middle and lower lakes of Killarney would be considered part of the property comprising the part of the Muckross Estate that was conveyed to the State in 1932 under the Bourn Vincent Memorial Park Act 1932, and certain national parks will be formally vested in the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

Senator Alice-Mary Higgins: To clarify, that amendment proposed that there-----

An Cathaoirleach: That is out of order and I cannot allow it.

Senator Alice-Mary Higgins: We reserve the right to put forward an amendment that is not out of order.

Question put and agreed to.

Question, “That the Schedule be the Schedule to the Bill”, put and declared carried.

Question, “That the Title be the Title to the Bill”, put and declared carried.

Bill reported with amendments.

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

Senator Maura Hopkins: Next Tuesday.

Report Stage ordered for Tuesday, 4 April 2017.

An Cathaoirleach: When is it proposed to sit again?

Seanad Éireann

Senator Maura Hopkins: Tomorrow at 10.30 a.m.

The Seanad adjourned at 9.10 p.m. until 10.30 a.m. on Thursday, 30 March 2017.