



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Máirt, 4 Aibreán 2017

Tuesday, 4 April 2017

Chuaigh an Leas-Chathaoirleach i gceannas ar 2.30 p.m.

Machnamh agus Paidir.
Reflection and Prayer.

Business of Seanad

An Leas-Chathaoirleach: I have received notice from Senator Paudie Coffey that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Health to outline when he intends to appoint the board of the South-South West Hospital Group and discuss the HSE capital plan for University Hospital Waterford.

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 promises.

I have also received notice from Senator Aodhán Ó Ríordáin of the following matter:

The need for the Minister for Education and Skills to address the requirement for an Educate Together secondary school in Dublin 13.

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 those who find themselves homeless in south Kerry.

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

The need for the Minister of Finance to consider expanding the criteria required to be met to obtain a primary medical certificate under the disabled drivers and disabled passengers (tax concession) scheme.

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

The need for the Minister for Health to put in place a system to enable parents to access respite care for a son or a daughter who is residing with them but who is now over 18 years

of age.

I have also received notice from Senator Ivana Bacik of the following matter:

The need for the Minister for Health to outline the terms on which the HSE contracts out care services for persons with disabilities in Dublin to private companies and, in particular, to confirm whether processes are in place to ensure carers employed by private companies so contracted are paid minimum wage rates and that they are paid to cover their travel time between care assignments.

I have also received notice from Senator Terry Leyden of the following matter:

The need for the Minister for Communications, Climate Action and Environment to introduce as a matter of urgency new wind energy development guidelines in relation to noise, proximity and shadow flicker.

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 and effectiveness of the Eircode system.

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

The need for the Minister for Agriculture, Food and the Marine to make a statement on the success of the low cost loan scheme for farmers, the agriculture cashflow support loan scheme, and whether he plans to propose renewal of the scheme in budget 2018.

I regard the matters raised by Senators Coffey, Boyhan, Ó Ríordáin, Conway, Byrne, Colm Burke, Bacik, McDowell and Lombard as suitable for discussion. I have selected Senators Coffey, Boyhan, Ó Ríordáin and Conway and they will be taken now. I regret I have had to rule out of order the matter raised by Senator Leyden on the grounds that the Minister has no official responsibility in this matter. Senators Byrne, Colm Burke, Bacik, McDowell and Lombard may give notice on another day of the matters that they wish to raise.

Commencement Matters

Hospital Groups

Senator Paudie Coffey: I welcome the Minister for State with responsibility for health promotion to the House, where I again raise important issues during a Commencement debate concerning the health service, not just in my county and city but nationally. In 2013, the previous Government, in an attempt to create efficiencies within acute hospital services, decided to reform the acute hospital network and reconfigure it into hospital groups. The South-South West hospital group in my area consists of University Hospital Waterford, which is my local hospital, as well as hospitals in Cork and Kerry. At that time, there was grave public concern that this reform would lead to the downgrading of the model 4 hospital at University Hospital Waterford, which has provided specialist services across a range of acute services for the region.

Certain assurances were given in writing by the former Minister for Health, the Secretary

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General of the Department of Health and senior management in the HSE that this would not lead to downgrading. However, I have concerns I wish to raise today. When these hospital groups were formed, hospital boards were to be appointed in tandem. Four years later, we still do not have sight of a hospital board being appointed for the South-South West hospital group. This is a cause of great concern to me because the hospital boards were meant to be appointed to bring oversight and accountability in terms of governance and efficiency of expenditure in respect of the HSE and various services.

This leads to my next point regarding the capital plan the HSE plans and adopts for health services around the country. Again, University Hospital Waterford is the example about which I can speak the most. I acknowledge the investment by the State in the new accident and emergency department, which was a major capital investment. I also acknowledge the news that the new palliative care centre for the hospital will go out to tender and possibly be built very shortly but I have to add that this is not before time. For many years, the south east has been the only region without that type of palliative care support. It would not have happened without fundraising by the hospice movement in Waterford and surrounding counties. The news that the five-storey block will be built is welcome.

Recent controversies around cardiac care continue. There are promises of a mobile catheterisation laboratory. However, I was horrified to read a plan that was recently disclosed to me. The plan was a report by a review team into University Hospital Waterford in December 2014. This report was carried out by the HSE to review the acute services as part of the reconfiguration plans. In this report, I was horrified to discover that the HSE has approved more than €5.4 million for a new mortuary for University Hospital Waterford at a time when all public representatives, all parties, consultants, the public and everybody in the region are crying out for an investment of €2.4 million for a second catheterisation laboratory for cardiac services in the region. I am dismayed and cannot believe that the HSE can invest €5.4 million into looking after the dead when it cannot invest €2.4 million to look after the living. I am horrified and wanted to bring it to the Minister of State's attention. I believe this is happening because we do not have the oversight, governance and accountability that was foreseen when these hospital groups were first established. Somebody needs to call the HSE to task. I have tried to do it but, unfortunately, to date I have failed. We need the political system to work and these bureaucrats need to be asked to explain why this investment is being put in the wrong place.

Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy):

I thank Senator Coffey for raising this issue.

Acute hospitals are organised into seven hospital groups, the formation of which is a key element in the reform of our health services. The establishment of acute hospitals into a small number of groups provides an optimal configuration for hospital services to deliver high-quality, safe patient care in a cost-effective manner. The establishment of hospital groups is a key enabler for the reorganisation of services across hospitals, with associated benefits in terms of providing care in the most appropriate setting and delivering a safe quality service.

Significant progress has been made in the implementation of the hospital group construct, with individual hospitals within the groups starting to work together to support each other, providing a stronger role for smaller hospitals in delivering less complex care and ensuring that patients who require true emergency or complex planned care are managed safely in larger hospitals. Chairpersons are in place for six of the hospital groups. Board members are currently in place for the University Limerick hospital group. In late 2016, the Department commenced

advertising, through the Public Appointments Service, PAS, for candidates for appointment to the hospital group boards. This process began with campaigns in respect of the Saolta University Healthcare Group board and chair and the University Limerick hospital group board. Those campaigns have been completed. Arrangements to advance the South-South West Hospital Group and the other hospital group board vacancies, including a phased timetable for the PAS campaign, is under consideration, informed by the experience gained from the first two campaigns.

The projects under way at University Hospital Waterford are the new ward block and a decontamination facility to support the endoscopy department. Recently completed projects at University Hospital Waterford include: an upgrade of infrastructure, as approved in the hospital's development control plan, including the development of utilities, power supply and roads to facilitate future development at the hospital; upgrade to the theatre air-handling units; refurbishment and upgrade of the acute mental health department; provision of a CT scanner in the emergency department; and a cystic fibrosis unit, with the provision of four isolation rooms, part-funded by the local cystic fibrosis group.

Future investment in hospitals must be considered in the context of the overall acute hospital sector infrastructure programme, the prioritised needs of the hospital groups and the overall capital envelope available to the health service. Nevertheless, the HSE will continue to apply the available funding for infrastructure development in the most effective way possible to meet current and future needs, having regard to the level of commitments and the costs of completion already in place. The Department of Health is working with the HSE and the Department of Public Expenditure and Reform to conduct a mid-term review of the capital programme. The Department is also conducting a bed capacity review. This will assess projected health care needs over the next decade and the associated infrastructural requirements to meet these needs.

The investment in the palliative care unit and other facilities which the Senator referred to are welcome. Unfortunately, I do not have any information on the report of the review team in 2014. I will contact the HSE on foot of the Senator raising the matter with me and come back to him with that information.

Senator Paudie Coffey: I thank the Minister of State for taking up my genuine concerns about capital plans adopted and pursued by the HSE. I acknowledge that the hospital groups were set up for the optimal configuration of acute hospital services in the interests of patient safety, as well as to achieve cost-effective patient safety. Unfortunately, until the boards are in place, we will not have the accountability and oversight over the HSE which is required.

I am horrified that in its review in 2014, the HSE could approve an investment of €5.4 million for a mortuary but that it does not have the vision or foresight to provide essential services. In the south-east region, we have patient apartheid whereby if one has a heart attack after hours in the evenings or at weekends, one does not have access to interventional cardiology. Somebody somewhere has his or her priorities wrong. My faith is still in the political system putting that right and that is why I raised the matter. I appreciate the fact that the Minister of State is not only taking it up on my behalf but also on behalf of people in Waterford and the wider south-east region. We must have oversight where it matters and bring these bureaucrats in the HSE to account. This Government is being blamed while the HSE is running amok investing in the wrong priorities.

Deputy Marcella Corcoran Kennedy: I will take on board the urgency of appointing the

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board, as the Senator has outlined. While I have been informed that it is under consideration, I totally understand the need for a timeline by which this matter will be concluded. That is what we really require, so I will certainly follow up on that for the Senator.

Universal Social Charge

Senator Victor Boyhan: I welcome the Minister of State, Deputy Eoghan Murphy, to the House. I am seeking an update on the universal social charge. The Minister of State will be aware of a poster with the slogan: “Abolish the USC. Let’s keep the recovery going.” That slogan was used by Fine Gael during the 2016 general election campaign. I do not have a particular problem with the slogan. I took the time to look for this election material and found that quite a lot of it had gone. Interestingly, however, *The Irish Times* keeps a picture archive in which I counted at least 25 posters. Eight Government Ministers were pictured at various places, including Heuston Station, holding these posters. This was the main plank of their election campaign last year - “Abolish the USC. Let’s keep the recovery going.”

I downloaded all these posters from *www.irishtimes.com* which I would be delighted to send around to all my colleagues today. It is interesting that this clearly was the message. There was a quotation in the Minister’s election literature, which was also quoted by *The Irish Times*. I will quote it here for the benefit of our deliberations:

Of all the commitments we are making in this election, this is the central commitment to our tax policy. It is a hated tax. It is a socially divisive tax. It was introduced as an emergency measure. The emergency is now over and now we are going to abolish this tax.

That quotation was attributed to the current Minister for Finance, Deputy Michael Noonan.

I note that the Minister for Social Protection, Deputy Varadkar, has spoken about a bigger package of reform, including the USC being merged with the PRSI. I do not know whether that is being advanced or not, but it is meant to be a possibility. Perhaps the Minister of State can elaborate on that.

I accept that there should be tax cuts for middle-income earners. At the end of the day, there is a section of our society who work hard, pay all their taxes, comply with the law, yet are falling out of the parameters for social insurance and social protection. They need to be addressed and Fine Gael identified that as one of the key issues in its election campaign.

I do not wish to be negative but I think there is a need for a social insurance fund. We need to build that up, realise that people want it, and be cognisant of their needs. More important, can the Minister of State explain where he stands as a member of the Fine Gael Party and Government that have advocated the abolition of the USC? Has there been a change of heart or mind? Is there a view that the USC should be merged into some sort of reformed PRSI package? I simply do not know and that is why I am asking the question. I would appreciate it if the Minister of State could enlighten us.

Minister of State at the Department of Finance (Deputy Eoghan Murphy): I thank Senator Boyhan for raising this matter. As he will be aware, A Programme for a Partnership Government contains a commitment to ask the Oireachtas to continue to phase out the USC as part of a wider medium-term income tax reform plan that keeps the tax base broad, reduces

excessive tax rates for middle income earners, and limits the benefit for high earners.

High marginal tax rates affect labour force participation and productivity by increasing the cost of labour for employers and reducing the incentive to work for employees. The unemployment rate in Ireland has now fallen to 6.6%, down from a high of over 15% just five years ago.

This is not the time to become complacent, however, and we must still be conscious of the need to support employment creation and retention. Britain has now formally begun the process of leaving the European Union and this process is expected to bring both opportunities and challenges for Irish businesses.

The top marginal income tax rate, and how it compares with the rates in other jurisdictions offering similar employment opportunities, can be a significant factor in attracting mobile, high-skilled workers to Ireland. An uncompetitive income tax regime or burden could lead to skill shortages in some sectors.

The continued phasing out of USC will improve Ireland's international competitiveness and the incentive to work, supporting economic activity and continued job creation in the economy. The USC reduction measures in budget 2017 were the third step in a gradual process of unwinding USC and resulted in a reduction in the marginal rate of tax on income up to €70,044 to 49%. It should be remembered that as recently as December 2014 the marginal rate of tax for a single individual on all income over €32,800 was 52%. It is the intention of the Minister for Finance, Deputy Michael Noonan, to continue the process of reducing USC in future budgets.

Senators will be aware that this is not a measure that has been considered in isolation but as part of a wider medium-term income tax reform plan. In July last year the Department of Finance published the income tax reform plan to set out the policy considerations relevant to this reform, including the necessity to maintain the breadth of the income tax base and retain appropriate levels of taxation for high earners. The purpose of the income tax reform plan was to inform all Members of the Oireachtas of the issues and options which would underpin future income tax reform. It is my hope all Oireachtas Members will engage constructively in debating options for future reform in this area.

It is the Minister's intention to continue the process of reducing the income tax burden, with an emphasis on low and middle income earners, in future budgets as fiscal resources allow. It is expected that the resulting reductions in marginal tax rates will support job creation and economic growth. It is the Minister's view, however, that it would be prudent to pursue the phasing out of USC by taking the relevant decisions on a year by year basis, having due regard to the prevailing fiscal resources available to the Government. The setting out of a schedule for the phasing out of the charge as suggested would not allow for flexibility for the Government and the Oireachtas to adapt income tax reform as necessary to address the challenges and opportunities that might arise domestically, as well as in the global economy. Notwithstanding this, the Minister affirms the Government's commitment to reducing the income tax burden as and when fiscal resources allow. In this regard, I draw Senators' attention to a further commitment in the programme for Government that sets out a minimum ratio for the use of fiscal resources such that two thirds of such resources will be used to increase expenditure on public services, with the remainder being available for tax reductions. In fact, the ratio in the last budget was in the region of 4:1 in favour of expenditure measures.

Senator Victor Boyhan: I thank the Minister of State for his reply which is helpful. It

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gives us an indication of the direction he is taking. It is important to state it does not reference the abolition of the universal social charge, USC, in the immediate future, despite the fact that it was the major slogan in his party's campaign. Credibility is very important in politics. When a party sets out to do something and changes course, it is important that it explain the reason. It has been explained somewhat in the reply. I am keen to note the Minister of State's emphasis on income tax reform. That is an important issue that needs to be monitored and discussed. The Minister of State's party sought a mandate from the people to govern on the basis that it would abolish USC. I will take the time to send him the pictures I mentioned because they are extraordinary. They show jubilation among candidates not yet elected to Dáil Éireann and others who had sought re-election, all of whom were elected. They include the Minister for Finance, Deputy Michael Noonan. This was their central message. When a party goes before the people with a central message, it is very important that it deliver on it.

Deputy Eoghan Murphy: I participated in that campaign also. We talked about abolishing or phasing out USC as fiscal resources allowed and nothing in the reply I have given to the Senator deviates from that plan.

Senator Victor Boyhan: I appreciate that.

Deputy Eoghan Murphy: That is what we will have to do on a year by year basis. We all recognise that the burden of taxation is too high and that the Government is taking too much of people's hard-earned money to fund vital State services. Those services must be funded. That is the reason we have the ratio of 4:1 in the current budget for the changes we have made in the fiscal space. We have an income tax reform strategy paper that was published last year. We need to work together within the Government and the Oireachtas to find the most prudent path towards reducing the burden of taxation, but we cannot tie the Oireachtas to a five-year plan because it might have to be altered as needs change on a year to year basis, depending on what happens internationally and domestically. However, it is our continuing commitment to reduce the burden of taxation on income earners.

School Patronage

Senator Aodhán Ó Ríordáin: I very much appreciate the Minister being here in person to address this issue. He will be well aware of the geographical area related to this issue as it is in his constituency. I was involved in a campaign to establish an Educate Together school in the Drumcondra area, and one of the first actions the Minister took on taking office was to sanction the approval of that Educate Together primary school in Dublin 3 in the Marino-Drumcondra area. The campaign to establish that school was elongated and it took a long time to get it off the ground but it was successful. There are some long-established Educate Together schools in the more northern end of the constituency, which the Minister knows very well, in an area where a major degree of construction is taking place and where there has been major growth in the population. The people in that area will need a number of facilities, including school facilities.

In terms of Educate Together schooling, in line with the vision of the previous Government and, I hope, with that of the Minister, he will be familiar with the Educate Together schools in Kilbarrack and in Belmayne. We are asking that there would be a logical continuum of that ethos of education for the children who attend those schools. There has been a metamorphosis in the ethos of one second level school, Clonturk community college, into a new type of school

with joint patronage. What we hope to achieve in Dublin 13, which covers a number of areas, including Clongriffin, Belmayne, Donaghmede, Baldoyle and Sutton, is that a new Educate Together would be established to facilitate those children, living in the area of rapid population, who attend an Educate Together school to have a continuum of that ethos of education, which is available to every other schoolchild attending other schools in the area. No other children in that area attending another school is asked to change the ethos of his or her schooling when he or she moves from primary to second level. If a child attends a Gaelscoil, there is a facility for him or her to attend a second level Gaelscoil. If a child attends a Catholic ethos school, he or she can continue that ethos at second level. That is not available to children who attend an Educate Together primary school.

While it is appreciated that the Department of Education and Skills has made great strides in recent years in increasing the number of Educate Together schools that are available for parents who want that ethos for their children's education, it does not make any sense for that to stop once a child reaches sixth class. While the growth in this type of education is greatly appreciated, the parents and members of the committee involved, some of whom are in the Public Gallery, want to know what process they can pursue and how they can work with Government and the Department to make this a reality. This campaign does not necessarily need to be fractious or full of tension or friction. We want to achieve the establishment of an educational institution that the children can have to continue their education in the ethos chosen - as is a constitutional right - by their parents. I ask the Minister to outline where those involved in the campaign are to go next. These children attend an Educate Together school at primary level, or some of them do not. They live in an area that is under major development. They need a process whereby they can work with the Minister and his Department to arrive at a stage where they will be able to have a new education facility available to them. Nobody can convince me, and I am sure the Minister would agree with me, that this area will not need extra school places in the years to come. What we want is fair play. There have been moves across the city and the country with respect to the opening up of second level education. Often it is easier to open up a primary school rather than a second level school, but in areas of north County Dublin there are various different models, including community school models. I am mindful of the Malahide area where the Educate Together model has been approved by the Department because it is seen as providing a continuum of education which is necessary for the children concerned.

Acting Chairman (Senator Gerard P. Craughwell): I must ask the Senator to conclude.

Senator Aodhán Ó Ríordáin: I respectfully ask the Minister for a positive response to this issue.

Minister for Education and Skills (Deputy Richard Bruton): I thank the Senator for raising this issue. I fully understand and support the ambition he has set out. As he knows, it is my ambition to increase substantially the diversity of offerings both at primary and at secondary level to reflect the growing preference of parents for more diversity in our education system.

3 o'clock

Earlier this year I indicated that nine new schools are to be provided at post-primary level and eight of the nine are multidenominational in ethos and four of them are Educate Together schools. We are very keen to promote diversity.

I must outline to the Senator the way in which decisions are made when new schools are

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decided upon. Perhaps he already knows. First, it has to be based on an assessment of the population pressure in an area. We use the geographical information systems, GIS, census data, Ordnance Survey information, Department of Social Protection numbers in terms of children and all the Department's databases to accurately project the pressure of demand across 314 planning areas that are set out by the Department. In terms of the exact area, namely, the Donaghmede and Howth, Dublin 13 area, as of today there is not sufficient population pressure to indicate that a new school would be warranted but it is an area where my Department is closely monitoring trends. As the Senator rightly said, it is an area of growth.

An indication of what we are doing is that in the adjoining area, namely, the Malahide and Portmarnock area, we recently approved a 1,000-student post-primary school for Educate Together as the population pressure warranted it. I am sure the Senator will ask why we do not provide more diversity straight away. The difficulty I face, which I am sure he will appreciate, is that with the population bulge that is occurring, I have to provide 20,000 additional places just to keep pace with population trends. That puts me under very severe pressure and I can only provide funds for additional places where the planning area does not have vacancies in other existing schools.

The approach that is then taken where it is identified that a school is warranted is predominantly based on parental preference. It is an independent process. Parents are asked to express their preference as to the patronage of the new school and it is done on the basis of an assessment of the number of parents indicating a preference for different schools. It is done independently of the Minister by an independent group, which has been set up to carry out the evaluation. That is the process. I am committed to greater diversity. I recognise the value of Educate Together and the education and training boards, ETBs. The Senator rightly pointed to the interesting innovation in Clonturk where an ETB school took in Educate Together as a joint partner. That is an interesting approach. We are determined to pursue greater diversity but we must work within the constraints of the existing budget planning process. We made provision recently for an Educate Together school in an adjoining area and we will closely track population numbers in the Donaghmede and Howth, Dublin 13, area.

Senator Aodhán Ó Ríordáin: I thank the Minister for his response. The Minister is very familiar with the area. It does not take too much effort to appreciate that population pressure is only a number of years away given the incredible intensity of building work and apartment building in the area. Could the Minister at least commit that he or his Department officials will work with the campaigning group, which is open to all sorts of options, including a similar type of arrangement to that in Clonturk, in order to facilitate children to have a continuum of education? I do not think the Malahide and Portmarnock option will fly when one has such a large geographical area that is in need of this facility and considering that the vast majority of those places will be taken up by people living in the area. I say that with the greatest respect to the Minister. I appreciate him being here in person and his comprehensive reply. I also appreciate the constraints under which he is operating as Minister. Could the Minister give a commitment that his officials will sit down with the campaigning group and outline how best this campaign can proceed, what type of information it needs, what type of population figures will help the case and give realistic projections of what the population growth will be? As the Minister knows, it is only a matter of time-----

Acting Chairman (Senator Gerard P. Craughwell): Thank you, Senator. I think you have made your point.

Senator Aodhán Ó Ríordáin: -----there is a campaign for second level schools to facilitate the population numbers.

Acting Chairman (Senator Gerard P. Craughwell): The Senator is out of time. I call the Minister.

Deputy Richard Bruton: I can assure the Senator that my Department and I work with all patrons. We support Educate Together in its work as a patron, which is certainly recognised. Obviously, the Department cannot favour one particular group that is campaigning for a school because the process under which a school patron is selected is based on parental preferences. Everyone has to have an equal opportunity of competing when a school is identified as needing in that regard. The Department does not anoint one patron or another. It is based on parental preference and the need to promote diversity. We do not assume one patron versus another.

There are eight schools currently at second level across the area. They are educating about 3,852 pupils. There is capacity at present but, as I say, we work very closely with the local authorities and have a code of practice with the planning authorities. We get information about the plans. They look at prospective sites when they are planning areas. We seek to work very closely with local authorities in order that the plans for the development of an area are synched with our own. At a time of such pressure on places, we have to see an established need for additional places at second level before we can consider such a process. We are very open to any patron. We are encouraging patrons, but at the end of the day it is parental preference that will decide it when we do identify that a new school is justified. I cannot favour one over another.

Homeless Accommodation Provision

Senator Martin Conway: I would like to welcome the Minister of State, Deputy English, to the House. It is always very interesting that he comes in to deal with housing issues. He will know full well that the homeless crisis is unfortunately not just in the cities or in Dublin. In terms of counties, it is not just in the capital town of the county. It can percolate down to all of the villages, particularly the more urban type of village and town. Kerry is a classic example. It is a big county. It stretches from the Tarbert ferry down to the Cork border. We are talking about in excess of 150 km if one was to drive it straight. The only homeless facilities that exist in Kerry at the moment are in Tralee. If somebody in Killarney who does not drive and is in a situation where he or she is rendered homeless as a result of domestic violence or finds himself or herself in need of emergency accommodation, he or she will be accommodated in Tralee. I am sure that Kerry County Council does a very good job of accommodating people there, but Killarney is a good distance from Tralee.

There is a facility that is vacant at the moment in Killarney called Armagh House. We all know how expensive it is to rent property in Killarney, particularly at the height of the tourist season. Homelessness issues do occur in Killarney. This facility is vacant. It is there and it will need a few bob to be renovated. When it is renovated, it will be able to provide services to people who find themselves in the very unfortunate position of being homeless in Killarney or indeed in the greater south Kerry area. I do not think this is going to involve much work. I am hoping that at least we will get an indication that the Minister of State's Department is looking at the matter. The Minister, Deputy Coveney, was in Killarney in the not-too-distant past and gave a commitment that funding would be made available to upgrade Armagh House. I am sure that he and the Minister of State will honour that commitment. I am sure there is at least a

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prospect of the Minister of State providing some good news today.

As an aside, I tabled a Commencement matter about rural resettlement a number of months ago. The Minister of State gave a very positive response, citing an engagement between him and his Department and the rural resettlement group in County Clare. He might give me a quick update on that now, to save me tabling another Commencement matter.

Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English): I thank Senator Conway for raising this matter. The Senator is right that the Minister gave a commitment on Armagh House and that certainly will be honoured.

My Department issued funding approval in principle to Kerry County Council in July 2016 for the development of Armagh House, Killarney, included under the capital assistance scheme. The Department had first granted pre-tender approval under the capital assistance scheme in March 2007 for the purposes of the building and its development as accommodation for homeless persons. The acquisition costs of €960,000 for the building were paid to the council in December 2009 and, while the purchase was completed, there were concerns about the adaptability of the building for the provision of good-quality homeless accommodation. In particular, the small nature of the rooms and fire issues raised challenges for the reuse of the building. The project, therefore, did not advance and in intervening years there was limited opportunity to advance it due to a lack of funding availability.

A new proposal involving the demolition of the existing property and building of six high-quality units was submitted and funding approval in principle issued in July 2016. Initial designs and costings were provided by the council and my Department has recently requested additional information. On receipt of this additional information, I expect my Department will be in a position to approve the project to advance to the next stage, which will involve the preparation of detailed pre-tender designs and costings. With the new approach now being followed by the approved housing bodies and the council, it is hoped that the project can be advanced quickly, particularly given that funding is now in place to support it. The Minister was very clear that the funding is there for this. His is a strong and genuine commitment. We know that both Clúid and Kerry County Council are actively working on the matter so the project should advance to tender as soon as possible.

I assure Senator Conway that my Department and the Minister will continue to engage actively with the council and Clúid and that there will be no undue delay in dealing with further information on the project once it is received. I stress that it is important that the information comes in as quickly as possible in order that we can progress the application.

The Senator is right that homelessness does not just occur in the cities of Dublin, Cork, Galway and Limerick, although that might seem to be the case as a result of reports in the media. The Minister and I have travelled around the country in order to meet local authorities and discuss their plans to tackle and prevent homelessness. Some councils are in a position to deal with a homelessness situation very quickly, getting a person into permanent accommodation over a weekend. Others are not as they are under pressure regarding availability of space.

We are working with all local authorities to provide solutions in order to ensure that people do not spend long in a homeless situation. Our commitment is that there will be nobody living in hotels from next July onwards. That is a commitment we will meet and honour because

it will prove that we are doing our work under the Action Plan for Housing. The funding has increased across the board for homeless services in every county and region. We must complement all those who are working in the homeless services to provide solutions on a daily basis through our local authorities and approved housing bodies. They are doing a great service and we will be matching that with funding.

In respect of rural resettlement, I did give a strong opinion and commitment on this matter to the Senator a couple of months ago. We are working hard on it. There have been numerous meetings with the various groups, including the one the Senator mentioned, and the Department, in an effort to try to ascertain how best to proceed. My Department is also working in conjunction with the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs to provide funding for these schemes. Rural resettlement makes sense. It gives people the option if they are on a waiting list in a city such as Dublin but would rather live in a rural area. If the accommodation is there as well as the demand, it makes sense to match the two together. That is what we are going to try to do.

Senator Martin Conway: That was a positive response, yet again, from the Minister of State. I urge him to come to the House more often because he seems to be most definitely the bearer of good news.

Acting Chairman (Senator Gerard P. Craughwell): Does the Minister of State wish to reply to that and thank the Senator for his good wishes?

Deputy Damien English: I would like to end on a positive note. Is it not great? I thank Senator Conway for his commitment and work in the various counties.

Sitting suspended at 3.15 p.m. and resumed at 3.30 p.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, Knowledge Development Box (Certification of Inventions) Bill 2016 [*Seanad Bill amended by the Dáil*] - Report and Final Stages to be taken at 4.45 p.m. and to conclude not later than 5.15 p.m., if not previously concluded, by the putting of one question, which shall in respect of amendments include only those set down or accepted by the Government; No. 2, Companies (Accounting) Bill 2016 - Second Stage, to be taken on the conclusion of No. 1 and to be adjourned not later than 7 p.m., if not previously concluded, with the contribution of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes each; and No. 3, Critical Health Professionals Bill 2017 – Second Stage, to be taken on the conclusion of No. 2 with the time allocated for this debate not to exceed two hours.

Senator David Norris: Is there any indication of the approximate time the Companies (Accounting) Bill will be taken?

Senator Jerry Buttimer: It will be just after 5.15 p.m., depending on whether there is a vote. If there is a vote on the Knowledge Development Box (Certification of Inventions) Bill, then the Companies (Accounting) Bill will be taken whenever that is finished.

Senator David Norris: I thank the Leader.

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Senator Jerry Buttimer: Debate on the first Bill should end at 5.15 p.m.

Senator Catherine Ardagh: I again raise in this House the housing crisis this country is currently facing. Since my election to Dublin City Council in 2014 and to this Chamber last year, this issue has been at the forefront of debate and has yet to be tackled in any meaningful way. Last weekend I read reports of a 4.3% increase in house prices for the first quarter of this year. There is no way a person who is trying to buy a house can save as fast as house prices are rising. The Government has paid lip service to the notion of addressing this issue. There have been myriad reports and press conferences, but for a young person who is seeking to buy a house, the actions of the Minister and the Government are of little comfort. I have always been sceptical of the help-to-buy scheme and have voiced my opinion in the House that it simply amounts to a €50 million bonus for developers. The quarterly increase in house prices has affirmed my belief that the route the Government and the Minister are taking to increase supply and generate affordable homes is wrong and flawed. We must start to consider novel and inventive ways to increase supply, ranging from VAT and planning reforms to having more economical certification methods. It is a sad day when a generation with decent, well paid jobs are unable to own their own homes. Another concern for new home buyers is that they are paying too much for their mortgages than their European counterparts. I hope the Minister for Justice and Equality, Deputy Noonan, will take this concern on board and address it.

Senator David Norris: The Minister for Justice and Equality.

Senator Catherine Ardagh: The Minister for Finance.

Senator David Norris: I am sorry, but the Senator said the Minister for Justice and Equality.

An Leas-Chathaoirleach: The Senator will have his turn.

Senator Catherine Ardagh: I apologise. I meant to say the Minister for Finance, Deputy Noonan, in reference to the Central Bank.

Senator David Norris: I am sorry. I was only trying to clarify the matter.

An Leas-Chathaoirleach: Senator Ardagh to continue, without interruption.

Senator Catherine Ardagh: The second issue I wish to raise is the stabbing of a drug dealer in the face with a shiv - a makeshift knife - in Mountjoy Prison. I condemn this attack on Mr. Alan White. It might be time for us to contemplate opening a discussion on a replacement prison for Mountjoy Prison which in its current form is not fit for purpose. The Thornton Hall project was aborted during the economic downturn. I call on the Minister for Justice and Equality to set up a review group to consider a replacement prison for Mountjoy Prison or an upgrade of that facility.

I also condemn the attack in St. Petersburg, as well as the chemical attack in Syria. I commiserate with the families of the victims of both attacks. Violent extremism and breaches of international law must be confronted head-on. Loss of life on this scale is a crime against humanity. We cannot sit back and accept it.

Senator Gerard P. Craughwell: The Constitution is the most sacred document in the country. It drives everything we do and should control everything that takes place in this House. I refer to Article 15.6 on the right to raise and maintain military forces, which right rests

exclusively with the Oireachtas. Imagine my shock at the weekend when I discovered that an agreement had been signed between this country and the United Kingdom granting permission to the United Kingdom to scramble fighter jets in Irish airspace. The agreement was signed by the Department of Defence, the Department of Foreign Affairs and Trade and the Irish Aviation Authority, which is not even a body responsible to the Oireachtas but a semi-State body. The agreement was signed before either this or the previous Government came to power. I can find no evidence anywhere of Oireachtas oversight of the agreement or of a ministerial signature on it.

Senator David Norris: That is not the raising of an army.

Senator Gerard P. Craughwell: It creates a merger or a partnership in respect of our sovereignty. We talk about our sovereignty all the time, yet we are allowing jets of the Royal Air Force, RAF, to fly over the country. The director of Irish military aviation and the general officer commanding, GOC, of the Air Corps has no knowledge whatsoever of the agreement. It is my understanding that when he learned of it, he was taken into a room, shown the agreement and promptly sent home without a copy of it. The person with responsibility for military aviation in this country was not a party to the agreement. For that reason, I propose an amendment to the Order of Business that the Minister for Defence come to the House to explain what lies behind the agreement, how he sees it complying with Article 15.6 of the Constitution and the role he sees for the director of Irish military aviation and the GOC of the Air Corps when military jets from outside the jurisdiction are scrambled. The agreement gives the right to fly through our airspace. How are we to know that it does not also allow ships of the Royal Navy to sail in our waters? How do we know that it does not allow the British military to cross the Border and drive tanks all the way to Dublin? I do not wish to trivialise the matter, but granting permission to a foreign military power to fly its fighter jets through our airspace is a direct attack on the Constitution. I do not know how a public servant can sit down and sign an agreement with the involvement of a semi-State body. Will somebody, please, explain how it happened?

Senator Paddy Burke: Perhaps they are looking for the Senator.

Senator Gerard P. Craughwell: They might be, but if they do come, I shall be safe.

Senator Niall Ó Donnghaile: As the Leader will know, the process of the United Kingdom leaving the European Union is now under way as Article 50 has been triggered by the British Government. Despite the honey-coated words used by the British Prime Minister, Theresa May, her Government is only interested in Britain's interests. The impact of Brexit on the economies of the North and the South has not seriously pre-occupied her or anyone else in her government. The Irish Government must adopt a similar approach and put Ireland's interests first. We need to be single-minded and need a practical plan to protect the Irish economy from the economic hurricane heading our way. Many concerns have been expressed about the impact of Brexit. I raised my concerns both before and after the triggering of Article 50. Understandably, nobody in Ireland wanted to see Brexit inflicted on us, but it is a hurricane heading our way. We need to move beyond focusing solely on words to the environment in which action will be taken. It is not, therefore, unfair or unjust to ask the Government to outline the practical steps it will take and I do not want to hear about its aspirations or hopes. I want it to outline the practical steps it will take in the short, medium and longer term in response to Brexit.

Will the Leader urge the Government to consider the decision taken by the Spanish Government to deal with the issue of Gibraltar's status post Brexit? Within the draft guidelines of the

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European Council Spain has secured a veto over any future exit agreement. The Government should seek a similar veto in respect of the status of the North of Ireland where the people voted to remain. It is not beyond the realms of reasonable and sensible politics to argue in favour of having such a veto. A call by Ireland for such a veto would not be extreme. It would not jeopardise or place under pressure any of the things we have articulated in this House in the past few months. A veto would be in Ireland's national interests. I do not believe for one second that there is a partitionist in this Chamber. Even if one Senator did have a partitionist mindset, we have already accepted that Brexit will have a detrimental impact and will be felt equally in the South and the North. Therefore, it would be sensible for us to argue in favour of having such a veto.

Last week the Leader told us that the Taoiseach was leading on this issue and is the central figure in the Government's response to Brexit. I would, therefore, like the Leader to indicate when the Taoiseach will come back to the Chamber to update us. I appreciate that the Minister for Foreign Affairs and Trade has come to the House, but we need to hear a clear high level response from the Taoiseach on the practical actions the Government is taking and will take to protect Ireland's national interests.

Senator Ivana Bacik: I concur with my colleague in expressing sympathy to the families of the victims of the appalling attack in Syria. There were dreadful reports from there and from St. Petersburg in Russia, where another attack took place.

I wish to ask the Leader about his announcement that we will be taking the Knowledge Development Box (Certification of Inventions) Bill 2016 before the Companies (Accounting) Bill 2016. This is a late change to the schedule and I am concerned that we were not given notice of it.

I welcome the announcement of a root-and-branch review of the Garda in light of the very disturbing reports on discrepancies in policing figures, including the 1 million breath tests that did not take place. That matter was debated in this House and elsewhere but we should have a discussion on the content of the review. At the weekend, Labour published draft terms of reference for a root-and-branch review and argued that any Patten-style commission conducting such a review should be tasked with a specific list of functions and given a tight timeframe, namely, to report by summer 2018 and to consider items that include a clear framework of accountability to be enshrined in law. For example, it should consider reforms needed in respect of Policing Authority powers and those of the Garda Síochána Inspectorate. I hope we will see the detail of that emerging from the Cabinet and I ask the Leader for a debate on the terms of reference for any such commission. I also urge that such a commission would not be in any way used to delay necessary reforms. For example, it is welcome to see the proposed very comprehensive reform or, indeed, disbandment of the traffic corps. We need to see reforms and the root-and-branch review.

I also seek a debate on online abuse and the legislative measures necessary to tackle this. This morning, the Labour Party published the Harassment, Harmful Communications and Related Offences Bill 2017, which is really a proposal for criminal law reform arising from the Law Reform Commission report last year and concerns many have expressed to us about levels of online abuse that many people suffer. These are people in public life and those in intimate partner relationships where abuse is taking place. We heard a very eloquent testimony this morning from Ms Margaret Martin, the director of Womens Aid, about the way in which social media and online communication is being used as a tool of abuse within intimate partner

relationships as part of a domestic violence framework. We really need to update our laws in order to tackle this. I ask that we have a debate in this House on that and we will certainly bring forward that legislation in our Private Members' time in any event.

I welcome the European Union draft negotiation guidelines on Brexit, which were published on Friday, and, in particular, the priority of preserving the Northern Ireland peace process that has been attached. I raise some concern about Mr. Michael Howard's very disturbing comments on Gibraltar at the weekend. Many people would share the concern we all feel about that so it is very important that we stay a very steady course in pushing for priority for Northern Ireland rather than becoming distracted by such talk.

Senator Tim Lombard: I wish to raise a matter that has been discussed many times in this Chamber, namely, access to broadband. This matter affects nearly everybody in rural Ireland and there is an ongoing debate in respect of it that has involved nearly all parties. I welcome today's announcement by the Minister for Communications, Climate Action and Environment, Deputy Naughten, on broadband. He proposes that in the next 18 months, an extra 300,000 homes will be connected to high-speed broadband, with the speeds in question higher than those in New York and nearly as high as South Korea. It is a very welcome and proactive statement by the Minister. It is more than a statement in effect because today he produced a signed contract and he hopes it will be delivered on time. As a result, 300,000 homes in rural Ireland will have high-speed broadband by the end of 2018. It is a great step forward. A considerable number of homes are not on the list but the Minister has assured us that a network will be put in place by the end of 2020, so more than 500,000 other homes will be connected.

For Irish society, broadband is a key infrastructure element. This goes back to the old days and having a telephone or electricity connected. It is a major infrastructural element that rural Ireland needs so it can develop. It is key to get that infrastructure in place. Today is a major step forward in delivering that infrastructure and if we can follow through on the proposed action plan, we will have a service fit for purpose that will ensure rural Ireland can develop its potential. We are all very much aware that many people work from home and want the opportunity to do so. With this important infrastructure, we will now have that ability to help people and we will help rural Ireland develop.

Senator Robbie Gallagher: I wish to raise the issue of the lack of a national cancer strategy. The most recent strategy lapsed approximately 15 months ago and to date there has been no move by Government to introduce or prioritise a new strategy. The word "cancer" can put fear through anyone's heart and some of the statistics I will outline are very frightening. It is estimated that there are more than 200 types of cancer. Cancer is one of the main causes of death in this country and every year, more than 40,000 new cases are diagnosed. That is 100 every day, which is a very scary statistic. The latest research indicates that by the year 2024, one in two people will develop some form of cancer in his or her lifetime. This clearly illustrates that something must be done to tackle cancer and its causes and ensure its diagnosis and treatment thereafter. Despite assurances by the then Minister for Health, Deputy Varadkar, in 2015 that a new strategy would be introduced, I am disappointed to tell the House that we still await that strategy. Thousands of families the length and breadth of this country are affected by this disease and it is imperative that we have a health service that ensures they have the very best outcomes possible. I ask the Leader to bring the Minister before the House to outline to us when he intends to introduce this new strategy in order that we can put measures in place for the detection of cancer and thereafter its treatment at a very early stage and that those affected by it are assured the best possible outcomes available.

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Senator David Norris: I understand the Seanad is not meeting this Thursday because the Brexit committee will be meeting in the Chamber. While I understand the committee might want a nice photogenic setting for its meeting, it is not the function of the Seanad to provide a backdrop to committees. When I was a member of the Committee on Procedure and Privileges, I regularly opposed every attempt to divert the use of the Seanad Chamber from its appropriate use as a place for the Seanad to-----

An Leas-Chathaoirleach: I must interrupt the Senator. That was a decision of the Committee on Procedure and Privileges.

Senator David Norris: Yes. I am just commenting on the decision, as I think I am entitled to do since I am no longer a member of the Committee on Procedure and Privileges. As an individual Member of the Seanad, I wish to register my feeling about the matter.

An Leas-Chathaoirleach: I will allow the Senator a little-----

Senator David Norris: This is a further demeaning of the Seanad. The late Government-----

An Leas-Chathaoirleach: I am not sure this is relevant to the Order of Business.

Senator David Norris: The late Government wanted to extinguish the Seanad and drive it from this Chamber, leaving the Chamber open just for committee meetings and super-committee meetings. I understand absolutely that the Brexit committee is very important, but there are plenty of other places where it could meet. This is a further demeaning of-----

An Leas-Chathaoirleach: Senator-----

Senator David Norris: -----Seanad Éireann. The committee should not be allowed to supplant the Seanad.

An Leas-Chathaoirleach: I must interrupt the Senator again. This is not a matter for the Leader on the Order of Business; it would have to be referred back to the Committee on Procedure and Privileges.

Senator David Norris: I am asking the Leader to consider-----

An Leas-Chathaoirleach: I ask the Senator to be respectful.

Senator David Norris: -----the situation-----

An Leas-Chathaoirleach: The Leader cannot do so.

Senator David Norris: -----because it is very dangerous-----

An Leas-Chathaoirleach: The matter will have to be referred back to the Committee on Procedure and Privileges.

Senator David Norris: -----and to refer it back to the Committee on Procedure and Privileges in the light of the historical fact that I have consistently opposed such proposals.

An Leas-Chathaoirleach: I should not speak for the Committee on Procedure and Privileges. The overwhelming view of Members was there was so much concern among them all that all Senators wanted to be involved, even though it was a committee. We should not discuss

the matter here, with respect.

Senator David Norris: Thanks to the Leas-Chathaoirleach's graciousness, I have been able to put my views on the record anyway.

Senator Michelle Mulherin: I ask that the Leader invite the Minister, Deputy Humphreys, to the House to set out an update on the roll-out of the Leader programme for County Mayo and nationwide. From 2014 to 2020, the programme will fund vital initiatives in and revitalise rural Ireland. In Mayo alone, €11 million has been allocated over this period. However, notwithstanding the fact the programme has been live in Mayo for the past eight months, no applications have yet been approved and no funding has been allocated. This is much to the frustration of members of the local community development committees, LCDCs, and applicants on the ground. I have received complaints that the EU's Article 48 checks, as interpreted by Pobal, are overly bureaucratic and make it too difficult for applicants to get a grant. We know Pobal was brought into this new Leader programme in order to operate checks and balances where substantial sums of money are being given out, taxpayers' money in this case. However, it seems Pobal comes back again and again seeking information, sometimes additional information it had never sought in the first place.

It seems the delivery of Leader is going nowhere fast. It has also been suggested to me that, by the time applications are processed, there could be an administration cost running at 60%, which sounds excessive. While I think Leader is a great idea, it is very important we see action on the ground. I believe there are sufficient questions to require the Minister to attend the House. In advance of that, the Leader, Senator Buttimer, might explain the issues and concerns to her so we might get some answers.

Senator Máire Devine: I second Senator Craughwell's amendment to the Order of Business calling on the Minister for Defence to come to the House.

The headline we have been subjected to, yesterday in particular, is that Irish children are being exported to psychiatric institutions, mainly in the United Kingdom. There were six in the last two years that we know of, three of whom have ended up in St. Andrew's in Northampton, England, for treatment. We need to be very mindful of this. There are two issues.

(Interruptions).

An Leas-Chathaoirleach: Senator Devine, without interruption.

Senator Máire Devine: We are exporting our children, as we have done in the past. These vulnerable children are being sent away from their families, their friends, their home, their country and, most importantly, their community. What message are we giving them? It is that we do not want to listen. We are sending them to outside institutions, leaving them with no means of communication with family or friends in order to fight their corner, and fighting their corner is of the essence here.

The Channel 4 investigative programme, "Dispatches", in a broadcast entitled "Under Lock and Key", put a spotlight on St. Andrew's in Northampton. The spotlight showed that this institution did not meet the needs of its patients, did not make them better and did not even keep them safe. There has been continuous condemnation of the treatment of children in this institution yet we are sending our children there at whatever cost because we do not have the facilities here that we need, although that is an argument for another day.

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I would like the Leader to ask the Minister of State, Deputy Helen McEntee, to come to the House for further debate. Has HIQA or, more importantly, the Mental Health Commission approved these centres, as must be done in this country? It does not seem they could be approved given there is condemnation of all of its practices and, in particular, the practice of control and restraint, which is face-down restraint, which has been banned in this country. It has been used there at least 600 times, it is said, and it is implicated in the deaths of patients. We do not use it yet it is used there and that institution sees no problem with it. We cannot send our children there. I look forward to a debate on this issue.

Senator Maura Hopkins: I wish to raise a very important issue with regard to mental health services. Roscommon mental health services have been undergoing an external review of service provision since that review was commissioned back in August 2015. I have been working very closely with the Minister of State, Deputy Helen McEntee, who has been actively seeking updates with regard to the provision of this report in order to really examine the quality, structure, safety and governance of mental health services within the county.

4 o'clock

*k*On 21 February 2017, I received a note from the HSE on the timing of this report. It stated that the lead investigator in the independent review into Roscommon mental health services had indicated the report would be delivered to the HSE in early March. I am really frustrated because we have been continually given updates and guidelines about the timing of this report. At this stage, it is important that we have a quality report and I understand there may be legal issues with regard to it. However, we have now been waiting for it since August 2015 and I am seeking a proper update about the timeframe with which this external report into mental health services will be provided. We need it. I understand it is likely that deficiencies and difficulties will arise as a result of this report. However, we need it to ensure that we have an improved service for the people who need to access it, who need certainty, support and structure and we need to make sure that our mental health services are delivered in the best possible way. We need this report as quickly as possible in order to deliver on this.

Senator Aodhán Ó Ríordáin: In this House we are well used to hearing congratulatory statements from all quarters about the achievements of our sporting sides who wear the green. I am a particular fan of ladies football, soccer, Gaelic and rugby. I spend a good bit of my time supporting my local team, Shelbourne Ladies FC, which tends to win various domestic titles, as well as in its previous guise as Raheny United. What happened this morning at a press conference in Liberty Hall should appal every sports fan in this country.

It is not just an issue of gender equality; it is more an issue of workers' rights and representative rights than anything else. Effectively, the entire Irish senior women's soccer team was forced into a situation where the players had to hold a press conference at 10.30 a.m. at Liberty Hall to demand action on their rights as individuals. They are simply demanding they should have representative rights from the Professional Footballers Association of Ireland, which League of Ireland players have and which the senior men's team have but the FAI is not allowing this.

Some of the instances they outlined today were quite simply appalling. These are people who wear the green of this country in stadiums all over the world. They are not even allowed to have their own tracksuits. They have to share the tracksuits with the under-19s so they have to assemble at Dublin Airport to go abroad to play for their country and they have to change into

their tracksuits in the public toilets. This is unbelievable.

I respectfully suggest that the Minister come in here and address this issue. In fairness to him, he is somebody who has spoken out of the need for gender equality on sporting boards. He is somebody who has a very deep interest in gender equality. This is not just a case of gender equality; this is about representation of a bunch of elite sportspeople who want to represent their country and are out of pocket because in Ireland, a person who is not a professional footballer because he or she plays in the domestic league here will lose a day's pay by going to play for his or her country.

It is unbelievable that after many years of having behind-the-scenes grumbling about the situation, they were obliged to come together this morning in Liberty Hall to speak about their grievances. If we in this House are serious about congratulating our Irish men and women who go across the world and wear the green with pride, we should all collectively be embarrassed that an Irish team would have to change in the public toilets of Dublin Airport to get into track-suits which are not even their own.

I ask respectfully if we could ask the Minister for Transport, Tourism and Sport to come into the House because we give these people money. It is State funding - taxpayers' money - that funds the FAI and if it is not going to properly look after elite sports people in that organisation, then we have to seriously reassess our relationship with that body. I am appalled and I ask that the Leader facilitates that debate.

Senator Jennifer Murnane O'Connor: I totally agree with what the Senator has said. It is absolutely disgraceful that people who represent us and our country are changing in toilets in the airport. It is uncalled for.

I am sure Senators will be aware from the news last night that there were 17 marches across the country by people representing some of the most vulnerable children in our society. I can say I was proud to march in the Carlow-Kilkenny march which was held in Kilkenny yesterday morning at 11 o'clock. These parents, families and friends got together because there is a significant waiting list for services for children with disabilities, such as occupational therapy and speech and language therapy. Children are waiting over a year, if not more. It is disgraceful. I call on the Minister to support all these families and children who have now got together. I compliment these groups and organisations across the country that have got together to ensure that the Minister listens to them and their children, the most vulnerable in society. I call on the Minister to come to the House to address us on this urgent matter. Seemingly, a report today states that the Irish Medical Organisation claims that there are over 250 unfilled consultant posts in Ireland. That is a disaster. There are young children, and adults as well, waiting for all these services and they are not being delivered on.

Second, I believe the Minister, Deputy Coveney, was in Kilkenny last night. He gave the Kilkenny people good news that the boundaries will not be changed. Of course, I am delighted.

An Leas-Chathaoirleach: The Senator will be aware that it is only the leaders who are allowed raise two items.

Senator Jennifer Murnane O'Connor: Can I continue on because it is a good news story?

An Leas-Chathaoirleach: No. The Senator will run out of time.

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Senator Jennifer Murnane O'Connor: This is a good news story. A Leas-Cheann Comhairle, let me continue on this one.

Senator Jerry Buttimer: Is the Senator going to praise the Government?

An Leas-Chathaoirleach: Sorry, please.

Senator Jennifer Murnane O'Connor: I want to welcome this. What I want to ask-----

An Leas-Chathaoirleach: The Senator will run out of time.

Senator Jennifer Murnane O'Connor: One of the issues that the Minister addressed last night was that Waterford and Kilkenny should work together. What I am asking is to do with my own area, Laois and Carlow. I ask that they get together and work on the services. The services are a significant issue. Whether it is through housing, medical services or hospitals, I ask the Minister to ensure that all the counties work together to deliver for those people.

Senator James Reilly: People working together is part of the theme that I wish to address here today. There are many active groups in Fingal, Balbriggan, Skerries, Rush, Malahide, Portmarnock and elsewhere, but particularly the first two, which are keen to progress a coastal walk. They have a plan in place. The capital plan is under mid-term review and it is planned to be published in September. I am calling for a national greenway fund of €200 million to be put in place by the Minister. It is part of the programme for Government and it is something that we have a commitment to and that we should progress.

Fingal has a coast and castle way planned which would run from Sutton all the way through Baldoyle, Portmarnock, across Malahide and down the coast all the way to Balbriggan. The benefits of this would be considerable. The funding involved is small. It is 45 km. We have the precedent already set - one opened recently in Waterford. However, the one that we can look to in terms of productivity is the one in Westport, where €6 million was spent and in the first year that €6 million was recouped. In 2014, the figure was €12 million. It has repaid its debt many times over. From talking to local Councillor Tom O'Leary, I am aware tourism groups are very supportive of this idea. The Fingal CEO, Mr. Paul Reid, who is progressive, would be very supportive of this too.

To finish, because time is of the essence, we need to progress these initiatives. They pay a dividend, economically and financially, but they also pay a significant social dividend providing a safe place for families to be together to walk or to cycle. God knows people around Dublin will be aware there are few safe places where one could take young children cycling unless one goes to a public park. The potential for jobs, but also for better health outcomes, both mental and physical, is considerable.

With Brexit looming and already a recorded drop in some of the numbers visiting us from Britain, we need to improve our offering in this country. I am mindful of the fact that 28 million passengers passed through Dublin Airport last year and that an offering of this nature might help them stay an extra day or two around the capital or in the country whereas otherwise they might not. We have a lovely link here along the coast. We also have the additional issue of Ardgillan Castle, Malahide Castle and Bremore Castle. Therefore, there is culture, there is exercise, there is nature and there is the benefit of families engaging in activity together. It is a win, win, win for everybody.

Senator Rónán Mullen: The Minister for Health is obviously much in demand these days but I would like to hear from him about a specific two-day conference being organised by the Health Service Executive in the near future in Dublin's Convention Centre. The event to which I refer is the Healthcare Leadership Masterclass 2017. It was recently reported that speakers at this event will receive a total of up to €11,500 as they address senior managers in the health and business sector. Given that this symposium is being organised by a key public body, adequate transparency around this event is necessary. It would be of public interest to know whether the conference, which is funded through the sales of tickets costing €695 for commercial organisations and through sponsorship, pays for itself. It is important to have clarity about what procurement processes and protocols are in place to avoid any potential or perceived potential conflicts of interest between sponsoring companies and the HSE. This is why I ask that the Minister for Health come before the House, provide a breakdown of the expenses involved and comment on whether there is any potential revenue gain associated with the event. I gather that each speaker is to be a subject expert. We are told that their experiences will be of real benefit to the approximately 800 delegates who will be in attendance.

Will the Minister confirm what each of the six non-HSE speakers at the event, which I gather is in its fourth year, will receive? I am told that presenters at this conference are predominantly based in either Ireland or Great Britain and that, therefore, bills for flights, accommodation and transport should not be significant. However, it was reported in *The Irish Times* that a Harvard professor was to be paid about €50,000 for his services at a similar event in 2014. That is why I would like the Minister to disclose the various costs and potential revenues involved and how much the event management firm that won the tender to organise the conference was paid. I contrast this with the fact that last Wednesday week, the Irish Nurses and Midwives Organisation said that 565 people were on trolleys in emergency departments or wards in hospitals nationwide waiting for a bed. We know that cancer patients and other patients are having their surgical appointments cancelled in significant numbers because of serious staff and resource deficiencies in State hospitals.

Senator Paddy Burke: I support what Senator Ó Ríordáin said about the Republic of Ireland women's national football team. I hope that no other Irish team such as the Ireland women's rugby union team is in similar circumstances. The Minister for Transport, Tourism and Sport should clarify the position because, as Senator Ó Ríordáin said, it is disgraceful.

I support Senator Lombard's call to invite the Minister for Communications, Climate Action and Environment to come to the House to discuss the roll-out of broadband. I congratulate the Minister on his announcement today about the rolling out of broadband all over Ireland. As we know, this is the new highway and it will help small businesses the length and breadth of the country. The quicker it is rolled out, the better. The Minister has done a wonderful job over the past 12 months in respect of making this priority. He said it would be a priority and he is sticking to this priority and rolling out broadband over the next year or two. He is to be congratulated for this. I support the call to bring the Minister here so that we could have a debate on how it will be rolled out over the next number of months.

Senator Terry Leyden: I received a communication from the Leas-Chathaoirleach today by e-mail in which he stated that-----

An Leas-Chathaoirleach: That relates to a Commencement matter. It is not relevant to the Order of Business.

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Senator Terry Leyden: Why would the Leas-Chathaoirleach rule this Commencement matter out of order?

An Leas-Chathaoirleach: If the Senator wishes to question me on that, he can discuss it with me in the office afterwards.

Senator Terry Leyden: I do not have the time to go to the Leas-Chathaoirleach's office.

An Leas-Chathaoirleach: That is a decision that was made for correct reasons.

Senator Terry Leyden: I have given careful-----

An Leas-Chathaoirleach: I am not worried about what careful consideration the Senator has given the matter.

Senator Terry Leyden: That is what the Leas-Chathaoirleach said. He said that he had given very careful consideration to-----

An Leas-Chathaoirleach: With respect, that is not relevant to the Order of Business.

Senator Terry Leyden: The Leas-Chathaoirleach said he had given very careful consideration but I want to tell him that the same issue was taken last Thursday when the Minister for Communications, Climate Action and Environment sent a Minister of State here to answer the question. Why was it accepted last Thursday by the Cathaoirleach-----

An Leas-Chathaoirleach: I gather that the Minister of State was here and Senator Leyden walked out. I am not going into that now.

Senator Terry Leyden: The Cathaoirleach granted-----

An Leas-Chathaoirleach: Senator Leyden was out of order.

Senator Terry Leyden: No, the Minister was out of order. The Minister should come into the Chamber to answer a Commencement matter which is within his Department's remit.

Senator Máire Devine: The Senator is out of order.

An Leas-Chathaoirleach: The appropriate Minister was here on the particular date to which the Senator referred. However, the Senator walked out.

Senator Terry Leyden: I put a question to the Minister, Deputy Denis Naughten, on the height of wind turbines.

An Leas-Chathaoirleach: That is not within his area of responsibility. The Senator is out of order.

Senator Terry Leyden: You are not in a position to rule on this, a Leas-Chathaoirleach.

An Leas-Chathaoirleach: I am in a position.

Senator Terry Leyden: Just because-----

An Leas-Chathaoirleach: You can be blinking well sure that I am and I have.

Senator Terry Leyden: The Minister spoke four weeks ago at a public meeting in Castle-

coote, County Roscommon, at which he said he was working out the rules.

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

Senator Terry Leyden: He was actually studying the guidelines.

Senator Jerry Buttimer: Will Senator Leyden show respect to the Chair?

Senator Máire Devine: The Senator should resume his seat.

Senator Terry Leyden: I respect the Chair. However, the Chairmen cannot respect each other. One Chairman ruled the matter was in order last Thursday.

An Leas-Chathaoirleach: The Senator is out of order. He should resume his seat immediately and obey the Chair. He can discuss this matter with me, if he so wishes, in my office.

Senator Terry Leyden: You are in a fighting mood, a Leas-Chathaoirligh.

An Leas-Chathaoirleach: I call Senator Conway.

Senator Terry Leyden: I will not let the Minister get away with this.

An Leas-Chathaoirleach: You can discuss that with me afterwards.

Senator Terry Leyden: No. I will discuss it with the Minister.

Senator Martin Conway: I would also like to pass on my sympathies to Senator Clifford-Lee and her husband, John, on the death of his father.

Today, the Tánaiste and Minister for Justice and Equality briefed the Cabinet on the situation with An Garda Síochána and announced the establishment of a policing commission. Having been at the justice committee for four hours last week listening to the Garda Commissioner do her best, in one sense, to give answers but not give too many answers, in another sense, I believe society needs to have a root-and-branch review of policing and how it is done.

Over the years, we have always been proud of our gardaí. It is mostly an unarmed force and many of its members have done an exemplary job. Unfortunately, bad practices seem to have gone down through the ranks over the years. We saw an explicit example of this with the inaccurate reporting of breath testing. That is just one clear, unambiguous and glorified example and there are many more. It is a pity we need a commission to do an overall root-and-branch review of the Garda.

Will the Leader bring the Tánaiste and Minister for Justice and Equality into the House to brief us on how she envisages this commission will go about its work? I hope it will engage and consult with both Houses, as well as looking for submissions from and engagement with civic society. There are many groups who have much to say and will want to make submissions on best practice. I have been fortunate enough with some colleagues to be on the justice committee of this and the previous Oireachtas. We went to Scotland and Northern Ireland to examine their police forces. The PSNI is an example of best practice in terms of its structures and so forth. The police force in Scotland is also an excellent example of best policing practice. The wheel does not need to be re-invented. Will the Leader provide an engagement with the Tánaiste and Minister for Justice and Equality on the policing commission announced this morning?

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Senator Victor Boyhan: An issue with the live export of cattle mainly to the Middle East was raised in both the written and radio media recently. Video coverage was made available to the media and reported on extensively again today alleging there are clear breaches of EU animal welfare regulations in the transport and slaughter of these animals, mainly cattle and sheep. As a Member on the Seanad agricultural panel, I acknowledge the importance of the meat industry, particularly exports to the Middle East. I welcome new markets being established for lamb and beef in Palestine, Jordan, Israel, Lebanon and Egypt, as well as the recent deal done between the Department of Agriculture, Food and the Marine and the Turkish authorities. Will the Leader ask the Minister to attend this House to discuss these allegations? That is all they are at this stage and we must treat them as such but they are important. It is clear they do not comply with the standard halal method of slaughtering animals and there have been statements on that, which are covered in *The Irish Times* today.

I wish to acknowledge the work of the IFA and the ICMSA, which are committed to working closely with the Department of Agriculture, Food and the Marine. It is in the interests of farmers, agriculture and Europe that we have traceability and a record. If there are serious breaches we must put them right.

It is also alleged that these cattle are carrying Irish destination records into these markets. This evidence is disturbing and needs to be challenged. The Minister should come here to explain the issue in the context of complying with EU standards and regulations.

Senator Michael McDowell: I will be brief so that the Leader can be brief as well. A report in *The Irish Times* today states that in anticipation of the report by the Citizens' Assembly, which is dealing with the eighth amendment to the Constitution, there is to be what is described as an Oireachtas committee. It seems, however, to be divided up among Members of the Dáil. I would like the Leader to clarify that.

An Leas-Chathaoirleach: I understand that the matter will be dealt with by the Seanad Committee on Procedure and Privileges, which is meeting next week. Senator McDowell is a member of that body.

Senator Michael McDowell: I am but I am not trying to anticipate any discussion there. It was just a simple question that the seats on this committee seem to be allocated in accordance with Dáil strength.

An Leas-Chathaoirleach: The Seanad Committee on Procedure and Privileges will make its own decision.

Senator Michael McDowell: Fair enough. Then I will be a gentleman and wait for that.

An Leas-Chathaoirleach: I call the Leader to respond.

Senator Jerry Buttimer: I dtús báire, I wish to amend my opening remarks on the Order of Business. As the amendment is there for discussion, there will not be a single question on the issue as raised by Senator Norris.

Senator Michael McDowell: May I interrupt?

An Leas-Chathaoirleach: Is this a point of order?

Senator Michael McDowell: I intended formally to second Senator Craughwell's amend-

ment.

An Leas-Chathaoirleach: That has already been done by Senator Devine.

Senator Michael McDowell: I thank the Leas-Chathaoirleach.

Senator Jerry Buttimer: As regards the Knowledge Development Box (Certification of Inventions) Bill 2016, it is to be taken at 4.45 p.m. and will conclude not later than 5.15 p.m. if not previously concluded. I wish to clarify that there will not be a single question. It will be just taken at the end of the debate.

I join Senator Conway in sympathising with Senator Lorraine Clifford-Lee and her husband John on the passing of his father. I also wish to inform the House that the mother of our friend and colleague, Senator Paul Gavan, has passed away following a recent illness. On my own behalf, I wish to sympathise with the Gavan family on their sad bereavement. I will have a note circulated to Members with the funeral arrangements.

Senator Ardagh raised the issue of housing and it is important for us to recognise that there is no quick solution to this. We have come out of the worst recession, which severely affected the construction industry, in particular the private and social housing sectors, as well as our banking system. Senator Ardagh would do well to recognise that her party was at the helm when the whole thing collapsed. The Government meanwhile is rebuilding the housing market under the Rebuilding Ireland initiative.

However, Senator Ardagh is right to highlight the inadequacies that are there. We all want to see houses being built promptly and any means of achieving that aim is to be welcomed. There is a plan to ensure that social housing is built and that first-time buyers can get into the market. However, we do not want to see a return to the boom-and-bust cycle we had before. That was fuelled in the main by the policies that Senator Ardagh's party drove while in government, as she knows quite well.

Senator Catherine Ardagh: The Leader's party has been in government for six years.

Senator Jennifer Murnane O'Connor: It has been six years and the housing crisis is worse.

An Leas-Chathaoirleach: Please, Senator.

Senator Jennifer Murnane O'Connor: Homelessness is worse than it ever was.

Senator Jerry Buttimer: When the Senator's party was in government I did not hear her giving out about them as a city or a county councillor-----

Senator Jennifer Murnane O'Connor: The Government had six years in government.

An Leas-Chathaoirleach: Senator Murnane-O'Connor, the Leader is responding.

Senator Jerry Buttimer: There are people today who are either homeless or on a housing list because of the policies her party pursued. It ill-behoves the Senator to come into this House-----

Senator Jennifer Murnane O'Connor: The Leader's party has been in government six years-----

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Senator Catherine Ardagh: How many houses has the Government built?

An Leas-Chathaoirleach: I do not want barracking across the Chamber.

Senator Jerry Buttimer: -----and criticise the Minister, Deputy Coveney.

Senator Jennifer Murnane O'Connor: -----and it made a commitment.

Senator Jerry Buttimer: You are like the fellow who always cries wolf. There will come a time when no one will listen to you.

(Interruptions).

Senator Jerry Buttimer: You and your party are the architects of this cycle.

Senator Jennifer Murnane O'Connor: Not at all.

An Leas-Chathaoirleach: Leader, speak through the Chair. Senator Murnane O'Connor, you are out of order.

Senator Jennifer Murnane O'Connor: Every week we hear the recession is over. We are in the thick of recession.

An Leas-Chathaoirleach: You are not allowed to come in when the Leader is responding.

Senator Jennifer Murnane O'Connor: We have to have facts.

An Leas-Chathaoirleach: You can raise that tomorrow on the Order of Business when you get a chance.

Senator Jennifer Murnane O'Connor: I will indeed.

An Leas-Chathaoirleach: Sorry, Leader. Please continue without barracking.

Senator Jerry Buttimer: I am not barracking anybody but the facts-----

An Leas-Chathaoirleach: Do not encourage people across the Chamber to interject.

Senator Jerry Buttimer: Rebuilding Ireland is eight months old and the Minister and the Minister of State have announced an action plan which is being funded by the Government. I think I read some of the Senator's comments last week welcoming the housing funding of €226 million and if she did not, she should do so because it is good news. We will see the delivery of new homes and the construction of social housing across our country. Last month I attended three such projects in my city and county of Cork.

The important point is that Housing Activity reports that commencement notices in the 12 months to January are up 44% year on year. Completions to January 2017 are up 18% and planning permissions are up by 20% for 2016.

Senator Jennifer Murnane O'Connor: Not in rural areas.

Senator Jerry Buttimer: In addition, the growing number of people in employment, not just in the construction sector but across our country and in the regions, indicate that there is confidence and buoyancy in the housing sector. We must now have a joined-up approach

involving local authorities, the Department of Communications, Climate Action and Environment and the Department of Housing, Planning, Community and Local Government so that we can see infrastructure in the realm of public, social and private housing being put in place. Under the local authority housing fund, 34 sites have been identified and funded. They have the potential to deliver 23,000 housing units by 2021.

I agree with Senator Ardagh on the issue of affordability. We must ensure that people can afford to buy and get on the property ladder. That is the reason local authorities are being specifically asked to focus on the area of affordability. If we take Dublin as an example, the four council areas will deliver 3,000 homes. The Government is spending €5.3 billion-----

Senator Jennifer Murnane O'Connor: It is all about the cities. The Government is forgetting rural Ireland.

An Leas-Chathaoirleach: Senator, please.

Senator Jennifer Murnane O'Connor: I am sorry.

Senator Jerry Buttimer: I know the Senator does not want to hear good news.

Senator Jennifer Murnane O'Connor: I welcome it but the Leader is forgetting rural Ireland.

Senator Jerry Buttimer: I know it is in her DNA not to hear good news-----

Senator Jennifer Murnane O'Connor: I welcome good news.

Senator Jerry Buttimer: -----but she might just listen to the good news and wave the flag of joy.

An Leas-Chathaoirleach: Can we be calm about it, please?

Senator Jennifer Murnane O'Connor: I am listening.

Senator Jerry Buttimer: We are talking about €5.3 billion-----

Senator Jennifer Murnane O'Connor: I am listening, and it is all in the Dublin area.

Senator Jerry Buttimer: -----to build 47,000 new houses. That is being delivered by this Government.

Senator Jennifer Murnane O'Connor: I attend the housing meetings every week. I know what is happening.

Senator Jerry Buttimer: We should not forget that we had a recession, and I repeat for Senator Murnane O'Connor and Senator Ardagh that the recession meant no banking and no construction sector. We could not do what the Senator wants to do - wave a wand and away we go. We had to build it up.

Senator Catherine Ardagh: The Leader is taking liberties at this stage.

Senator Jerry Buttimer: We are delivering for the people.

An Leas-Chathaoirleach: Leader, please.

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Senator Jennifer Murnane O'Connor: In the general election the Leader's party said the recession was over.

An Leas-Chathaoirleach: Leader, I think we should move on.

Senator Jerry Buttimer: We are delivering for the people. The problem is-----

(Interruptions).

Senator Jerry Buttimer: -----that Members opposite like to dwell on fake news and alternative facts.

Senator Jennifer Murnane O'Connor: The Leader cannot blame Fianna Fáil forever. His party had six years in government.

An Leas-Chathaoirleach: We will have no fake news here.

Senator Jennifer Murnane O'Connor: We made mistakes but his party promised the same.

An Leas-Chathaoirleach: The Leader to continue without interruption, please.

Senator Jerry Buttimer: I agree with Senator Ardagh on the need for reform of our prison service, in particular, the infrastructure in Mountjoy. I have had the pleasure of visiting the new Cork Prison and it is a fantastic facility.

(Interruptions).

Senator Jerry Buttimer: The key was thrown away. I got out the back door.

Senator Máire Devine: The Senator was let out for good behaviour.

(Interruptions).

An Leas-Chathaoirleach: That must be the end of the moment of light relief.

Senator Jerry Buttimer: Our prison system must not be a revolving door system. It must ensure rehabilitation takes place and that proper infrastructure is in place in terms of facilities, such as Senator Ardagh stated. Such facilities are needed in Mountjoy Prison. The Government has a capital plan for the Prison Service. As happened in other parts of this city that have been remodelled and rebuilt, I am sure the same will be done with respect to Mountjoy.

I join Senators Ardagh and Bacik in their condemnation of the atrocities in Syria. It beggars belief to see that type of barbaric behaviour and the killing of innocent life. Equally, the attacks in St. Petersburg yesterday illustrate the importance of the world standing united against terrorism of whatever hue it stands for.

Senator Craughwell raised the very important issue of the neutrality of our country and also with respect to our Defence Forces. I share his viewpoint. We are a neutral country and we should always remain that way. We should never surrender our space, be it our airspace or our waters, in any shape or form.

My information is that the Senator is incorrect in that this is not a matter for the Department of Defence, rather it is a matter for the Department of Foreign Affairs and Trade. It is a matter

of international and Irish security. As the Senator knows quite well, the Minister, Deputy Flanagan, as the occupant of the Department of Foreign Affairs and Trade in Iveagh House has to balance public safety, the security of the nation and international security.

I have communicated by text and e-mail with the Department since the Senator raised this matter. The Minister is *en route* to the North today to engage in the talks on the Assembly, hopefully, being re-established as a power-sharing Executive. I would be happy to arrange for the Minister to speak to the Senator or for the Minister's officials to meet him to discuss this matter. I know the Senator would not want to compromise international security. I would be happy to arrange for him to have a meeting with the Minister or his officials rather than dividing the House on his proposed amendment on this very important issue.

I wholeheartedly agree with the Senator that we are a neutral nation and we should not in any way abdicate from that or be seen to change our policy. To be fair to the Minister, Deputy Flanagan, he has not done that in anything he has said or done as Minister in the Department, and I do not believe he has done so in this case. I would be happy to arrange for the Senator to go to the Department and talk to the officials or to the Minister on his return, if the Senator would be happy to do that.

Senator Ó Donnghaile raised the importance of Brexit. Anybody who reads the document in terms of the language emanating from the British letter or from the EU's response recognises the importance of the integrity of the island of Ireland. I agree fully with the Senator that the UK has only one motto: "Mind thyself." We as a nation, as the Senator knows, have a different approach. The Taoiseach deserves great praise for the role he has played up to now in ensuring that Ireland has primacy in the negotiations post 29 April. When we note the work being done by Michel Barnier and Donald Tusk in tandem with the Taoiseach and other European leaders, I hope we will see Ireland being to the forefront of the negotiations.

The Senator knows quite well from being involved in the British-Irish Parliamentary Assembly that we have to stand strong and united as a country in the pursuit of our goals, and our interests in government have been quite clear. As the Taoiseach said, we will position ourselves prior to April 29 and then either just immediately before or after that we will have our position paper published.

On the Senator's point calling for the Taoiseach or the Minister, Deputy Flanagan, to come to the House, the Seanad select special committee on Brexit will meet later this week. It is important to let it do its work. It gives this House of the Oireachtas primacy in that respect. The setting up of that Brexit committee was agreed by an all-party motion. I will talk to Senator Richmond and we might discuss with the Committee on Procedure and Privileges how we can marry the Senator's proposal. It is fair that the Taoiseach would come to this House to discuss this matter. He deserves great praise for the work he has done up to now on that issue.

In response to a point raised by Senator Bacik, the Knowledge Development Box (Certification of Inventions) Bill 2016 was on the agenda circulated last Thursday, but the House is sitting only two days this week. There is no attempt by the Leader to con anybody. It is a scheduling issue.

Senators Conway and Bacik raised the issue of the Garda review. I would be happy to have the Minister for Justice and Equality come to the House to discuss that. It is important, in the context of the review, that the Garda Síochána is realigned and restructured and that we get a

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modern force fit to deliver policing to citizens. Gardaí are the guardians of the peace. Sometimes I despair when I hear people personalise the debate around the Garda Commissioner. If she were to go in the morning, the issues relating to management and structure would remain. I have every confidence in her to deliver a modern, streamlined management structure within the Garda Síochána. I hope we will consider that issue rather than the Commissioner as a person.

Senators Lombard and Paddy Burke raised the issue of broadband and the announcement by the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, today. This is another good news story. We will have an additional 300,000 homes with extra high-speed broadband. The speed of broadband is important. As Senator Lombard rightly said, it is an absolute requirement for rural areas in terms of industry, commerce and day-to-day living. An additional 300,000 rural premises with access to broadband means 500 houses a day will be connected to high-speed broadband following the investment of more than €2.5 billion in upgrading networks and services. We hear commentary to the effect that the Government is forgetting about rural Ireland. I again remind Members that €2.5 billion is being spent to develop and upgrade broadband. That is an indication the Government is serious about rural areas, connectivity and giving people in rural areas the same opportunities as those of us in Dublin and Cork.

Senator Gallagher raised a very important issue, namely, the national cancer strategy. We all recognise the work done by Professor Tom Keane. I will not mention the fact that the Minister who introduced the strategy was the former Tánaiste, Mary Harney. No Fianna Fáil Minister would take any responsibility for health for in excess of a decade. To be fair to Ms Harney, she drove the national cancer strategy forward. We need to take a similar approach again because as Senator Gallagher rightly said, it is frightening to see the increased statistics on cancer, and that affects every family. I hope a new national strategy will be put in place.

Senator Norris referred to the Brexit committee. I do not agree with his comment about the role of the committee in this Chamber. It enhances our work as a group. As the second Chamber it gives us an opportunity to debate the issue. Those who saw the first meeting recognised the importance of it and the quality of the contributions from Members and those who made presentations to it. There is much work to be done. As the Leas-Chathaoirleach rightly said, we, as a body, have given the committee our imprimatur.

Senator Mulherin asked for the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Heather Humphreys, to come to the House to discuss the Leader programme. I would be happy for her to do that.

Senator Devine raised the very important and vexed question of the very vulnerable children with mental health and special needs issues who must go abroad for treatment and care. She referred to the “Dispatches” television programme, which I have not seen. I would be happy for the Minister of State, Deputy McEntee, to come to the House but the Senator could also raise the matter in the Commencement debate.

Equally, Senator Hopkins referred to the very contentious issue of mental health services in Roscommon, a matter she has raised previously in the House. She deserves answers in that regard.

Senators Ó Ríordáin, Murnane O’Connor and Paddy Burke raised the treatment of the international women’s soccer team by the FAI. All of us who heard or read some of the commentary

from the press conference today cannot but be alarmed, disappointed and appalled at the treatment of those fine women who are athletes of the highest calibre. Those women are at the peak of their game and they are top class, high quality, performing athletes. I fully agree with what was said. We are giving money to the FAI and in that context there should be checks and balances in terms of the provision of facilities and the treatment of the women. If it were a club team we would be disappointed with the way they were treated. We cannot allow that to happen to the international women's team. The Minister of State, Deputy O'Donovan, has issued an ultimatum on the appointment of women to boards of sporting bodies. It is important that we get value for money for taxpayers' money. In this case, our international women's soccer team who I repeat are high performance athletes must be treated as A1. In that respect, they should not be treated differently.

Senator Murnane O'Connor referred to people with disabilities. I remind her before she responds that the Minister of State, Deputy Finian McGrath, is committed to reform of the disability sector. Where I agree completely with the Senator is that the sector has been the Cinderella of the health service for the past decade and a half. Even before the recession, there were long waiting times for assessments and capital investment. The Senator will be pleased to learn that I have more good news for her to take back to Carlow. In 2014 and 2015 there was additional funding of €8 million to fund 200 posts to support implementation of a new disability model. Equally, in 2016 there was a further €4 million for 75 therapy posts which the HSE advertised. It is interviewing to fill them. There is recognition that the needs of children and young people with disabilities must be met not just in an efficient, effective and equitable manner but also in a way that will ensure the delivery of services in the most convenient way for their families-----

Senator Jennifer Murnane O'Connor: On a point of order, one year on we still have no respite care service in Carlow. There are still 40 children with disabilities with no access to a respite care service-----

An Leas-Chathaoirleach: That is not a point of order.

Senator Jennifer Murnane O'Connor: It is.

An Leas-Chathaoirleach: It is not. I have ruled on the matter.

Senator Jerry Buttimer: In addition, there was an extra allocation in the budget for respite care services. If I was the Senator, I would talk to the Minister of State, who must be doing a good job because last week increased funding for respite care services in Cork was announced. If she wants, I will be happy to let the Senator know the old secret.

Senator Jennifer Murnane O'Connor: Absolutely. We need to have respite care services up and running quickly.

Senator Jerry Buttimer: I am glad that the Senator has recognised the efforts of Deputy Phelan on behalf of Kilkenny. It was a great decision by the Minister of State to look after the Deputy. The Senator is right in what she said about counties Laois and Carlow. As she knows, I know the area. There are issues surrounding the border between counties Laois and Carlow, as there are between Cork city and county.

Senator Jennifer Murnane O'Connor: Other areas are affected. Kilkenny and-----

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An Leas-Chathaoirleach: The Senators can have a chat about the matter afterwards.

Senator Jerry Buttimer: Senator Reilly referred to the coastal walk in Fingal, the national greenway and the good work being done by Councillor Tom O’Leary. The point made about having a national greenway fund is one we should all support. Based on the work being done in Waterford and other parts of the country, such a fund would be of immense benefit under the umbrella of Healthy Ireland in achieving better health outcomes.

Senator Mullen referred to the HSE conference. I did not receive all of the information he received. It is probably a matter for discussion in a Commencement debate than in a debate in the House, but I agree with the Senator that where there is the expenditure of taxpayers’ money, there must be transparency and accountability. I am sure he will agree with me that this applies to all conferences in respect of which taxpayers’ money is spent. Some of the fees about which he spoke seem to be lucrative. I wonder whether we could both join the speaking circuit to make a few bob as it certainly seems to be very attractive. A fee of €11,500 to speak at a conference is-----

Senator Rónán Mullen: That is the total figure.

An Leas-Chathaoirleach: The Senators would both have to retire first.

Senator Jerry Buttimer: I hope that will not happen for a while yet.

An Leas-Chathaoirleach: I hope not.

Senator Jerry Buttimer: The Leas-Chathaoirleach dealt with Senator Leyden very adequately. I hope the Senator-----

An Leas-Chathaoirleach: We will not reopen that matter now.

Senator Jerry Buttimer: I only hope Senator Leyden will respect the Leas-Chathaoirleach’s impartiality and integrity.

An Leas-Chathaoirleach: The Leader should not worry. I will have a word with the Senator anon.

Senator Rónán Mullen: Six of the best for Terry.

Senator Jerry Buttimer: Senator Boyhan raised the very important issue of live cattle exports to the Middle East and the allegations surrounding such exports. None of us can condone the mistreatment of animals. As the Senator rightly said, the cases highlighted by him illustrate the need for traceability. We pride ourselves, in particular, on the excellence of the beef we produce. I hope we can stand over it. I will have the Minister for Agriculture, Food and the Marine, Deputy Michael Creed, come to the House to discuss the matter.

Senator McDowell mentioned the Citizens’ Assembly. Notwithstanding the Leas-Chathaoirleach’s very fine ruling that it is a matter for the Committee of Procedure and Privileges which will discuss it next week, it will be a joint committee of the Houses of the Oireachtas. Its composition will be a matter for debate, but I hope all sides of this House and the Dáil will be represented on it. On Senator Craughwell’s point, if he is happy to accept my position, I have always acted in good faith and do not want to divide the House. The Minister, Deputy Flanagan, is travelling to the North. It is a matter of national security. The Senator is right to raise it

and I would be happy to work with him to ensure that there is no compromising.

An Leas-Chathaoirleach: Senator Craughwell has proposed an amendment to the Order of Business: “That the Minister for Defence come to the House to explain an agreement signed between this country and the United Kingdom granting permission to the United Kingdom to scramble fighter jets in Irish airspace.” Does he wish to comment?

Senator Gerard P. Craughwell: In light of what the Leader has said, clearly there is a conflict between the two of us as to which Department is responsible.

Senator Jerry Buttimer: I have checked with both Departments and it is the Department of Foreign Affairs and Trade.

Senator Gerard P. Craughwell: I need a little bit of time.

An Leas-Chathaoirleach: Is Senator Craughwell pressing the amendment?

Senator Gerard P. Craughwell: When we are talking about military aircraft and military people, to my mind it is the Department of Defence.

An Leas-Chathaoirleach: We cannot debate it. You are entitled to press it if you wish.

Senator Gerard P. Craughwell: There is no point in us arguing. I just want a few seconds. When we are talking about the sovereignty of the State, it falls to the Oireachtas alone to make decisions. I would pursue the matter but I will not force a division of the House today, in deference to the Leader’s offer for me to meet with the Department of Foreign Affairs and Trade.

Amendment, by leave, withdrawn.

Order of Business agreed to.

Knowledge Development Box (Certification of Inventions) Bill 2016: [Seanad Bill amended by the Dáil] Report and Final Stages

Acting Chairman (Senator John O’Mahony): This is a Seanad Bill which has been amended by the Dáil. In accordance with Standing Order 118, it is deemed to have passed its First, Second and Third Stages in the Seanad and is placed on the Order Paper for Report Stage. On the question “That the Bill be received for final consideration”, the Minister may explain the purpose of the amendments made by the Dáil. This is looked upon as the report of the Dáil amendments to the Seanad. The only matters, therefore, which may be discussed are the amendments made by the Dáil. For Senators’ convenience, I have arranged for the printing and circulation of the amendments. I have also circulated the proposed grouping in the House. Senators may speak only once on Report Stage.

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

Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O’Connor): I welcome the opportunity to report to the Seanad on amendments made in the Dáil to the Knowledge Development Box (Certification of Inventions) Bill 2016 on Report and Final Stages on 29 March when three amendments were passed to amend the version of the Bill passed by this House. I take the opportunity to outline for Senators the purpose of the three amendments

passed by the Dáil.

The first amendment, in the name of Deputy Lawless, inserted a new subsection (5) into section 7 of the Bill. It has the effect of requiring the Revenue Commissioners, within three months of enactment of the Bill, to provide a guidance document for businesses making applications under the knowledge development box, KDB, certification scheme. Applications under the scheme will be made to the Controller of Patents, Designs and Trade Marks. It is the controller's intention to provide guidelines for applicants under the new scheme. The controller will work closely with Revenue on the guidelines.

The second amendment passed by the Dáil, also in the name of Deputy Lawless, inserted a new subsection (7) into section 8 of the Bill. It has the effect of requiring the preparation of an annual report, on an anonymous basis, giving an indication as to the reasons applications for KDB certificates did not succeed in the Patents Office. The intention behind the amendment is to facilitate the creation of a database of unsuccessful cases that might be a helpful reference point for future applicants.

The third amendment, proposed by Deputies Boyd Barrett and Bríd Smith, inserted a new subsection (3) into section 18 of the Bill. It relates to the annual report presented by the Controller of Patents, Designs and Trade Marks. It provides that the Minister may ask the controller to include in the annual report a breakdown of appropriate categories or sectoral headings in respect of applications made to the office under the scheme. The purpose of the amendment is to provide full information on the categories of industries and businesses that will benefit from the KDB certification scheme or the sectors within which they operate.

Senator Aidan Davitt: Most of the amendments seem very logical and Fianna Fáil is delighted to support the Minister by accepting them as part of the Knowledge Development Box (Certification of Inventions) Bill 2016.

Question put:

The Seanad divided: Tá, 24; Níl, 7.	
Tá	Níl
Boyhan, Victor.	Bacik, Ivana.
Burke, Colm.	Devine, Máire.
Burke, Paddy.	Humphreys, Kevin.
Butler, Ray.	Mac Lochlainn, Pádraig.
Buttimer, Jerry.	Norris, David.
Byrne, Maria.	Ó Clochartaigh, Trevor.
Coffey, Paudie.	Ruane, Lynn.
Conway, Martin.	
Craughwell, Gerard P.	
Daly, Paul.	
Davitt, Aidan.	
Feighan, Frank.	
Hopkins, Maura.	
Leyden, Terry.	
Lombard, Tim.	

Seanad Éireann

McFadden, Gabrielle.	
Mulherin, Michelle.	
O'Donnell, Kieran.	
O'Donnell, Marie-Louise.	
O'Mahony, John.	
O'Reilly, Joe.	
O'Sullivan, Ned.	
Reilly, James.	
Richmond, Neale.	

Tellers: Tá, Senators Gabrielle McFadden and John O'Mahony; Níl, Senators Pádraig Mac Lochlainn and Trevor Ó Clochartaigh.

Question declared carried.

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

The Seanad divided: Tá, 29; Níl, 9.	
Tá	Níl
Boyhan, Victor.	Bacik, Ivana.
Burke, Colm.	Devine, Máire.
Burke, Paddy.	Humphreys, Kevin.
Butler, Ray.	Mac Lochlainn, Pádraig.
Buttimer, Jerry.	Norris, David.
Byrne, Maria.	Ó Clochartaigh, Trevor.
Coffey, Paudie.	Ó Donnghaile, Niall.
Conway, Martin.	Ruane, Lynn.
Craughwell, Gerard P.	Warfield, Fintan.
Daly, Mark.	
Daly, Paul.	
Davitt, Aidan.	
Feighan, Frank.	
Hopkins, Maura.	
Lawless, Billy.	
Leyden, Terry.	
Lombard, Tim.	
McFadden, Gabrielle.	
Mulherin, Michelle.	
Mullen, Rónán.	
O'Donnell, Kieran.	

O'Donnell, Marie-Louise.	
O'Mahony, John.	
O'Reilly, Joe.	
O'Sullivan, Ned.	
Ó Céidigh, Pádraig.	
Reilly, James.	
Richmond, Neale.	
Swanick, Keith.	

Tellers: Tá, Senators Gabrielle McFadden and John O'Mahony; Níl, Senators Pádraig Mac Lochlainn and Trevor Ó Clochartaigh..

Question declared carried.

Companies (Accounting) Bill 2016: Second Stage

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

Acting Chairman (Senator John O'Mahony): I welcome the Minister to the House.

Senator David Norris: With respect to the speaking order, I indicate that I wish to speak.

Acting Chairman (Senator John O'Mahony): I note the Senator's name.

Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor): My speech is being circulated along with an information pack of supplementary documentation, which I hope will be of interest to Senators.

I am pleased to bring the Companies (Accounting) Bill 2016 before the House. It marks a significant milestone in the development of Irish law on financial reporting for companies. It is a milestone because it is a wide-ranging overhaul of this important aspect of Irish company law. It builds on the work of simplification and improving corporate governance that was done in that other legislative milestone, the Companies Act 2014. However, the Bill is most significant because the vast majority of Irish companies will see real benefits and savings as a result.

As Senators know, the context for the Bill is the transposition of the EU accounting directive into Irish law. That directive is notable as it restructured and modernised EU law on company accounting. The directive takes a "think small first" approach and is intended to ensure that the requirements it places on small and very small companies are in proportion to their resources and size.

While both the Bill and the directive are a new departure in some ways, both are based on long-standing and important principles. First, that reporting obligations of companies must be proportionate to the size, complexity or business of the company. Second, that transparency of a company's financial position is an important protection for third parties, so it must be mean-

ingful. These are the principles that underpin the Companies Act 2014 and they can be seen here too. They have informed the approach in the Bill and shaped the policy choices that have been made.

The main challenge in preparing this Bill is to find the right balance. On the one hand, too many reporting obligations on companies can be costly and time-consuming. They can stifle enterprise and entrepreneurship but, on the other hand, if the law requires too few or inappropriate disclosures, then suppliers, investors and employees are effectively asked to do business with a company on the basis of blind trust. That can undermine good corporate governance and commerce. I believe that the Bill before the Members today strikes the correct balance. This is evident throughout the Bill. In some sections there are reductions and simplifications for small and very small businesses. For those businesses, the Bill will require financial statements that focus on meaningful information and dispense with the unnecessary. These changes will bring tangible benefits to those enterprises. This is appropriate given their size.

At the same time, the Bill introduces new reporting and filing requirements. Again, this is appropriate given the circumstances. In some cases, the new obligations are aimed at certain types of companies where more transparency is justified because of the company's size and activities. In others, they are intended to close off a gap in the law or are appropriate following other changes in the Bill. Read together, they aim for the same goal, namely, to set the balance between protecting and informing third parties on the one hand, while keeping the administration of companies efficient on the other.

As well as transposing the directive and updating the law on financial reporting, the Bill has a secondary purpose. It is the first companies Bill since the enactment of the Companies Act 2014. That Act was a major undertaking and, since it was commenced in June 2015, a few issues have come to light. This Bill is an opportunity to address those issues.

I now turn to the structure and substance of the Bill. As it is a technical Bill, I will group together the provisions by theme rather than give a detailed explanation of each section. The supplementary information that has been circulated to Senators gives more detail.

The Bill is divided into four parts. Part 1 contains the preliminary and general provisions. Part 2 is the main part of the Bill as it is concerned with the financial reporting obligations of companies. The existing law in this area is largely found in Part 6 of the Companies Act 2014, which is entitled "Financial Statements, Annual Return and Audit". As the main purpose of the Bill before the House today is to update that law, most of the provisions amend sections in Part 6 of the Companies Act. Part 2 also replaces the two Schedules associated with Part 6 of the Companies Act. These will become Schedule 3, which provides for entity financial statements, and Schedule 4, which provides for group financial statements.

The Bill also inserts three new Schedules. These additional Schedules are provided for clarity, to separate out the reporting regimes for different sizes of company. As a result, a small company can refer only to new Schedule 3A or, in the case of a small group, to Schedule 4A, with all the relevant information in that Schedule. This follows the innovative architecture of the Companies Act 2014, which places all the law relating to a single company type together, for ease of reference. The new Schedule 3B will apply to the new category of micro company.

Section 87 inserts a new Part 26 at the end of the Companies Act 2014, while Schedule 6 inserts a new Schedule that is associated with that new Part 26. These provisions only apply

to specific types of company, and refer only to reporting particular payments to Government. Therefore, it is appropriate to give them a separate part in the Act.

Part 3 contains the various amendments to the Companies Act 2014 that are not related to financial reporting by companies. Finally, Part 4 amends sectoral legislation as these types of companies are in the scope of the directive but regulated outside of the Companies Act 2014.

One of the most significant provisions of the Bill is the increase in the thresholds for categorising companies as small or medium. This is set out in section 15. These thresholds refer to annual net turnover, balance sheet total and an average number of employees. A company must exceed any two of the thresholds in order to move up into the next size category. The directive harmonises the maximum thresholds for medium companies across the EU. There is no choice here. In the case of Ireland, this will lead to a significant increase in those thresholds, with two of them doubling.

To qualify as a medium company, the company must not exceed any two of the following: an annual net turnover of €40 million, up from €20 million currently; a balance sheet total of €20 million, up from €10 million currently; and an average number of employees of 250, which is unchanged. When it comes to the thresholds for small companies, the directive allows some discretion and the Bill provides for the maximum levels. Again this is an increase on the levels set in the Companies Act 2014. To qualify as a small company, the company must not exceed any two of the following: an annual net turnover of €12 million, up from €8.8 million; a balance sheet total of €6 million, up from €4.4 million; and an average number of employees of 50, which is unchanged.

As a result of these increases in section 15, some companies that are currently classified as medium will now qualify in future as small. Similarly, other companies that are currently in the large category will come within the new thresholds for medium companies. This change brings one of the more notable benefits of the Bill, as those companies that will be reclassified as small will then become eligible for the fewer reporting requirements that apply to small companies. These include the fact that there is no obligation on small groups to prepare consolidated financial statements, there are fewer requirements for the content of their directors' reports, and there is no obligation to file a profit and loss account or the directors' report with the Companies Registration Office. Another benefit of changing from a medium to a small company is that it will become more eligible to qualify for the exemption from the requirement to have an annual statutory audit.

As well as bringing more companies into the scope of the small company category, the Bill will simplify further the existing financial reporting obligations on small companies. Unnecessary and disproportionate administrative costs can hamper economic activity and impede growth and employment. Company law recognises this and already exempts small companies from many of the obligations that are considered necessary for larger enterprises. While it is difficult to quantify the savings that these exemptions bring to business, it is widely acknowledged that they are important in keeping the cost of doing business down.

The Bill reduces the number of note disclosures that small companies must give in their financial statements. As a result, small companies will be allowed to prepare a profit and loss account and balance sheet with a limited number of accompanying notes to provide information on the results and financial position of the company. Only the balance sheet and notes must be filed. These are seen as practical improvements for small business.

By way of balance, the Bill also requires some financial disclosures that are additional to the basic requirements set out in the EU accounting directive. When it comes to the disclosures that small companies must make, the directive does not allow member states to go far beyond its basic provisions, but the Bill avails of what discretion there is. I believe that this is appropriate to ensure that key information, necessary for an understanding of a company's financial position, is not lost in the drive for simplification.

Another factor in deciding to include these in the Bill is the fact that some of these will not be new for Irish companies. The additions are: an analysis of the movements in fixed assets - this obligation is not onerous; the name and registered office of the holding company of the smallest group that includes the small company in its consolidated financial statements - this is basic information and is not onerous; the nature and business purpose of material off-balance sheet arrangements - this will only arise where the company has such arrangements; material post balance sheet events - this information is essential to understanding the financial position of a company regardless of its size; details of transactions with specific related parties including the amount - the nature of the relationship with the related party; and any other information about the transactions necessary for an understanding of the financial position of the company. The Bill goes on to make a new distinction between small and very small companies. It does this by introducing a new category known as the micro company. These are companies with turnovers of €700,000 or less, balance sheet totals of €350,000 or less and ten or fewer employees, on average.

For these micro companies, the financial statements will comprise a highly-condensed balance sheet and profit and loss account with few notes. Furthermore, there will be no obligation to prepare and file a directors' report. The Bill also deems their financial statements to give a true and a fair view. This will save time for the directors of these micro companies. Micro companies will also qualify for the audit exemption.

The establishment of the new micro company category is a choice for member states under the directive. I believe that the Government decision to introduce this will bring real benefits for a significant number of companies in Ireland.

Alongside the many benefits for small and micro enterprises, the Bill introduces some important improvements in corporate transparency. As I mentioned earlier, two of the thresholds for qualifying as a medium-sized company will double. This means some companies that we currently consider to be large will qualify in future as medium-sized. In recognition of that fact, the Bill removes two existing provisions that will become inappropriate. Under the Companies Act 2014, the scope for medium-sized companies to abridge their financial statements was reduced. The Bill removes the remaining scope for abridgement. As a result, medium-sized companies will have to prepare and file full accounts in future.

Second, current company law exempts medium-sized groups from the requirement to consolidate their financial statements. Again, in recognition of the forthcoming increase in size of medium-sized groups, the Bill will remove that exemption.

Many Members will be familiar with so-called country-by-country reporting. Section 87 introduces a specific form of such reporting. The new obligation is designed to enhance the transparency of payments made to governments throughout the world by companies active in mining or in the logging of primary forests. The objective is to provide public access to information to enable society to hold governments to account for income arising from the exploitation of

natural resources. The scope of the Bill in this area is confined to specific types of companies. As well as being in particular sectors, they must also be large companies or companies that are known as public interest entities. These include companies such as banks, insurers and companies that are listed on the main market. The Bill will require such companies to prepare annual reports on specific payments that they make to the governments of the countries in which they have mining, quarrying or certain logging operations. In the case of Irish registered companies, those reports are then filed with the Companies Registration Office, where they can be inspected by the public. The specific payments that must be reported are set out in section 87. They include: taxes levied on income, production or profits of the companies, excluding VAT, sales tax or personal income tax; bonuses paid that are related to signature, discovery or production; and certain fees, such as licence fees and payments for improvements in infrastructure.

The last of the main new reporting requirements are in sections 78 and 80. These sections are related to one of the most significant features of our current company law, namely, the benefit of limited liability given to owners of companies. This benefit is in legislation to encourage entrepreneurship and the creation of businesses. However, it comes with obligations, most notably the obligation for the company to disclose its financial position to third parties. This obligation to disclose is important because a limited company is a separate legal person and the assets of that company's owners are not the assets of the company. As a result, the only security that limited companies offer to third parties doing business with them is the assets that the company itself owns. Disclosure of that company's assets in its annual financial statements allows third parties to assess the ability of a company to pay its way. For this reason, the obligation to file financial statements in public is well accepted as an important protection for employees and others, such as suppliers who do business with a limited liability company.

The vast majority of companies in Ireland are registered as limited liability. They manage to conduct their businesses and grow while meeting the standards of transparency.

When it comes to unlimited companies different considerations apply. In this case, company law exempts unlimited liability companies from the obligation to file financial statements in public, as the assets of the owners and of the company are one and the same. This exemption is significant and is based on good reasons. However, it is still an exemption from the general principle of transparency and therefore we need to ensure that the criteria for using the exemption are clear cut and fit for purpose.

As things stand, there is a gap in the law here. The gap arises when companies set up structures that mix limited and unlimited liability companies. In some cases, these structures include companies registered outside the EU. In other cases, they are groups that trade through limited liability subsidiaries. The effect of these layers of limited and unlimited companies in corporate structures is that the owners of companies and groups can get the advantages of limited liability without having to comply with the obligations that should go with that limited liability. Sections 78 and 80 address this gap.

Some provisions in the Bill amend the Companies Act 2014 but are not related to the law on financial reporting. These are mainly technical and do not reflect changes in policy. The Bill clarifies some definitions, reinstates some provisions that were inadvertently left out in the consolidation that led to the Companies Act 2014, corrects some typing errors and addresses issues that have come to light since the commencement of the 2014 Act. For example, section 92 restores the priority and standing of various creditors, such as employees and the Revenue Commissioners. This was necessary following a recent judgment of the Supreme Court that

resulted in the holder of a floating charge being able to leap-frog preferential creditors, contrary to the intention in the Companies Act 2014.

I am keen to outline another issue that is of practical concern to many stakeholders. The EU accounting directive applies at the latest to financial statements for financial years that start in the course of 2016. The directive also allows member states to apply the provisions earlier, for financial years that started in 2015. However, we are now in April 2017 and the Bill is not yet enacted. For many businesses, the new financial year will have begun and they may already have prepared financial statements for 2016. Given the savings that the reduced reporting regime in this Bill will bring to small businesses, it is important that enterprise gets to avail of those at the earliest opportunity. Indeed, since the publication of the Bill last August a good deal of interest has been expressed in applying the new measures as soon as possible. New accounting standards for small and micro entities have been developed but cannot be used until this Bill is on the Statute Book. Therefore, section 14 of the Bill provides that directors may decide to apply the reduced reporting requirements to financial statements for financial years beginning in 2015 and 2016. This is not retrospective legislation as we would usually understand it. Rather, the Bill is permitting companies to apply new reporting requirements to activity that has already happened. It is the form and content of reporting, not the actions of the company, that we are addressing here. While most financial statements for 2015 will have been filed by now, there may still be a benefit in section 14 for any company whose financial year started in late 2015. When it comes to financial years that began in the course of 2016, section 14 should be of benefit to a wider group of companies. It is hoped that this provision will mitigate some of the effects of the delay in transposing the EU directive.

I am pleased to introduce a Bill that brings real and meaningful benefits to the vast majority of companies in Ireland and that will ensure that our law on financial reporting is fit for purpose. I commend the Bill to the House.

Senator Aidan Davitt: Fianna Fáil supports the transposition into Irish domestic law of the Companies (Accounting) Bill 2016, which implements a 2013 EU directive. I accept that the current Minister inherited this Bill midstream but it is a damning indictment of successive Governments that this Bill was only published in August of last year, three years after the EU accounting directive was finalised during the Irish Presidency of the EU in 2013. Ireland has badly missed the deadline for transposition, which was 20 July 2015, and this has caused a lot of angst in the accounting community. It is also a source of dissatisfaction for small and medium businesses. The directive states that the new rules must apply for the financial year beginning on or after 1 January 2016 at the latest. I welcome the clarification from the Department that there will be early application of the Bill's provisions before it is enacted, thereby allowing companies to apply the provisions in the financial year beginning 1 January 2015. According to Chartered Accountants Ireland, the delays have caused difficulties for many small and micro companies in Ireland in meeting their financial reporting requirements.

The EU directive was enacted in the UK in 2015 and I would like the Minister to explain why there has been such a delay here. I know that the Bill was kicked around for quite a while before the current Minister took up her position and in fairness to her, she has fielded calls and dealt with queries on the Bill. That said, I ask her to explain why this issue was not dealt with in 2015. This has put Irish small and medium enterprises at a disadvantage because at present, the qualifying thresholds are not as set out in the directive. While Fianna Fáil Members support the Bill, we are not happy with the delay and I ask the Minister to explain it to the House.

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Acting Chairman (Senator Gerard P. Craughwell): Senator Boyhan is sharing time with Senator McDowell.

Senator Victor Boyhan: I welcome the Minister to the House and wish her well. This is a very comprehensive Bill containing 92 sections which will have a major impact. I try to simplify everything I do - it is my style and the way I operate. I took this Bill, gave it to three micro business people and asked them to comment on it. I had to chase one of them last Sunday for feedback. I want to share with the Minister the feedback I received from three people who are at the coalface of business, one of whom runs a very small shop employing only eight people. They made three comments regarding the Bill. They said it is encouraging responsible business, facilitating entrepreneurship and attempting to cut red tape, particularly for small to medium-sized enterprises. The comments were as simple as that, which is quite impressive. It is important for the Minister to hear that feedback. Despite all of the jargon contained in a lot of legislation, business people get on with doing their business and they want support. I know of the Minister's commitment to local businesses in her own constituency. I am regularly contacted by the 31 councils all over the country who have told me that small issues can have a big impact on business.

Having consulted with business people, it is clear that one of the main objectives of the Bill is to reduce the administrative burden and enhance simplification of accounting requirements, targeting mainly small companies. The second objective is to increase the clarity and comparability of financial statements targeting company categories for which these considerations are important. The Minister has outlined very well today the designation of a new type of company, namely, the micro or very small company, which is very important. The Bill aims to relieve the administrative burden on new micro companies and existing smaller companies by making accounting disclosure requirements less onerous. The Bill puts in place new thresholds and criteria to determine a company's classification and disclosure requirements based on company size. In simple terms, that is my take on the legislation and it is important to keep the messages terribly simple.

I welcome section 84 in particular, which deals with improved transparency of payments to governments by those engaged in the extraction industries or the logging of primary forests. This is important because large and multinational companies that are active in the mining, extraction and logging industries will now be required to prepare and file annual reports on payments to governments with the Companies Registration Office.

I also particularly welcome section 92. I wish the Minister well with this very comprehensive legislation. Anything that allows entrepreneurs to get out, make profits and not have to apologise for it is a good thing. The Minister deserves support for that and I am happy to give it.

Senator Michael McDowell: I welcome the Minister to the House. I wish to dwell on a number of points that I am anxious to have clarified in the course of this debate. This is a transposition measure in the main and I share the disquiet expressed by Senator Davitt that it took so long to transpose the relevant directive into Irish law.

The point I want to make above all is that in 2014, we enacted the Companies Act which was supposed to be "the" Act. It was supposed to be kept up to date and to be a one-stop shop for somebody reading it. As far as I can see, on reading the text of this Bill, it respects that principle. All of the amendments are textual amendments to, or insertions into, the main Act. It should be possible to have it in a form which is readable as one continuous document. That

was the whole purpose of the Company Law Review Group and of the 2014 Act, which took so long to get on the Statute Book. In that context, I ask the Minister to clarify whether it is proposed to publish the amendments made by this Bill to the 2014 Act as a single, coherent text.

6 o'clock

Will it be available between two covers for consultation or are we going back to where one must go hunting among a series of documents to find out what the law is? In that context, I am conscious of the fact that while I was Attorney General, the idea of the statute law restatement route of having one simple revised statute in available form incorporating subsequent amendments was advanced. I ask the Minister to indicate if she proposes to avail of the statute law revision method, which is now laid down in law, to produce one authoritative text or if, on the contrary, she proposes to simply have an informal, non-statutory consolidated text available.

I notice from my practise in law that it is now becoming quite common for Departments to keep their own consolidated legislation and it is very useful for practitioners because the State's Department usually hands it over in the context of presenting the case to simplify the case to a judge. It would be a terrible pity if we went back to having multi-sourced company law legislation. Whether we employ the statute law revision route or some less formal system, I hope there can be an absolute guarantee that there will be one single text available for everybody doing business in Ireland, for students learning company law, for accountants looking up company law, for lawyers practising company law, for directors carrying out their businesses in accordance with company law, and that there would be one bible available without having to search through various subsections of later Bills to see what amendments were made to an earlier Bill. That is of crucial importance. I ask the Minister to clarify what her intentions are in that respect.

Senator James Reilly: I welcome the Minister to the House again on another important Bill that is awaited eagerly by small companies. I welcome the Bill. We would all agree that we want to support small and medium enterprises and entrepreneurs, and to help them exercise their imagination and their ability to create jobs. This Bill is very important in that regard. Increasing the size threshold for small companies will help many companies that are currently in existence and it will encourage others. Simplifying the existing financial reporting requirements for small companies must be welcomed. Many people have difficulty dealing with those requirements initially when they are faced with the complexity of the current system. This reduction in red tape, as others have said, is truly welcome. The introduction of the new category of micro companies is very important also.

I wish to cite an example. The Minister was away on a trade mission and the previous Minister in her role substituted for her at an event involving a company in Swords which was set up in 2010 by a local man, Tommy Kelly, who had previously run a company called Two Way Forwarding and Logistics. He came up with an idea in 2010, set up a company with six employees and it had a turnover of €48,000. Today its turnover is €220 million. He has 120 employees and he hopes to grow that number to 400. If there was ever an example of "mighty oaks from little acorns grow", this company is it. This Bill goes a long way to supporting people like Tommy Kelly and his company, eShopWorld. Senator Boyhan's contribution was welcome in pointing out that those who are at the coalface welcome this Bill.

I want to pick up on one or two other areas that are particularly important and I want to speak specifically on them. Section 87 is designed to improve transparency of payments as-

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sociated with the exploitation of natural resources that are made to governments by companies active in mining, quarrying and logging of primary forests. This is very important. There has been concern in this country for a long time about activities, certainly those abroad and here also, around issues of transparency and how our finite and very valuable natural resources are being used. More transparency on this issue is very welcome. I welcome the Minister's initiative on that issue.

I also wish to deal with the elements of section 8 allowing the courts to specify that creditors of a company that is seeking to reduce its capital can be notified as the court directs, for example, by electronic means. Again, this is another simple initiative that will make life easier for companies. It will give them the option of dealing with such matters electronically.

Section 11, which is an amendment to the Companies Act 2014, amends the definition of profit and loss account to take account of the fact that some companies, such as charities, do not make profits. That is an important aspect of this Bill that is helpful for those who are doing good work and find themselves caught in a red tape system that previously was less flexible than the Minister is now going to make it.

Section 27 concerns the disclosure of payments to directors. That is of critical importance. The more transparency around this the better. We all know the concerns we have had realised for us unfortunately during recent years about certain payments and the way they were being made.

Section 94 is also critically important. It gives the court a discretion to disqualify a person from acting as a director of a company in circumstances where the person has committed civil or criminal breaches of the law. I had earmarked another provision that I do not have marked and I will have to come back to it.

As others have said, this is an eagerly awaited Bill. We had an election in early 2016. This is complex legislation and the opportunity was availed of to correct many other issues that might not seem to be directly related to the Act but which impact negatively on business and on the public good and the public interest. Addressing those matters may have created a drag and made it a little slower for the legislation to be introduced but to miss an opportunity to have those other issues addressed, as the Minister has done, would have been a folly. I welcome the Bill. I hope the House will find favour with it and speedily pass it.

Senator Pádraig Mac Lochlainn: This legislation is admittedly long and dense but it is welcome because it brings Irish law in line with an EU directive and that is to be supported. The Bill will allow for the use in Ireland of sections of the financial reporting standards applicable in the UK for small companies and the financial reporting standards applicable to the micro entity regimes by micro companies.

Under section 15, it is proposed that the thresholds for small and medium companies in Ireland are set at the maximum permitted under the EU directive. This would mean micro companies would include companies which fulfil two of the following criteria - have a balance sheet of under €350,000, a net turnover of less than €700,000 and an average of fewer than ten employees. This is good for both micro companies and companies which would not previously have been considered medium sized or which now fall under the small category and therefore have access to a range of benefits within this Bill. This element of the Bill also represents a shift in our thinking towards business. We are moving from a top down approach where larger

companies were considered the norm to a “think small first” approach where smaller companies are the starting point. When we think of promoting local business and entrepreneurship in Ireland, the small first approach will aid the development of many start-up businesses, as well as looking after one of the biggest elements of our economy.

Small and medium enterprises in Ireland represent almost half of Irish corporate entities, employ more than two thirds of all Irish workers and comprise more than half of all Irish private sector turnover. With this Bill, we see a move within our philosophy away from the preoccupation with taking care of the big multinationals towards looking after SMEs in Ireland. I also welcome in particular the provisions in chapter 10 of this Bill which will bring in several measures that will increase transparency around companies that are involved in extractive businesses. These particular provisions were originally agreed during the Irish Presidency of the Council of the EU in April 2013 and I think that is something we should be proud of. At a basic level, these provisions ensure a large company or public interest entity involved in an extractive industry or in the logging of primary forests must prepare and make available to the public an annual report on specified payments to governments.

The reason this particular element of the Bill is so welcome is because of something known as the “resource curse”. The resource curse phenomenon is when countries rich in natural resources have tended not to perform well economically, for example, many countries in Africa. One possible explanation of this is because of low levels of transparency and accountability and high levels of corruption. This element of the Bill will attempt to ensure that, at the very least, large extractive companies are not conducting business in a way that would further the so-called curse of rich resources in developing nations.

When Sinn Féin talks about equality, we not only mean on the island of Ireland but also overseas, and any legislation that aids the development of nations and tackles corruption and exploitation by large companies is to be commended and welcomed. On this theme of activities across the seas, the Bill is also in line with European policy, and this policy will be good for Europe. When conducting its impact assessment, the European Commission estimated that the implementation of the accounting directive, which this Bill falls under, will give rise to burden reduction savings of up to €1.7 billion per year across the EU. In this very tumultuous time for the EU, I think Ireland should be proud to play a positive role in improving the EU’s financial standing by doing our part to enact this directive through the Bill.

While this Bill has many positives, I have a couple of reservations that also need to be stated. The first is that I am concerned the proposed legislation will allow small companies to give fewer note disclosures in their financial statements. “Notes”, of course, refer to the additional explanatory detail supplied with a company’s statutory financial statements to provide a comprehensive overview of its financial health. For example, notes can include such things as information on company debt, staffing, subsidiary undertakings, company share interests and directors’ remuneration. While I understand there is a balancing act between, on the one hand, the time and resources that smaller companies currently give to accounting and, on the other, the need for transparency, I would have a concern this balance is not struck within the Bill. Reducing the level of notes required when providing financial statements from approximately 31 to the mandatory level of eight, plus five optional notes, is quite a leap. Can we ensure transparency will not be compromised to an unsatisfactory degree in lieu of relieving the administrative burden on smaller companies?

While Sinn Féin sympathises with the need to reduce accounting time for smaller busi-

nesses, we are also concerned with the dumbing down, as it were, of the requirement for a statutory audit. Under sections 41, 43 and 45, micro companies will be exempt from preparing a directors' report and, therefore, will be exempt from having the opinion of a statutory auditor on the consistency of the directors' report within the financial statement. Under sections 56 and 58 to 61, inclusive, it is my understanding that both micro companies and small companies will be exempt from audits. If existing medium-sized companies will now be considered "small" under this new legislation, that means many more companies than we might first imagine will be exempt from such audits.

As I have said, transparency within business is of paramount importance, and there is a challenge within this Bill to ensure continued transparency for all businesses, regardless of their size. I would have a concern that a lack of audits and a huge decrease in notes within accounts will decrease transparency within companies, particularly those medium companies which will now be considered small within this legislation.

Overall, Sinn Féin welcomes this long overdue Bill which will have positive effects on Irish business, especially smaller businesses. We also welcome the positive impact the Bill will have on some developing countries. However, we do have reservations regarding transparency and accountability in the context of this Bill and we think that should be noted.

Senator David Norris: I welcome many of the provisions of the Bill but I have some concerns. The Bill is intended to remove a lot of red tape, in particular, to favour small and micro companies. Article 43 of the directive permits exemption from full statutory audit for small and micro entities. A small company is set out in the directive as having a turnover of €12 million or less and a micro company as having a turnover of €800,000 or less and about ten employees. To avail of the exemption, the only condition laid down in the directive is that the company meets the size criteria as a small or micro entity, and no other conditions are laid down. All of the other EU member states have enacted the directive in full and there are no other conditions laid down, aside from the size criteria that takes away a company's entitlement to the exemption. However, the main Bill of 2014, at section 363, states that if a company is late filing its annual return with the Companies Registration Office, CRO, it must pay significant late filing penalties and lose its entitlement to the exemption from full statutory audit for two years. This does not happen in any other European country. Let us consider the number of people who are contracted by multinational companies and told to form companies through which they have to bill for their services. If they overlook the filing of an annual return, they are in serious trouble.

Article 43 of the directive states: "The annual financial statements of small undertakings should not be covered by this audit obligation, as audit can be a significant administrative burden for that category of undertaking, while for many small undertakings the same persons are both shareholders and managers and, therefore, have limited need for third-party assurance on financial statements." That is the EU directive, clear and simple. It is supposed to exempt small and micro companies but the 2014 Act, at section 363, states:

Notwithstanding that section 358 is complied with, a company is not entitled to the audit exemption referred to in that section in a financial year unless-

- (a) there is delivered to the Registrar, in compliance with section 343, the company's annual return to which the statutory financial statements or (as appropriate) abridged financial statements for that financial year are annexed.

There is a clear conflict here between the EU directive and the main legislation of 2014. There have been European court rulings on this subject and I draw the Minister's attention to these. For example, one statement from the European Court of Justice states that although the member state and the national court may impose penalties on an individual or company which has not complied with the provision of EC law, this is subject to the condition that the penalties must not be disproportionate and must not undermine a basic Community right. It is a question of not having complied with EC law, not Irish law, yet we are saying a contravention of section 363 of the main 2014 Act imposes these penalties on small companies. That seems to me to be going very much against the spirit of the Bill which is specifically focused on small business and small business accounts. Therefore, it is the right time to remove this section and I have tabled an amendment to do so.

Under the EU directive, a company is entitled to the exemption on account of size and no other conditions are laid down that can take away entitlement to the exemption. The cost and administrative burden of a full statutory audit is referred to in section 43 and I have already put that on the record of the House. I would also like to record the view of the Companies Registration Office which contradicts this. It states that, as a matter of law, if a company's annual return is filed late, audited accounts must be filed in the current year and in the following year, so the loss of audit exemption could entail considerable expense for the company over a two-year period. This is what the CRO itself states, namely, this is going to really harm the financial interests of a company. It goes against the spirit and the letter of the EU directive. It is generally established that enactment by a member state of an EU directive should be full and proper. It is not permitted that enactment can, on the one hand, bestow a right or entitlement laid down by an EU directive and then, on the other, remove that entitlement as a penalty. This is a penalty not applied in other EU states. The Minister stated that a company can apply to the District Court for an extension to the annual return date but that is routinely opposed by the Companies Registration Office. That is another tangle and it will cost micro companies a great deal of money. The fact of the matter is that, as it stands, advisers now propose to entrepreneurs to incorporate their new businesses in other EU states where this penalty does not arise and the companies can then trade in Ireland having duly registered for taxation here.

I have an example of a case from somebody who briefed me on the issue and I would like to put it on the record. I was contacted by an accountant who prepared accounts for a small wine shop for filing with the Companies Registration Office last year. The company is small and entitled to exemption from audit. The accountant sent the accounts to the two directors, who are a married couple, for signing but they were on holidays. They had not told the accountant they were going away so he had no knowledge of that. The company lost the audit exemption as a consequence of late filing and the accountant in question had to walk away from it. The situation had become so complex that he was advised by his professional association to walk away. The only remedy was to approach a firm of solicitors to represent the company in petitioning the District Court for an extension to the return filing date. However, as I said, the Companies Registration Office is now opposing such applications. I wish to inform the Minister that I will table an amendment to delete section 363 in order to bring us into line with other European countries.

There is one other issue of which I have been advised, namely, the requirement to change the name of a company if it is unlimited to include the word "unlimited" in the name. I have been briefed by Pfizer on this issue. I have no connection with Pfizer, no interest or no axe to grind at all but I have been informed that it deals with a large number of companies, ap-

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proximately 130, in 36 languages and it is extremely arduous, time-consuming and expensive to make the changes. The Minister has given Pfizer a six-year exemption, which started from last year so there are about five years of it left. I am interested to hear the Minister's response. What Pfizer is seeking is a further exemption from the measure or some tinkering with the legislation. The company has not provided me with a brief but it has suggested that the situation should be examined.

There is a further complication in terms of red tape. There is increased red tape due to the Companies Registration Office not accepting paper filings. Accounts must be filed online. Frankly, as a Luddite, I resent that very much, or I would if I was an accountant. I do not see why that should happen. My main point is that I will oppose section 363. I will study the Minister's reply when she makes it.

Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor): I will try to pick up on most of the points that have been made. Senator Morris or Senator Norris - I beg his pardon-----

Senator David Norris: No problem. I have been called worse. I have been called Senator Ross. That is a hell of a lot worse.

Deputy Mary Mitchell O'Connor: I am not laughing.

Acting Chairman (Senator Gerard P. Craughwell): The Minister has the floor.

Deputy Mary Mitchell O'Connor: The Senator mentioned the concerns of some companies with respect to the exemptions that were granted under section 1237(5) of the Companies Act. First, I would like to confirm that any of those exemptions that were granted remain in operation and they will continue to be in place until late 2021. Senators may remember that the purpose of section 1237(5) is to allow companies some additional time to adapt to the new requirement in the Companies Act 2014 that all companies include the company type in the company's legal name. Given the complexity and multinational nature of some companies' businesses, it was considered that the general transitional period for adapting to the new Companies Act could be too short. The general transition period of 18 months ended on 30 November 2016 and companies were granted an extension of a further five years. Recently, I have become aware of concerns from some the companies that the five years will not be enough. They have stated that they need more time. The Department is exploring those concerns with a view to finding an appropriate solution.

Senator David Norris: I thank the Minister.

Deputy Mary Mitchell O'Connor: I will come back to the other question Senator Norris asked.

On the issue Senator Mac Lochlainn raised in respect of fewer note disclosures, we have gone as far as the directive allows regarding what we require from small companies. I agree that balance is needed and I believe the Bill achieves that. I thank the Senator for his comments on the annual reports on forestry and mining. Senators Reilly and Boyhan made similar comments and I also thank them. We want to get as much transparency as possible.

Senator Davitt asked about the delay. The Companies Act 2014 took ten years to draft and two years to enact. I accept that there has been a delay in transposing this statutory instrument

and that is regrettable. The directive was quite thorny. It threw up difficult issues and I hope section 14 will ease the effects of the delay. I apologise for the delay but the directive was very complex and complicated.

I assure Senator McDowell that I am open to looking at having a single text. It has been the policy of the Department in drafting that a single text is possible with a single citation. We will look at that.

I again thank Senators Boyhan and Reilly for their comments. I will return to another issue raised by Senator Norris.

Senator David Norris: It was the question of the exemption for filing accounts.

Deputy Mary Mitchell O'Connor: The Bill does not change that rule. A company has nine months from the end of the financial year to prepare and file annual returns. That should be sufficient time. One must bear in mind that the Bill makes strides in reducing the financial reporting obligations of small and very small companies.

Senator David Norris: Other EU countries do not have this penalty.

Deputy Mary Mitchell O'Connor: Furthermore, the introduction of the withdrawal of the audit exemption has resulted in a dramatic increase in the rate of compliance with filing deadlines. Since the establishment of the rule, compliance has increased from 13% to 90%. For those reasons, I am in favour of keeping the audit exemption as it stands.

Senator David Norris: It is very harsh. I will table an amendment. I thank the Minister very much for the information she provided.

Question put and agreed to.

Acting Chairman (Senator Gerard P. Craughwell): When is it proposed to take Committee Stage?

Senator James Reilly: Next Tuesday.

Committee Stage ordered for Tuesday, 11 April 2017.

Critical Health Professionals Bill 2017: Second Stage

Senator Keith Swanick: I move: "That the Bill be now read a Second Time."

Cuirim fáilte roimh an Aire Stáit, an Teachta Corcaran Kennedy, as a bheith anseo inniu. I mo thuairim féin agus i dtuairim mo pháirtí, Fianna Fáil, tá an Bille seo an-tábhachtach agus ba mhaith liom buíochas a ghabháil le mo pháirtí Fianna Fáil agus ár Seanadóirí. Freisin, fuair mé go leor tacaíochta leis an mBille ó dhaoine sa tseirbhís sláinte agus ó roinnt comhairleoirí. Is mór an onóir dom ar son Fhianna Fáil an Bille seo a chur chun tosaigh sa Seanad. Ocht seachtain ó shin, i rith díospóireacht eile anseo, labhair roinnt Seanadóirí i bhfabhar an rúin, Seanadóirí Devine agus Conway-Walsh ar son Shinn Féin agus Seanadóir Reilly ar son Fhine Gael san áireamh. Bhí mé an-sásta leis an tacaíocht ó Seanadóir Marie-Louise O'Donnell freisin. Tá na fadhbanna leis an tseirbhís sláinte níos tábhachtaí ná aon fhadhb eile agus tá an fhadhb níos measa anois ná riamh.

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It goes without saying that the problems with the health service are the most important problems we face in Ireland today. Unfortunately many of these problems are getting worse with time, not better. It genuinely gives me no pleasure in saying this, but it is an important backdrop to this legislation and the thinking behind it. It is important to acknowledge the huge interest shown in this Bill by fellow Senators, and it demonstrates to me the determination from Members to be constructive and solution driven, for our health system here in Ireland. The Minister of State, Deputy Corcoran Kennedy, and her officials are all most welcome and I look forward to hearing her thoughts on the issues which this Bill raises.

I acknowledge the support from Senators on all sides of the Chamber for what is contained in this Bill. As Members and the Minister of State will recall, I attempted to introduce a series of amendments to the Health (Miscellaneous Provisions) Bill 2016 when it was before us two months ago. Unfortunately, the ruling was that the amendments were out of order as they involved a potential charge on the Exchequer. It was on that basis that I produced a new Bill, the Critical Health Professionals Bill 2017, which contains exactly the same provisions as the previous amendments that I had proposed. I am very grateful for the public support expressed by Senators Reilly, Devine, Conway-Walsh, Wilson and Marie-Louise O'Donnell, and by the numerous other Senators who spoke to me after that debate, urging me to continue to pursue the matter through a Private Members' Bill. Senators Mark Daly and Robbie Gallagher kindly co-signed the Bill to get it to where we are now, and I thank them for that, as I do Councillor Damien O'Reilly of Fianna Fáil from Dunboyne in County Meath who has played an important role in helping to get this legislation to the floor of Seanad Éireann.

When I spoke about this issue previously in the House, I welcomed Dr. Enda Shanahan to the Public Gallery. His insights, research and dedication to this issue are an inspiration to us all. He is a man whom the laws of this land forced to retire from the public health system due to an arbitrary date. When we met here a number of months ago, his research and his folder of notes on the matter were a sight to behold, and he quietly encouraged me that day to keep the flag flying on this issue. I salute Dr. Shanahan for his service to this State in the public health system and my only regret is that he is unable, unfortunately, to benefit from the changes planned under this Bill as he has retired from the public health service.

This Bill is designed to address the situation of mandatory retirement for critical health professionals within the public health system. It is one part of a range of solutions that can be addressed easily, and I am very grateful for the time which the Minister for Health, Deputy Simon Harris, spent with me going through the various aspects of this Bill. He is to be commended on the interest that he has shown in this, and he has informed me that he wants to see this Bill move along speedily through the legislative process, if at all possible. There are too many times when critical health professionals within the Health Service are forced to retire due to their age and no other reason. This Bill sets out to change that while at the same time seeking to address chronic staffing problems in the health service.

An interesting question was raised with me about this Bill. What category of professional within the health service is a critical health professional as outlined in the Bill? This is a really important question and I am happy to inform the House that I have addressed that specific issue in section 2 which requires that the Minister introduce procedures by regulation that can set out the category of health professionals to whom this would apply. It is worth noting that the global shortage of health professionals is unlikely to change any time soon. There is however a compelling logic in allowing the Minister for Health to renew or revise periodically the categories of health professionals that are covered by the Act. This is similar to how certain aspects of

employment legislation operate, such as the employment permits legislation which governs the critical skills employment permits, as well as the highly skilled eligible occupations list operated by the Department of Jobs, Enterprise and Innovation.

I am conscious that this legislation has to be workable, and while I have very strong personal and professional views about the arbitrary retirement age as it exists, I know that there is an urgency to the issue I seek to address. There is little point in introducing legislation to this Chamber that has no hope of being enacted. In the previous Seanad, the former Senator, Professor John Crown, did great work on this very topic, and I suggest that Members review that debate in 2015 if they wish to get a deep understanding of where he was coming from with his legislative proposal. His Bill was entitled the Longer Healthy Living Bill and was supported through Second Stage in Seanad Éireann by Fianna Fáil, Sinn Féin, the Labour Party, Fine Gael and the Independent Senators. I know Professor Crown is critical of an aspect of this Bill as proposed, specifically with regard to the dual consent provision. I will explain why I have included a dual consent provision, because this is central to this Bill being able to make an immediate impact, which I hope will ensure it does not get bogged down in legal or contractual challenges.

I believe mandatory retirement is an archaic system, but in the absence of a more formalised system in its place, we must tread carefully. This Bill could have gone further, but upon careful examination of the law, I have chosen to deal with the issue in this manner. Under this Bill, as proposed, the option for an employee to retire is not affected and nobody will be required to work past their retirement age unless they wish to do so. This is the first part of the dual consent process. The second element of this process required under this proposed legislation would mean that both the employee and the employer would have to consent to an extension past the mandatory retirement age. In having this provision, it allows both parties to contract out the new arrangements and does nothing to impact upon the legal rights of others.

In addition to the Bill presented in 2015 by former Senator Crown, this is an area where a lot of legislation has been proposed. In the previous Oireachtas, the Employment Equality (Abolition of Mandatory Retirement Age) Bill 2014 was put forward by Deputy Anne Ferris from the Labour Party. Just a few weeks ago, the Dáil had a Second Stage debate on a Bill sponsored by Deputy John Brady from Sinn Féin, called the Employment Equality (Abolition of Mandatory Retirement Age) Bill 2016. From what I could see from this Bill from Deputy Brady, it is worthwhile and Fianna Fáil supported it in the Dáil. Separate to that, my Fianna Fáil colleagues, Deputies Willie O'Dea and Mary Butler, have also produced an important Bill, namely, the Employment Equality (Amendment) Bill 2016. They too have engaged widely on the matter and have been very clear in their desire to see change in this area.

I highlight these other Bills to outline to the House the exact difference with this Bill. It is, I believe, one that could have a very immediate impact on the crisis in our health system. During the debate on this issue in February in Dáil Éireann, the Minister of State, Deputy Stanton, illustrated that the Sinn Féin Bill would involve unilaterally setting aside the retirement provisions of most existing employment contracts and would have serious implications for public sector employment, pensions policy and the wider labour market. These are all things that can be addressed, I am sure, to strengthen that Bill as it goes to Committee Stage. It does, however, highlight the legal minefield that exists in this area.

The reason I have chosen the dual consent model is to navigate the complexity of Article 15.5.1° of Bunreacht na hÉireann. The Constitution precludes the Oireachtas from declaring

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unlawful acts which were not so at the date of their commission. It would certainly give ample opportunity for substantive legal challenge as the Bill in the Dáil, as I understand it, appears to apply retrospectively to pre-existing contracts of employment. I am no constitutional lawyer, but I am certain that the Attorney General will have something to say about that.

In the previous Oireachtas, the Committee on Justice, Defence and Equality examined in detail the broader issue of mandatory retirement, and it received incredible submissions and presentations from the public on the matter. I want to read again a passage from Dr. Enda Shanahan's formal contribution and testimony to that Oireachtas committee. In November 2015 he said:

Two years ago I was compelled to retire from the health service where I worked as a specialist hospital doctor. I wrote to management, [then Minister for Public Expenditure and Reform, Deputy Brendan Howlin] and to [then Minister for Health, Deputy James Reilly], indicating that I was able and willing to keep working in the public health sector after age 65. I explained that I was physically fit - still running all distances up to and including marathons - and medically fit for purpose as certified by the Medical Council continuous professional development process ... The answer was that retirement was mandatory on reaching age 65.

At no point was any objective effort made to assess my suitability to continue working. I was retired purely because of a date in the calendar.

I will now take Members through each section of the Bill. Section 1 is a standard section setting out the various definitions used in the Bill. The key element of section 2 would allow the Minister for Health to introduce regulations to allow critical health professionals remain in their roles past the age at which they otherwise would be required to retire.

In practical terms, it would allow the mandatory retirement clause in the employment contract to be set aside, to allow health professionals to continue working under the same conditions they would otherwise have enjoyed had they not been required to retire at that age.

There are two parts to section 3. The option for an employee to retire is not affected by this legislation and nobody will be required to work past their retirement age, unless he or she wishes to do so. There is an important dual consent process required under the proposed legislation, which would mean that both the employee and the employer would have to consent to an extension past the mandatory retirement age.

Sections 4 to 6, inclusive, can be viewed together and they confirm that the same terms of conditions of employment would continue for staff, as set out in the conditions of employment.

Section 7 sets out that in order for health professionals to have their mandatory retirement age clause ignored, they would be required to inform the chief executive officer or the equivalent within their respective organisation, not less than three months before they reach their mandatory retirement age. This is to allow for management and the employee to engage constructively and formalise an agreement.

Section 8 has four parts. Part 1 specifies that the dual consent process to allow this to happen requires the written consent of both employee and employer. This written consent must be in place before the employee reaches the mandatory retirement age. Part 2 sets out that this agreement would include the timeframe permitted for an extension of employment, which may

be up to two years initially and may be extended once, for a further two years, as long as the dual consent remains in place between both parties.

Part 3 states that these changes are not available to an individual who has previously availed of early or voluntary retirement. Part 4 is a practical section to make provisions so that if individuals who have availed of an extension of employment become unfit to work as per their work contract, they shall retire immediately under the terms of their employment.

Section 9 has two parts. Part 1 specifies that the legislation, if enacted, will apply to all organisations funded directly by the Department of Health, all organisations funded by the HSE, organisations funded under section 38 of the Health Act 2004, and all other health and disability service providers. In conjunction with the commencement of the Act, the Minister shall publish a list of all the organisations that the Act shall apply to. Importantly, it is provided that the Minister shall update the list to reflect any changes to organisations, including mergers, name changes and newly-established entities. Section 10 deals with the Title and commencement details.

I want to see this Bill become law, but I also want it to become good law and I know from speaking to the Minister, Deputy Harris, that he is committed to this also. In my career in medicine, I have encountered many highly-skilled consultants, doctors and nurses who did not want to retire but received a letter informing them that they were no longer of service to the State. This makes no sense to me. There have been too many instances where critical health professionals within the already overstretched health service have been forced to retire due to a date on their birth certificate and no other reason.

As a doctor I know that our current health system is embattled by staff shortages, shortage of senior consultants, not enough GPs, and a dearth of highly-qualified specialist nursing staff. Therefore, we need to do something, as the *status quo* is not working. This Bill is one step in the right direction in helping to erase those problems.

Senator Aidan Davitt: I am delighted to second Senator Swanick's Bill.

Senator Colm Burke: I move amendment No. 1:

To delete all words after "That" and substitute:

"the Bill be read a second time this day six months, following the proposed publication of findings by the Department of Public Expenditure and Reform arising from its review of barriers to extended participation in the public service workforce, up to and including the current age of entitlement to the contributory state pension."

I thank the Minister of State for taking time to deal with this matter and I thank Senator Swanick for the work he has done on this Bill. As someone who has tabled a number of Private Members' Bills here, I am only too well aware of the amount of work that has to be done in preparing any such legislation. I know the Senator consulted with quite a number of people.

When it was first suggested, I had concerns about the Bill in respect of people who might be holding on to a position and resisting change. I have seen that happen in hospitals over the years. In fairness to Senator Swanick, he has dealt with that issue with the requirement for joint consent. I have also seen management pushing very innovative people - good consultants - out when they should not be pushed out. I agree that there must be agreement. I accept that there

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must be agreement on both sides, from both the consultant and the employer, that the person can stay on. This is welcome legislation and I believe it needs to be given very careful consideration and taken on board.

What Senator Swanick said about the shortage of people is interesting. I was just reading this morning that there is a shortage of 100,000 people in Finland at the moment for various jobs because of a lack of job skills, not just in the area of medicine but in respect of employment overall. With regard to medicine, it is an issue that there is not just competition in one's own country to try to get employees, but in a world market. That is not going to change.

This morning I met the HSE about this whole issue - about forward planning in the health care sector. I have very much been highlighting medical recruitment over the last five or six years. I was delighted to see that the HSE has now established one database for the entire country, into which it is putting all of the information from each and every hospital, so that it knows how many consultants are in each hospital, what their role is and what department they work in. It also has the consultants' date of birth so that it knows when they are likely to retire.

If we go back prior to the HSE, it is interesting that Comhairle na nOspidéal seemed to have had a mechanism to advertise posts before they became vacant. Once the HSE was formed we appear to have fallen down on that and, as a result, when a post becomes vacant it remains vacant for anything up to two years and there are locums in place for a period of time. The new system the HSE has put in place is a step in the right direction, but it is also important that the HSE gets the full co-operation of all hospitals at national level.

When talking about medical consultants, it is interesting how the system has changed. For instance, in 1984 there was one consultant in the entire country in accident and emergency medicine. There are now 88. The number of consultants in 1984 for the entire country was 1,085. I do not have the up-to-date figure to the end of 2016, only those for 2015, but at the end of 2015 there were 2,891 consultants. There has been quite an increase.

Part of that increase is because of the sub-specialisation that has gone on in each area, whether in maternity, paediatrics, orthopaedics or surgery. That sub-specialisation within categories is why, in fairness to Senator Swanick, this Bill is important. There might be two consultants in the entire country who specialise in a particular area. To get a replacement for them would be quite difficult.

This Bill is welcome. We need to continue with forward planning and in respect of how we deal with our junior doctors. I was delighted to hear from the HSE this morning that there is a change in the trend of junior doctors feeling an urgency to leave this country and that we are putting in place a better system for training and retaining junior doctors. We have a lot of work left to do on that area however. We need to make sure that, even if people do go away, there are enough incentives to bring them back again.

One of the other issues that we need to look at, and which it is extremely important we look at, is that we have introduced a salary scale where the same salary applies in one area of the country compared with another. A person might be in Letterkenny on what is called a one-in-two call or a one-in-three call, which means that the person is on call all day, every day, five days a week. If it is a one-in-three call such people are on every third night and every third weekend.

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If a person works in Dublin, he or she might be on a one-in-eight call, which means that he or she works one night out of eight, five days a week and one weekend in eight. There is a huge difference. There is an argument that inadequate account is taken of the pressures on consultants working in smaller hospitals such as those in Letterkenny, Sligo, Tralee, Waterford or Kilkenny. It is something we need to keep in mind. When we look at the position in other countries, we see the need to be flexible. We must continue to look at different ways of operating the system. What Senator Swanick is proposing in the Bill is retaining people with a specialisation that may not otherwise be available. We also need to look at providing other incentives. In particular, we must try to keep staff in smaller hospitals. For instance, someone working in a smaller hospital is entitled to go back to Dublin to take up a job because there is more of an opportunity to specialise in the area in which he or she is working. That is an important issue at which we need to look.

We need to make sure there is sufficient forward planning for junior doctors. One of the other issues I have raised on quite a number of occasions is that of co-operation with other jurisdictions in the provision of medical training. For instance, if there is a five-year programme of specialised training, two of the years could be spent outside the country in order that people will not feel that because they left the country, the door has been closed to them. There are a lot of challenges in the health care sector and there is a growing and ageing population. We need to plan for that change in demographics. I, therefore, welcome the legislation.

Senator Máire Devine: I welcome the Minister of State. I also welcome the Bill. It has been well written by Senator Swanick and founded in sound sentiments. It is wise morally and economically to allow people to continue working in the health care profession once they tick all of the boxes in meeting the criteria such as being fit for work and there being dual consensus. That is important. As we debated this issue in the House a while ago, I will not go into too much detail today.

Senator Swanick mentioned the Employment Equality (Abolition of Mandatory Retirement Age) Bill 2016 which was tabled by Sinn Féin in the Lower House and which we are waiting to proceed to Committee Stage. This Bill could be fast-tracked as it is a more narrow but focused Bill for health care professionals. Unfortunately, the amendment tabled by Senator Swanick's colleagues in Fine Gael seeks to delay it by six months, which is unfortunate. The health service is chaotic and its non-staffing is leading to the burnout of many professionals and compromises our duty of care. There is, however, a trend for doctors to think about remaining as opposed to leaving. A couple of days ago I met the chief nursing officer and, unfortunately, the trend is still for nurses to leave. A balance is needed between the recruitment and retention of junior staff at one end and, at the other, embracing senior staff to allow them to carry on and give the benefit of their experience to the health service to serve their up and coming successors.

We all know the mental, physical, emotional and economic benefits associated with work. It is our work ethic that gets us up in the morning and puts our feet on the ground and that gives us a purpose. I hope most of the time we actually enjoy what we do. Having a cut-off point of 65 years and saying to people who reach that age, "There is your hat," is cutting our nose off to spite our face, as we will lose experienced individuals. We must encourage older people to retain a very vibrant working life to contribute to society and not put them out to pasture. Sometimes, however, retirement is approached in that way. There must be an element of choice within our society. We all know what is best for us and should trust people to do what is best with their lives. In the past there were many inequalities in terms of adoption and in that women were forced to give up work. I believe there will be a watershed in the next generation and that

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we will be able to say we did well, that we looked at the issue of equality and did what was right. Our children and their children will thank us for making society a lot more democratic and equal in allowing people more choice.

I look forward to the Bill progressing. I reiterate the point that the six month delay is unfortunate, but it seems to be the Government's *de rigueur* response to most Bills. I wish Senator Keith Swanick the best of luck. I say, "Well done," to him and hope he continues to persevere with the Bill.

Senator Jerry Buttimer: I welcome the Minister of State, Deputy Marcella Corcoran Kennedy, to the Seanad and the opportunity to speak to the Bill. I commend Senator Keith Swanick for the work he has put into it, as well for its intent and import.

In a different era, once people reached a certain age, they were deemed to be beyond use. The aim of the Bill, agreed to by the Department, is to ensure a cohort of people who have a body of knowledge, practical experience and wisdom will not necessarily be lost. If we look at the legacy in the public service in the period from 2006 to 2014, a host of people were lost to it, resulting in a loss of competency and experience. People in some of the local authorities tell us that corporate wisdom and intellect have been lost. In this Bill Senator Keith Swanick is seeking to ensure people will not necessarily be put out to pasture, as some other Senators referred to it.

I am struck by the point made by Senator Colm Burke. In the previous Dáil I chaired the health committee. One of the issues we considered was recruiting staff in smaller hospitals and GPs in rural Ireland. As we tidy up this Bill and make it better - I do not mean to be negative - would it not empower and give the health system more oxygen if we were to move beyond the present structure and out of the silo in which we operate? The health care system is evolving and changing. Senator Keith Swanick has been a GP for many years and general practice has changed since he began. The hospital network has also changed. As we move towards the hospital group model and investing more in primary care services, the Bill becomes more relevant and a necessity. There is a need for the Department, the HSE and all interested bodies to sit down and engage on it.

Senator Máire Devine spoke about nurses. She is right. Perhaps the one thing that has not changed is that the nursing burden is as heavy as it was. Having worked in a hospital, I am very cognisant of the huge amount of work done by nurses.

We need to plan forward, as Senator Colm Burke rightly said. It is a matter of having this kind of discussion on such a Bill to bring it to its next Stage. I am disappointed we could not do this as representatives on the all-party, non-Seanad Oireachtas Committee on the Future of Healthcare. It is all fine for some Senators to come to the House and be critical of Government, but when Government party Senators were willing to go on that all-party committee, we could not do it. This will set the roadmap for the future. This is why I was happy to put Senator Swanick's Bill on the Seanad clár so that we could have a debate in a non-adversarial, non-confrontational way about how our health system should, can and must look, which is about being flexible and changing.

The future of our health care is not just about staffing; it is also about policy. This is why the Minister deserves huge credit and praise for the pursuit of Healthy Ireland and the way in which we tackle obesity. We must have the alcohol Bill brought before the House and consider

it in its totality so that we can go out beyond the spectre of the vested interests, go into the communities and see the differences it can make and the challenges we must overcome. The same goes for the Minister of State, Deputy McEntee, and the work we are doing on mental health.

Members have mentioned the issue of retention and recruitment, and it is important that our Health Service Executive and hospital groups are empowered in this regard. I am a very strong advocate of the hospital groups because they are about the sharing of knowledge, information and resources and ensuring we can get value for our patients. This is not about money, but the hospital that performs best will be able to retain and be that primary hospital group within the region.

Senator Colm Burke has always said at the Committee on Health and in this Chamber that we are now competing in a world market, and this is true. This means we must adapt and be flexible, and that is a matter of incentivising people to move back to Ireland, whether nurses, doctors or other health care professionals such as occupational therapists, OTs, or physiotherapists. We must give them opportunities to work in our country. However, equally, there is a cohort or group of people who do not necessarily want to retire. I have been very struck by what I have seen on my travels to North America where one meets many people aged over 70 who are still working and making a contribution. I do not want to live in an ageist society in which because people are a certain age, they must hang up their boots and stand down. That is a bad kind of society we live in because there are people who have contributions to make. My father spent all his life as a nurse. He is 80 years of age. He is still making a contribution as chairman of the board of management of a special needs school.

The Bill and, by extension, its component parts can help us to achieve what I have outlined. I commend Senator Swanick. I am happy to second Senator Colm Burke's amendment. I thank the Minister of State and the Minister, Deputy Harris, for not ruling the Bill out but giving it a further reading. This is important because the kind of politics in which we can engage by having this extended period leads to better legislation and better outcomes, and that is what we are about on this side of the House at least.

Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy): I thank Senator Swanick and his colleagues for introducing the Bill and acknowledge the contributions of the Senators to the debate. It gives us an opportunity to discuss the issue of retirement age for those working not only in the health service but also in the wider public service. It is recognised that recruitment and retention of health professionals is an issue. There are recruitment and retention issues in the global health workforce as a whole. The issue is not exclusive to Ireland. The Department of Health is, in principle, in favour of the upward adjustment in the compulsory retirement age in the interests of workforce planning for the health sector. However, the Bill as drafted requires careful scrutiny and further refinement to allow its objectives to be met effectively. I will take this opportunity to outline, in no particular order of importance, some issues in respect of the Bill as currently drafted which require careful consideration.

There is no definition of "critical health professionals" in the Bill. However, the explanatory memorandum, as referred to earlier, states the Bill will apply to "key nursing, medical and consultant personnel within the public health system". It is silent on other health professionals such as therapy grades and whether they would meet the definition of "critical health professional". I am sure there are speech and language therapists and physiotherapists who would strongly view their role as being critical, and this would need further development as a concept.

It could be argued that the provisions of the Bill are potentially discriminatory. They appear to propose preferential terms and conditions for specific cohorts of health professionals employed within an organisation purely on the grounds of their professions. This seems unfair and would need to be considered further. The Bill also states that it is intended to apply to organisations funded by the Department of Health, all organisations funded by the HSE under section 38 of the Health Act 2004 and all other health and disability providers. This provision is very broad. It seems to include employees of agencies funded under section 39 of the Health Act. These employees, however, are not public servants. Neither the Department of Health nor the HSE has any role in determining the retirement of staff in agencies funded under section 39 of the Health Act.

Insufficient detail is provided in the Bill as to how the proposed “dual consent” process would work in practice between both parties, namely, the employer and the employee. This would need further scrutiny and explanation as it is not at all clear how it would work in practice. There are potential legal implications to what is proposed in the Bill if it were to result in a unilateral change in the terms and conditions of certain employees as set out in their original contracts of employment. There would also be implications surrounding the legislation for pension schemes. It is not clear how the provisions of the Bill would affect the labour market. For example, how would it affect young health professionals starting out if potential retirees instead worked on? Finally, I am of the view that it would be essential for all cost implications to be assessed properly before the Bill makes any further progress. In so far as the information has been provided, we need further clarity.

I will now consider the broader picture of the health sector and the public sector in general. We have heard the challenges the health service is facing in terms of recruitment and retention of professionals such as doctors, nurses and midwives. I am pleased to say we are emerging from a period of cost-cutting measures, including a moratorium on recruitment. We have turned the corner and recruitment is under way in the public health sector to resource and develop our services. At the same time, we must acknowledge that there are challenges in Ireland and internationally in recruiting some specialties of nurses, doctors and consultants. This difficulty is being experienced by other English-speaking countries, including the UK, Australia and Canada. Notwithstanding this, the staffing numbers at the end of January 2017 for the health services stood at 107,251 whole-time equivalents. This compares with 96,582 in January 2014, which is an increase of 10,669 whole-time equivalents.

I will outline the current position regarding the recruitment and retention of consultants, non-consultant hospital doctors and nurses as these are the main health professions on which the Bill appears to focus. We have seen an increase of 300 consultants in the public health system from January 2014 to January 2017. Ireland is experiencing challenges in recruiting some specialties. This is an international phenomenon and these specialties have traditionally been difficult to fill. There is recognition that consultant recruitment must continue to be prioritised in line with Government policy. Efforts continue to fill the consultant vacancies. The HSE has changed its consultant recruitment process and has developed a new simplified consultant application form. Work is under way to introduce a system of work planning and an individualised induction programme for consultants on appointment. I am confident that all these efforts will help in the consultant appointment process. The number of non-consultant hospital doctors employed by the HSE at the end of January 2017 was 6,020. This shows an increase of 215 since January 2016, an increase of 1,037 since January 2014 and an increase of 1,341 in the past decade. This is primarily a result of measures being implemented to achieve compliance

with the European working time directive while moving towards consultant-delivered care. We are training the consultants of the future and the number of training places has been maximised. I recognise that the recruitment and retention of medical doctors who graduate and are trained in Ireland is important to the effective functioning of the Irish health service and is in keeping with our obligations under the World Health Organization's Global Code of Practice on the International Recruitment of Health Personnel.

In July 2013, a working group, chaired by Professor Brian MacCraith, president of Dublin City University, was established to carry out a strategic review to examine and make high-level recommendations relating to training and career pathways for doctors with a view to improving graduate retention in the public health system, planning for future service needs and realising maximum benefit from investment in medical education and training. The working group completed its work in June 2014 and, in all, submitted three reports and made 25 recommendations. The reports address a range of barriers and issues relating to the recruitment and retention of doctors in the Irish public health system. There have been several positive developments arising from the recommendations of the strategic review working group. These will have a positive impact on the quality of the training experience, and the working lives of trainee doctors. For example, many trainees now have predefined rotations at the start of their training schemes with reduced paperwork for each rotation and the HSE has developed an online national employment record. I also regard the implementation of the lead non-consultant hospital doctors, NCHDs, initiative at national level as a very important step. This role provides an opportunity for NCHDs to participate in discussions and decision-making regarding matters that affect them, the day-to-day running of hospitals, and allows them propose suggestions to enhance patient care to hospital management and clinical directors.

Progress has also been made on a number of other fronts, as a result of the group's work. Revised pay scales for new entrant consultants have been implemented, and there is significant scope to recognise previous experience and qualifications. The HSE has agreed to treble the number of family-friendly NCHD positions and 32 trainees are due to commence flexible training in July 2017. We have seen some really good progress in terms of working hours of trainee doctors, and those working in non-training posts. We have made progress in reducing the numbers of NCHDs working over 48 hours per week to 17% of the cohort and we are committed to continuing with this progress. Another positive development, which will also address issues around recruitment and retention for NCHDs, is the restoration of the living out allowance for those appointed since 2012, which will be incorporated into the basic salary of these doctors from 1 July 2017.

Recruitment of additional nurses has been the focus of considerable ongoing activity by the HSE and voluntary hospitals. The Bring Them Home campaign to support the recruitment of Irish nurses abroad brought almost 100 additional nurses into the system and this campaign continues. The message is reaching the Irish abroad that Ireland is recruiting again and several initiatives are in progress to provide career development, training opportunities and improved pay.

The HSE has continuous open recruitment campaigns in place to ensure that all eligible applicants for nursing posts can apply at any time to work in hospitals throughout the country. The HSE is keeping these campaigns rolling. This means that they are left open for any new applicants who come on stream and hold interviews when they have sufficient applicants. The HSE ran a recruitment campaign for nurses and midwives from 28 to 30 December 2016. A total of 220 attended the event and 115 nursing and midwifery candidates were deemed suc-

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cessful and placed on a panel following interview. There was a careers open day for nurses and midwives last week at Dr. Steevens' Hospital. This was the second in a series of careers day events for nurses throughout 2017. The HSE is running recruitment campaigns aimed specifically at recruiting staff nurses for emergency departments. As part of the recent management proposals to the nursing unions, the HSE committed to offering permanent posts to degree programme graduates and full-time permanent contracts to those in temporary posts. The executive is also focused on converting agency staffing to permanent posts.

Retention of the nursing staff employed by the HSE also needs to be addressed and this is recognised. The HSE is analysing the data from exit interviews from nursing and midwifery disciplines to identify trends and will survey new starters to identify areas of improvement in orientation. The Irish Nurses and Midwives Organisation, INMO, is balloting on a range of initiatives designed to retain nursing and midwifery staff, including: extensive education and personal development opportunities for nurses and midwives to upskill; a pilot pre-retirement initiative as a method of retraining experienced nursing and midwifery staff; 127 promotional posts for staff nurses or midwives to clinical nurse midwife manager 1 level; and consideration in the upcoming pay talks of the restoration of a number of allowances for new entrant nurses. Providing an improved working environment will, we hope, encourage our nursing and midwifery staff to stay and may even encourage those who have emigrated to return.

I have outlined some of the work taking place in the HSE to recruit and retain health workers. I acknowledge that the spirit of this Bill is also intended to help by keeping experienced health professionals employed in the public health service past retirement. It is not at all clear that there is a high demand among health sector professionals to remain on or return to work having retired. I am aware that there are a small number of individual cases, some of whom have made representations to the Department of Health seeking to remain on in employment. In general, however, following initial inquiries, my sense is that the opposite may be the case for the majority of health professionals currently employed. We know that there are already schemes in place which allow certain professions to retire early. In the recent talks with the INMO, its proposals included a pre-retirement initiative whereby nurses and midwives could reduce their working hours in advance of retirement age. Many nurses, due primarily to the physical nature of their work, have, at their own request, moved off clinical work as they near retirement age. Consultants who retire and wish to return to work in the public health service are treated as new entrants and are subject to abatement of their pensions. Of those who retire, the HSE estimates that fewer than 5% return and, typically, that would be for less than a year. However, issues around the arrangements in place for retired public servants and whether continuing to work is an attractive proposition, are more appropriate to the Department of Public Expenditure and Reform. Indeed, I understand that barriers to ensuring extended participation in the public service workforce are being examined in a review being led by that Department.

The terms and conditions of employees in the public service are generally a matter for the Minister for Public Expenditure and Reform. While the Bill, as drafted, refers only to certain health professionals, it needs to be examined in the context of work being undertaken by the Department of Public Expenditure and Reform. That Department is reviewing the current statutory and operational considerations that give rise to barriers to extended participation in the public service workforce. This includes looking at the current and planned age of entitlement to the contributory State pension. The Department of Health, among others, is involved in this review and its officials have already held an initial meeting with their colleagues in the Department of Public Expenditure and Reform. I understand that this work is expected to be

completed in the second quarter of this year.

In light of all of the arguments that I have put forward and the fact that this Department of Public Expenditure and Reform review will make recommendations which will apply to all public servants, not just certain health professionals, I strongly recommend that the House agree to the amendment I have proposed and await the conclusion of this review and its resulting recommendations. I welcome Senator Swanick's co-operation and agreement that we would allow time for the publication of the review which is already under way given the importance of this issue and its potential implications for the entire public service.

Senator Keith Swanick: I thank Senator Davitt for seconding the Bill and I welcome everybody's comments. I acknowledge Senator Colm Burke's work in the health sector. This Bill is not confined to consultants although the Senator spoke extensively about them. It involves many health professionals. It is important to realise that this Bill will allow the Minister to revise and review periodically the categories of health professionals covered in the Act. That is included in the Bill. The dual consent is designed to navigate the complexity of Article 15.5.1°. The Constitution precludes the Oireachtas from declaring unlawful acts "which were not so at the date of their commission".

I also welcome Senator Devine's comments and acknowledge the balance she mentioned regarding the younger and older members of the health service. I fully condone her comments on equality in the health service and thank her for supporting the Bill. I value the sentiments expressed by Senator Buttimer. I know that he speaks from his experience as Chairman of the Oireachtas Joint Committee on Health. He acknowledged that we are losing practical knowledge and experience unnecessarily due to an arbitrary date in the calendar. I agree that it is a shame that Senators are not members of the Oireachtas Committee on the Future of Healthcare because we all want to achieve the same goal and improve the outcome for patients. I welcome the Minister of State's comments. The last thing we want this Bill to do is be discriminatory in nature. We are trying to get over that hurdle. This is why I included in the Bill a provision that the Minister can periodically revise the categories included in the Bill, for example, therapists mentioned by the Minister of State, in the same way as applies with the employment permit legislation. Regarding the Minister of State's concerns about employees covered by the Bill and agencies that might be included under section 39 of the Health Act, I look forward to working with the Minister and the Department to clarify this matter in the coming months.

In respect of dual consent and contractual issues, it is important to realise that this Bill allows both parties - the employee and the employer - to contract out the new arrangements. There is nothing that will impact on the legal rights of others. From speaking to colleagues, I honestly believe that many health professionals would take up this offer if it was on the table. I look forward to the Bill coming before the House in six months.

Amendment agreed to.

Motion, as amended, agreed to.

An Leas-Chathaoirleach: When is it proposed to sit again?

Senator Colm Burke: At 10.30 a.m. tomorrow.

The Seanad adjourned at 7.30 p.m. until 10.30 a.m. on Wednesday, 5 April 2017.