



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Business of Seanad	598
Commencement Matters	598
Nursing Homes Support Scheme Administration	599
Farm Relief Scheme	601
School Accommodation	603
Leader Programmes Administration	606
Order of Business	609
National Housing Co-operative Bill 2017: Second Stage	624
Petroleum and Other Minerals Development (Prohibition of Onshore Hydraulic Fracturing) Bill 2016: Committee and Remaining Stages	649
Home Care Services: Motion	661

SEANAD ÉIREANN

Dé Céadaoin, 28 Meitheamh 2017

Wednesday, 28 June 2017

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

An Cathaoirleach: I have received notice from Senator Colm Burke 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 amend the current regulations under the fair deal scheme that apply to farmers who require nursing home care.

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

The need for the Minister of Agriculture, Food and Marine to outline the measures his Department has in place to support the recruitment of farm labour through the farm relief service.

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

The need for the Minister for Education and Skills to lay out the short-term and medium-term plans for Ballinteer Educate Together national school.

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

The need for the Minister without portfolio with responsibility for community and rural affairs to outline the plans in place to address delays in the processing of Leader applications.

I regard the matters raised by the Senators as suitable for discussion and they will be taken now.

Commencement Matters

28 June 2017

Nursing Homes Support Scheme Administration

An Cathaoirleach: I welcome the Minister of State, Deputy Jim Daly, to the House.

Senator Colm Burke: I welcome the Minister of State and congratulate him again. I wish him every success in his new role as Minister of State. I must deal with two people from west Cork this morning and I am sure it will make my job that much easier.

An Cathaoirleach: You should be so lucky.

Senator Colm Burke: The matter I wish to raise is the fair deal scheme and its current structure whereby someone admitted to a nursing home who is a landowner would have that land taken into account in calculating the assessment of payment towards nursing home charges. I know of two cases. One is a very sad case as a person who owned land died and the land passed back to the mother; she is now in a nursing home. She transferred the land approximately one year before she went into the nursing home but the process takes into account any land transferred within five years. The person who inherited the land has paid the full whack of inheritance tax but was not entitled to agricultural relief. That person is also now paying the full whack for nursing home charges.

In the second case, the father died and the mother got 50% of the farm while the sons got the other 50%. She developed an illness where she had to be admitted to a nursing home. They are paying €2,500 per month in nursing home charges. There is no way the land is even earning that kind of money but they are required to pay that €2,500 per month. It is in this context I raise the matter.

I have an email from the Department of Health on this issue dated 28 June 2016, believe it or not. I understood there would be some reform in the matter. I know there was a proposal from the Irish Farmers Association to apply the same rules that concern agricultural relief - in other words, there would be a devaluing of land by 90% and taking into account full value of the dwelling house. I am not sure what progress has been made and it is in that context I have raised this morning's matter.

Minister of State at the Department of Health (Deputy Jim Daly): I thank the Senator for his continued interest, assistance and guidance. I look forward to working closely with him on the matter, one of many in the health area in which he has a particular expertise and interest. As I come to terms with getting on top of my brief, I look forward to working with the Senator more closely.

The nursing homes support scheme, NHSS, provides financial support towards the cost of long-term residential care services in nursing homes and ensures that long-term nursing home care is accessible to everyone assessed as needing it. Participants contribute to the cost of their care according to their means, while the State pays the balance of the cost. The scheme aims to ensure that long-term nursing home care is accessible and affordable for everyone and that people are cared for in the most appropriate settings.

Under the scheme, an applicant will contribute up to 80% of their assessable income and a maximum of 7.5% of the value of any assets per annum. The State will then pay the balance of the cost of care. It is Government policy, as the Senator is aware, to encourage orderly succession arrangements for farms, and this is also endorsed by farming organisations. The Revenue Commissioners have a number of schemes in place designed to protect the value of a trans-

ferred family farm, such as tax relief schemes relating to capital gains tax, capital acquisitions tax and stamp duty. In most cases, early succession arrangements in families should ensure that farm assets are transferred well in advance of five years before nursing home care is required, meaning that a levy on the farm asset is avoided entirely.

It is important to note that an applicant's principal private residence will only be included in the financial assessment for the first three years of their time in care. This is known as the three-year cap. The scheme ensures that nobody will pay more than the actual cost of care and contains a number of important safeguards. For example, where an applicant's assets include land and property held in the State, the contribution based on such assets may be deferred and collected from the estate. This is the optional loan element of the scheme. It is important to note that the scheme already contains provisions for the treatment of income generating assets such as farms. In an acknowledgment that unexpected health events can occur that prevent early succession arrangements, a farm or relevant business can also qualify for the three-year cap. This applies where the person has suffered a sudden illness or disability that causes them to need long-term nursing home care; the person or partner was actively engaged in the daily management of the farm until the time of the sudden illness or disability; and a family successor certifies that he or she will continue the management of the farm.

When the scheme commenced in 2009, a commitment was made that the scheme would be reviewed. The report of the review was published in July 2015. Arising out of that review, a number of key issues have been identified for more detailed consideration across Departments and agencies, including the treatment of business and farm assets for the purposes of the financial assessment element of the scheme. In a further acknowledgement of the importance of this issue, we have committed in the Programme for a Partnership Government to reviewing the scheme to remove any discrimination against small business and family farms. An inter-departmental and agency working group has been established to progress many of the recommendations contained in the review of the scheme, including the examination of the treatment of family farm and business assets. This examination is ongoing and at an advanced stage. It is important to remember the NHSS is largely underpinned by primary legislation and any changes to the scheme will require legislative implementation. A commitment has been made to prioritise and fast-track the examination of the treatment of family farms and business and the Department of Health will bring forward changes to the legislation to deal with the uncertainty that is being felt by many farming and business families in line with A Programme for a Partnership Government commitments.

Senator Colm Burke: The Minister of State touched on the point that in the case of sudden illness, the person comes in under the fair deal scheme. The case I was referring to is a case of Parkinson's disease, which, as he will be aware, is a gradual illness. In that case, the person is now being penalised. The person who is in the nursing home obviously cannot predetermine what illness he or she gets. The person is now being penalised because of having a particular type of illness because it was regarded in the assessment as a gradual illness rather than a sudden illness.

My second issue with the current position is that even if one does not give the agricultural relief that is available under the inheritance tax, it is for an indefinite duration that the payments are being made to the nursing homes. There is no three-year cut-off point whereas there is for everyone else. It is 7.5% of the assets, but for a maximum of three years. With farmers and businesses, there is no three-year rule. It is a severe penalty. It is in that context that the issue needs review.

28 June 2017

In the other case to which I referred, where the person died with no will made, the property came back to the mother who was then admitted to a nursing home. The person who gets the farm is caught by inheritance tax and by the nursing home charges as well. It seems an extremely heavy penalty to have to pay.

Deputy Jim Daly: I thank Senator Colm Burke. The Senator clearly has a commanding grasp of this issue and I look forward to further engagement with him on it. I share the Senator's fundamental concern. There is an issue. It has been well flagged but it has not been well addressed. That is how I would sum it up. Farming families - I come from a rural constituency and am familiar with that particular challenge - and indeed families with small businesses who have worked hard and have paid their contributions along the way to the State suffer a discriminatory practice where the three-year cap is not applied to their assets but it is applied in the case of those with a principal private residences. I want to see that anomaly addressed.

As the Senator will appreciate, I am only a week in the position but I met my officials yesterday on this issue and asked them to give me a briefing on it, which they did. On the back of that, I looked for the IFA to come in and meet me which, of course, it is more than willing to do. I understand negotiations have been ongoing with the IFA. I want to conclude those negotiations soon because the issue has dragged on too long and it needs to be addressed. As the Minister of State with responsibility for this issue, I am determined to address it forthwith and I look forward to doing that as quick as I can.

Farm Relief Scheme

An Cathaoirleach: I welcome the Minister of State, Deputy Doyle.

Senator Maria Byrne: I welcome the Minister of State, Deputy Doyle. A number of young farmers spoke to me recently about the farm relief scheme. While it is positive and farmers are members of it, at present young farmers are finding it hard to get relief workers. People are not applying for the vacancies as they arise. A young farmer, who was going to a wedding one weekend, had to bring back somebody who was much older than he was to milk the cows and carry out different work on the farm. While I realise there are qualified persons who are registered with the farm relief scheme, there is a shortage of applicants for the vacancies.

It is a big issue for farmers, especially for the future. They have to reach their 2020 targets but they are concerned that with the shortage of people, between people not applying and people not responding, there will be a problem in reaching their targets. What is the Minister of State's opinions on it? Can incentives be put in place to encourage people to get involved in farming? After all, one's first reaction is to go back to one's roots. Many people came from farming backgrounds before they went into other walks of life. Addressing this issue is crucial.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): I thank Senator Maria Byrne for raising this subject which, I have to admit, is close to my heart. As somebody who is a graduate of the farm apprenticeship scheme, which, at the time, was the hard work scheme, I certainly appreciate the value of having young people trained in the area.

Human capital is one of the five themes highlighted in Food Wise 2025. It highlights the need for the attraction, retention and development of skills and talent right along the supply

chain. Investment in people is crucial for the success of Food Wise 2025 and the success of the sector as a whole. I might add that I had to leave the national economic dialogue to come here to take this Commencement matter and that an afternoon break-out session will be on the agri-food sector addressing all the challenges and that one of the five themes will be human capital.

The report identifies a number of skills gaps, including lack of advanced financial and business development capabilities, foreign language skills, and capacity to absorb new technologies and processes both at producer and processing levels. The implementation of the report recommendations on skills and human capital will be crucial if the ambition for the sector in the report is to be achieved.

Highly skilled and committed people have driven this sector for decades and the agrifood sector is embedded in our culture as a nation. In a fast changing globalised economy, the premium and advantages to be achieved by applying the most up-to-date skills and techniques, attracting new enthusiastic and trained people and the ongoing development of the skills of those already involved in the sector will allow the sector fulfil its potential.

Continuing changes to regulatory and farm compliance requirements have implications for both young farmer education and the lifelong learning requirements of adult farmers. Likewise rapid advances in the use of information technology, applied software and the use of smart applications is impacting on the farming sector and the education and up-skilling of young and adult farmers.

In November last year, the Department of Agriculture, Food and the Marine hosted a food and drinks skills workshop. This proved a useful format for informing stakeholders from the food and beverage sector, trade unions and academics of the skills gaps facing the sector, from factory workers to top executives, and gathering practical ideas of how to address these issues. A list of recommendations were agreed at the workshop and these were presented to the expert group on skills in December. The Tánaiste and Minister for Jobs, Enterprise and Innovation, Deputy Fitzgerald, and the Minister for Agriculture, Food and the Marine, Deputy Creed, launched the 2017 Report of Future Skills Needs in the Food and Drinks Sector in April.

The Department of Agriculture, Food and the Marine hosted a similar workshop on 6 April, looking at future skills needs and gaps at farm level. The workshop was held to highlight the skills gaps at farm level, the need to develop a career path for those working on the farm to use this to attract and retain talent for this sector and improve the overall perception of a career in farming. The workshop was divided into three themes, farm operatives, farmers and farm managers, and the next generation, with speakers from Teagasc, the farm relief services, progressive farmers, both male and female, and the land mobility service. Representatives from the various farming organisations, the Department of Jobs, Enterprise and Innovation and the Department of Education and Skills attended the workshop also. This resulted in a number of recommendations being made. These recommendations were presented to the Minister, Deputy Creed, at the Food Wise 2025 high-level implementation committee in May and the Department of Agriculture, Food and the Marine is currently examining the next steps for these recommendations.

The recommendations are based on the three themes of the workshop. We are all aware of the significant shortage of skilled labour on dairy farms, in particular, but also in horticulture. A solution could be a training model to provide for skills training for farm operatives as well as future farmers. Common issues identified at the workshop include better communication on career possibilities to young farmers, in particular at secondary school level; skills training needs

28 June 2017

to adapt to meet new skills gaps and new and different workforce; literacy and language support should be mainstreamed in all training; and the need for continuous professional development as part of career development.

There is no doubt that Irish farms are the bedrock on which this whole multi-billion euro sector rests. This is something we must never forget and the Minister, Deputy Creed, and I are determined to ensure, together with agencies such as Teagasc, that farming is a viable career opportunity for those who wish to pursue it. Earlier this month, Teagasc published a farm labour manual to assist farmers who are currently employing or thinking of employing a labour unit for the first time.

Senator Maria Byrne: I thank the Minister of State for his reply. More secondary schools are beginning to teach agriculture-related subjects and perhaps that is the route to follow in order that students can secure part-time employment at weekends and so on and help out on farms. It is a significant issue in the farming sector and I acknowledge the Minister of State is very much aware of it. Hopefully, it will be kept under observation.

Deputy Andrew Doyle: I thank the Senator. A long time ago when I was in secondary school, an official from the old farm apprenticeship board came to the school to give us a talk. We then went to agricultural college. County committees of agriculture, which do not exist anymore, awarded scholarships and students were informed about the different career paths and opportunities. Farming is competing on many levels to attract people to embark on a career in the sector. Between 60% and 70% of leaving certificate students go on to third level but a stream of other options is available to them, including apprenticeships. At the end of the day, farming has to be seen as a lifestyle and to be family friendly. That is why the Senator's comments about the relief service are important. I worked for a relief service many years ago in New Zealand. I was sent in to do holiday cover for a weekend, ten days, two or three weeks or to cover someone who was injured. Such could provide a second income for young people who are trying to come home until their father or mother decides to pass on the farm. It could be a transitional arrangement for some people. There are many opportunities.

School Accommodation

Senator Neale Richmond: I welcome the Minister of State to the House and I congratulate her on her new brief. Having served with her on Dún Laoghaire-Rathdown County Council many years ago, I am well aware of her passion for education. I wish her well. We enjoyed a reception in UCD last night where she more than held her own. Anyone who thinks they will have it easy with her will be surprised. Indeed, I will bear that in mind as I make my contribution.

When I was thinking about what I would say, I decided to download the speech I made seven weeks ago on this issue when the Minister for Education and Skills was present. I regret that little has changed since then and that is why I was moved to table this Commencement matter again as we reach the final week of the year in Ballinteer Educate Together national school. Classes are breaking up today, if they did not do so yesterday. The case history, with which the Minister of State will be familiar, is long. I attended the first meeting in 2010 when it was decided that an Educate Together school was needed in the greater Ballinteer-Stepaside area. We now have two schools, which are bursting at the seams and which have long waiting lists. One school set up in Stepaside has thankfully moved into excellent accommodation being built by

the Department beside Belarmine estate. However, Ballinteer Educate Together national school is in limbo. Unfortunately, I regret that its situation is not being helped by the intransigence of the Department and its silence on many issues relating to parents, teachers and the wider school community. The numbers involved in this school are increasing exponentially. It is, however, a positive school.

A letter writing campaign was initiated in September. There was another in May and again a few weeks ago. The first two campaigns resulted in more than 500 letters to the Department. The responses received were minor. I appreciate the Minister's hands are tied on this in certain respects but one or two acknowledgements do not provide answers or relief. They just increase the frustration. I will give credit to the new Taoiseach. When he was contacted earlier this month, his rapid response was welcome, even though he left the detail to the Department.

Ultimately, the school is coping with two key issues. There is no end to the planning delays on the site agreed for the permanent school, which is beside St. Tiernan's, a school I know well as a former member of the board of management. Access issues need to be resolved and parents need to be reassured that the Department is 100% committed to new permanent accommodation for Ballinteer Educate Together national school on the St. Tiernan's site with good agreed access points and all the facilities a modern, progressive, growing school in a populous area requires, which marry well with the needs of the excellent secondary school.

The interim solution is to move the school, which will provide 11 classes in September, *en masse* to the Notre Dame campus where it will co-locate with the new Gaelscoil that is moving from Clonskeagh and the remnants of Notre Dame secondary school as it eases out of existence. That is an unfortunate event but there is nothing we could do as public representatives. There is huge concern among school management and the principal that they do not know what they are moving into in September. They had one or two welcome meetings on-site with departmental officials. I have eight pages of questions that were put to them, which have yet to be answered. When the intention is to move an entire school to a new facility in such a short time, that adds to the stress and concern and it puts work on people whose job it is not to do this.

Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor): I thank the Senator for raising this matter as it gives me an opportunity to outline to the Seanad the current position on the temporary and permanent accommodation for Ballinteer Educate Together national school. The school is located in temporary accommodation at St. Tiernan's community school, Balally, Dublin 14. The school currently has nine mainstream classes, which will increase to 11 mainstream classes in September 2017. As the Senator will be aware, my Department recently completed the purchase of the Notre Dame campus located on Churchtown Road, Dublin 14. The campus will be used to facilitate temporary accommodation for the Ballinteer school from September 2017, pending completion of the permanent accommodation for the school at the St. Tiernan's site. The Notre Dame campus will also facilitate the permanent accommodation for Gaelscoil na Fuinseoige.

11 o'clock A technical assessment was carried out by my Department in order to accommodate the schools concerned as well as the phasing out of the post-primary school on this campus. It is clear that there is sufficient accommodation on the campus for all schools. Following completion of the technical assessment, the Department of Education and Skills outlined its proposals for the accommodation of the three schools on the Notre Dame campus and for the most part this was positively received by patron representatives and the school princi-

pals. The Department is examining some issues which have been raised following this meeting and will be in touch with the schools again this week in this regard.

I know that there is a long history with this. In December 2012, as Senator Richmond is aware, outline planning permission to provide a permanent school building for Ballinteer Educate Together national school was submitted to the relevant local authority but was refused on the grounds of site access. This was appealed by my Department to An Bord Pleanála but subsequently withdrawn to facilitate submission to the local authority of an amended outline planning permission in 2013, which was also refused on similar grounds. This decision was appealed by the Department of Education and Skills to An Bord Pleanála but was refused. However, the board considered that the matter of assessing alternative means of accessing these lands would benefit from a co-ordinated approach by my Department and the planning authority in the interests of achieving a comprehensive and balanced solution to ongoing access issues on this educational campus.

As the Senator will appreciate, this is a complex planning issue and my Department has approached and met with all of the relevant parties including the council, the schools and third-party landowners with a view to finding an acceptable solution to the access issue. All aspects are being progressed in close liaison with the local authority and it is imperative that all of this work is done to the satisfaction of the council in order to ensure that a third planning application is successful. I assure the Senator that my Department is fully committed to bringing this project to a satisfactory conclusion as soon as the planning issues have been resolved.

Senator Neale Richmond: I am grateful to the Minister of State for taking the time to respond on this matter. I am enthused. It is good to hear such firm commitment from the Department that it remains committed to the long-term location of Ballinteer Educate Together national school at St. Tiernan's. It is an excellent site and will make such a difference, not just to the lives of the pupils but also to the community at large. I would ask two things of the Department and would appreciate if the Minister of State could feed them back. First, that the many letters that were sent nearly a month ago would receive replies. I have seen the three questions asked and could answer them myself. It probably would not be the answers that the people writing would want. To let them go unanswered with one or two acknowledgements of receipt sent out every so often is not good enough in this era, when we expect a level of responsibility from the organs of government.

Second, I encourage the Minister of State to put pressure on the officials in her Department to work very closely with the principal in question. A lot of responsibility and extra pressure has been put on one individual, supported by excellent volunteers, during her holiday break to put in place an entire school in a new location in a very short period. The principal needs a lot more than occasional meetings and one or two kind words. She needs a lot of help.

Deputy Mary Mitchell O'Connor: I will give Senator Richmond a commitment that the letters will be replied to by Department officials. I am very understanding of the work that the principal is going to have to do during the summer. I did a number of projects myself as a school principal. I can only imagine the logistics involved in moving classrooms and all the possessions of a school. I will ask and make sure that our officials are working closely with the principal. We will also keep the pressure on to make sure that we get the planning permission for that site at St. Tiernan's school. I am aware that the Senator has raised this matter a number of times and has asked me for advice in my other role as to how it can be done. He has been on this project for a number of years.

Leader Programmes Administration

An Cathaoirleach: I welcome the Minister, Deputy Michael Ring. I wish him well in his new role following his promotion. It is great to see camaraderie between two Mayo people. Ar aghaidh leat, Senator Conway-Walsh.

Senator Rose Conway-Walsh: I will share my time with my colleague, Senator Ó Clochartaigh.

An Cathaoirleach: I will stop Senator Conway-Walsh at three minutes and Senator Ó Clochartaigh will have one minute.

Senator Rose Conway-Walsh: Thank you. I congratulate the Minister on his new position. We are happy in Mayo and in rural Ireland to have somebody at the Cabinet table. There are huge expectations of the Minister and a lot of issues to be dealt with. I wish him well in his work. It is important for us all to work together.

I thank the Minister for coming to the House to address the very serious issue arising from the implementation of the 2014-20 Leader programme. He will know that all is not well in Leader-land. From 1992 to 2016, the programme was very successfully delivered by local development companies. He will also be aware that I worked for one of them myself, South-West Mayo Development Company, for many years.

The current Leader programme was launched on 31 July 2016, and was allocated €220 million to address poverty reduction, social inclusion and the economy of rural areas. A decision was made by the Minister's Government that the Leader programme would be delivered under the local authorities. This was in spite of thousands of people gathering in community halls and hotels all over the country to tell it that its decision was wrong and that it was trying to fix something that was not broken.

A number of issues are now arising as a result of this decision. First, the level of grant approvals at national level is extremely low although we are now 11 months into the programme. By way of comparison, I cite a mid-west local action group that, in previous iterations of the programme, at this stage in the process had spent €1.4 million of the grant aid. Under the current programme the same group has only spent €6,600. Another group had allocated €1.7 million by this point in the previous programme, yet in the current cycle, no grants have been finalised at this stage because of all the bureaucracy involved.

The estimated minimum timeline for the promoters seeking grant support from the expression of interest to the grant contract stage is now around nine months. This is totally unacceptable. The programme administration workload has trebled, reducing time for front-line staff to support communities and entrepreneurs to engage with the programme. The Minister's Department is contracting Pobal to audit 100% of the programme expenditure. This is unprecedented. The previous administration checks were carried out very effectively by local development companies. That is evidenced by the low level of ineligible funding in the 2007-13 programme, when it was at only 0.5% and incurred no additional cost. In reality, the local development companies continue to undertake the checks, passing them on to local authorities who, in turn, pass them on to Pobal for triplicate checks. The cost of this function may end up becoming very significant.

There are a couple of actions that the Minister can take. He can reduce the administration

levels by identifying a lead Department to streamline the Leader funding to local development companies. He must utilise the available option of the simplified cost as well. It will enable Leader to focus on communities and achievements in the local development strategy. He must remove the expression of interest above all. I know there have been attempts to do so but it has not been done. It adds three months to the application time for promoters and is not working. The Minister must also remove the additional public procurement requirements, to streamline anything under €100. Travel and subsistence must be included because, again, there is huge bureaucracy surrounding that.

An Cathaoirleach: The Senator has used her four minutes so Senator Ó Clochartaigh is excluded.

Senator Rose Conway-Walsh: I have five minutes.

An Cathaoirleach: No. The Senator has four. Many Senators on Commencement matters take five minutes but they should not. I will give Senator Ó Clochartaigh a few seconds.

Senator Trevor Ó Clochartaigh: I congratulate the Minister on his appointment and echo Senator Rose Conway-Walsh's sentiments. We are seeing the same problems happening in County Galway. A particular issue I would like the Minister to look at is Leader on the islands, the reorganisation of the Leader companies and the fact that the islands have now been separated and not been given a specific Leader budget. This is a particular disadvantage to the islands. It did not make any sense and it needs to be looked at, so perhaps the Minister could do so. There are issues in Galway which we might raise with the Minister again, but the issues Senator Conway-Walsh raised are being felt across the country in many rural areas.

An Cathaoirleach: I thank the Senator for his brevity.

Minister without Portfolio (Deputy Michael Ring): I thank the Cathaoirleach and the two Senators for their good wishes. I look forward to working with them. This will not be a simple job but, at the same time, I have a role and a part to play. I have a seat at Cabinet, and whatever I can do for rural Ireland I will be there to do it. The first problem I inherited when I took over this job was this issue. I will read out the official response but then I wish to make a few further comments.

The Leader programme is a key part of the Government's Action Plan for Rural Development and has the capacity to deliver significant outcomes for rural areas. Leader funding is managed and delivered by local action groups in each of the 28 Leader subregional areas around the country. The Leader programme funds projects under policy themes related to economic development, enterprise development, social inclusion and the rural environment. In total, €250 million will be invested in Leader over the period up to 2020, and one of my priorities in my new position will be to ensure that this funding is delivered to the rural communities and businesses that need it. The programme is co-financed by the European Union to the value of €157 million and is subject to EU regulatory provisions governing rural development funding. It is important, therefore, that appropriate checks and balances are in place to ensure that the funding is delivered correctly.

In light of a number of serious issues that arose in the delivery of the previous Leader programme, my Department has made some administrative changes to the programme to safeguard the public funding invested through Leader. These changes will ensure Ireland's continued sanction by the European Union to deliver the Leader programme. At the same time, the

Government wants to see the Leader programme implemented as efficiently and effectively as possible, and I am aware of concerns regarding some of the administrative procedures related to the programme and the processing of applications. In this regard, on 17 May last, my predecessor hosted a forum with participants from all of the local action groups and local development companies delivering the Leader programme to explore the issues of concern to them and identify potential solutions aimed at streamlining the current administrative and application procedures. The forum, which was attended by more than 70 people, was very productive and participants identified a number of areas where they felt procedures could be streamlined and where the burden on project applicants could be reduced. As a result of the contributions made at the forum, a list of programme modifications has been developed to improve the delivery of the Leader programme and these have been communicated to all the local action groups and local development companies. In total, I am committed to implementing 31 actions - 31 changes - to improve the administrative procedures relating to the Leader programme. These actions represent a very comprehensive response to the issues raised and the solutions identified by the participants at the forum.

The two Senators are correct in that I want to see this Leader funding administered, I want to see the money spent and I want to see it streamlined. I have given a commitment now that I will monitor this from week to week. The Senators are quite correct that the funding is in place. We want to get it out to the areas that need it and to the people who have made the applications. We have made 31 changes and I am told that these companies are all happier now. I hope we will now see a big improvement in the roll-out of the number of applications that have been received, but I want to see the roll-out of money, I want to see the money spent and I want to see some of it spent before the end of the year.

An Cathaoirleach: That is a very strong commitment. I ask Senator Conway-Walsh to be brief. I think Mayo will win the All-Ireland after this.

Senator Rose Conway-Walsh: I am in daily contact with Leader companies. I need to make the Minister aware that even some of the promises regarding expression of interest, Article 48 and procurement issues that were made during those meetings are being rolled back on and I ask him to look at this again. He will also be aware, looking at the whole programme, how much the funding has been cut. Even if we take Cork alone, the original programme was €49 million, it is down now to €13 million and in Mayo we lost out on €9 million. We need to look at the amounts of money each implementing partner has because they do not have sufficient money and there should be a cap on that so that at least each company gets €5 million in order to be able to do its work. I will work with the Minister in every way I possibly can on this programme. He knows what happened to us under Fianna Fáil and Meitheal Forbartha na Gaeltachta. We were left for years with no Leader programme whatsoever. I want to see this succeed as much as the Minister does.

Deputy Michael Ring: I do not disagree with anything the Senator says, and I am not just saying that. I will give you two figures, which are really upsetting. Sixty-three projects have been approved to date, with €1,116,000 delivered. Whatever funding we have now - we have the funding, and I cannot go back on the funding we have - I want to see it spent. Senator Conway-Walsh is quite correct. I want to see the programme rolled out and I want to simplify it as much as I can. I will be monitoring this but I have no direct control over the applications and so on. Regarding the way it is administered, I have a responsibility to Government and to Europe but, at the same time, I want to see the money spent.

28 June 2017

Senator Rose Conway-Walsh: Will the Minister's Department be the lead Department for Leader? Perhaps he could clarify that.

Deputy Michael Ring: We are the lead Department and I have responsibility for the Leader programme.

An Cathaoirleach: I have been very fliaithiúlach with the Members.

Sitting suspended at 11.15 a.m. and resumed at 11.35 a.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, Private Members' business, the National Housing Co-operative Bill 2017 – Second Stage, to be taken at 12.45 p.m. and if not previously concluded to adjourn after 105 minutes; No. 2, Petroleum and Other Minerals Development (Prohibition of Onshore Hydraulic Fracturing) Bill 2016 - Committee and Remaining Stages, to be taken at 3 p.m. and to be adjourned not later than 5 p.m. if not previously concluded; and No. 3, motion 35(24), Private Members' business, to be taken at 5 p.m. with the time allocated for this debate not to exceed two hours.

Senator Catherine Ardagh: I raise an issue that I raised in this House before and that is the dangers of cycling on our roads. So far this year five cyclists have died on our roads, including the much loved principal of St. Louis Senior Primary School, Mr. Pádraic Carney. Last week he died on his way to work at the age of 53. Earlier this month the international consultancy firm, Copenhagenize, removed Dublin from its index on the world's 20 most friendly cities. Cycling is increasingly popular in this city. The explosion of community bike schemes, such as Dublin Bikes and BleeperBikes, have added to that. Cycling is healthy, inexpensive and environmentally friendly. We, in Fianna Fáil, believe that this type of sustainable transport needs to be supported properly, which ultimately means more investment. The UN recommends that 20% of a national transport budget should be allocated to cycling and walking yet this Government spends just 2% of its overall transport spending on them. We need to ensure that the capital's roads are safe for anyone who wishes to cycle and make cycling deaths a thing of the past.

I wish to refer to the social media app called Snapchat. The app allows people to send messages or pictures to each other that disappear after a certain period. Snapchat has added a new modification called Snap Map. I ask parents to be vigilant with their teenagers and children who use Snapchat and, more particularly, Snap Map. Essentially, Snap Map allows users to locate a person on a map in real time. Snap Map will broadcast one's exact location to anyone on one's list of friends each time one opens the app. In reality, we know that many users of Snapchat, especially children, will have people on their list of friends who they do not know or have never met in reality. I am concerned that this new technology may put children in a very vulnerable situation where they inadvertently broadcast their location. The function clearly has the potential to put children at risk. I encourage parents to urge their children to use the opt-out option for Snap Map so that their children's welfare is safeguarded and protected.

Senator Victor Boyhan: I would like to raise three issues today. The first issue relates to Stormont and the looming deadline for power sharing with the DUP, principally the DUP and Sinn Féin. Second, I wish to refer to the Irish seafood sector, particularly because Seafest 2017 will be launched tonight. The Minister for Agriculture, Food and the Marine will host a special

conference in the Radisson Hotel in Galway tomorrow morning. I shall attend the conference and I have no doubt that other Senators will also attend. Third, I want to briefly talk about the Intoxicating Liquor (Amendment) Bill 2017.

I shall kick off by discussing the Irish seafood export market. I ask the Leader to organise statements on the Irish seafood exports strategy. The Irish seafood industry is worth over a phenomenal €1 billion annually; I got the figure from the Department yesterday. Also, approximately 2,000 registered commercial sea fishing vessels traverse Irish waters and there are 161 seafood processing countries within Ireland. All of that proves it is a huge sector. The top five countries that Ireland exports fish to are Nigeria, France, the UK, Spain and Italy. There is a need for us to home in on the seafood export strategy so I ask the Leader to arrange a debate or statements on the subject.

As we all know, the deadline for crucial talks on Stormont is tomorrow. There are issues with the Irish Sign Language, equality issues in terms of same-sex marriages and other stumbling blocks. There is also the issue of having a bill of rights for the people of Northern Ireland. I hope that all of the issues can be overcome. They are important issues for us in the South and, equally, they should be important for us in the North of Ireland. I wish all parties every success with the talks. A successful outcome is in everyone's interest, in particular the island of Ireland's interests.

Finally, I wish to discuss the Intoxicating Liquor (Amendment) Bill 2017. My colleague, Senator Billy Lawless, has been very proactive in terms of the Bill and has asked me to raise the matter yet again. I know there was an oversight yesterday in the schedule. I ask the Leader to confirm what Stage the Bill has reached and when the amendments will be published.

Senator Rose Conway-Walsh: I thank Senator Boyhan for his comments about how important the Stormont negotiations are at this crucial stage. Obviously we want agreement. As the late Martin McGuinness said from the beginning, we want an agreement based on equality, parity and fairness. That is what we are fighting for on an hourly basis with the hope the institutions can get back up and running again to do the job that they need to do for all of the people across the North.

Today, I want to raise the issue of waste charges, which is an issue that the Sinn Féin team raised in the first weeks of this term. Sinn Féin tabled a motion that would prevent a situation whereby households would be forced to switch over to a new charging system that would result in dramatic price increases. We also asked for the retention of bags and labels for anyone who disposed of very little waste. We did so because we viewed a one-size-fits all per kilo weight charge as impacting on lower income families more severely.

The Minister for Communications, Climate Action and Environment has mentioned in his departmental press release that there had been an increase in waste sent to landfill in the past two years. There was no mention of the need for industry to reduce the amount of waste sent to landfill. There also needs to be a reduction in waste produced at the wholesale level. Those responsible for producing massive amounts of packaging need to pay their share. It is clear that domestic households cannot be entirely responsible for such a large increase in the volume of landfill waste. Sinn Féin's motion contains protections for those on low incomes. It has all happened in the context of the announcement that bands for charging, rather than a flat rate, will be introduced. There are many families with large numbers of children, including children in respect of whom additional waste is produced, who are worried about what this will mean for

them. They have been left to rely on competition within the private sector to ensure they will not see an increase in their waste disposal charges. I urge the Minister, Deputy Denis Naughten, to re-examine this issue and provide the necessary assurances. Will the Leader ask him to come to the House to discuss this important issue and the measures that can be introduced to protect low income families?

Senator Alice-Mary Higgins: First, I draw the attention of the House to a report which was recently laid before the Houses of the Oireachtas by the Joint Committee on Social Protection, of which other Senators and I are members. It is an important report which deals with the position and treatment of lone parents in Ireland. Will the Leader provide time for a debate on it and its concrete recommendations? Members will be aware of the information emerging on the Bessborough home. As acknowledged in the report, the State has a poor historical record in the treatment of lone parents and their children. It is important that this be recognised and that we ensure current policy is serving the best possible outcomes for lone parents and their children. As we know, we are currently not delivering, given the extraordinary high levels of child poverty among lone parent families. The report makes concrete recommendations which reference the provision of support, rather than conditionality, in terms of engagement in employment; an extension of eligibility for the jobseeker's transitional payment until a child reaches 18 years of age; access to education; case worker support; monitoring and setting real targets for education completion; a reduction in poverty among lone parent families and, importantly, proposals in respect of the payment of maintenance. The unfortunate reality in Ireland is that many lone parents live in fear that their payments will be reduced because of the non-receipt of maintenance payments. We need to move away from this towards an efficient and appropriate State system. As I said, there are concrete proposals made in this excellent report which has received cross-party support. I reiterate my request to the Leader to provide time for a debate on the report and the constructive proposals made therein on supporting lone parents and their children and how we might move forward in that regard.

On the sustainable development goals, a ministerial meeting on the issue is scheduled to take place towards the end of July. Will the Leader ask the Minister to come to the House to update us on the position Ireland will be taking and the messages it will be sending on its delivery of and in support of other countries' delivery of the sustainable development goals. The Leader might allow a brief debate in advance of the high level meeting.

Senator Aodhán Ó Ríordáin: I inquire about the status of the School Admissions Bill. On the anniversary of publication of its school admissions Bill to deal with the baptism barrier, the Labour Party is dependent on the Government to allow Government time to allow the Bill to proceed. It is not offering a perfect solution in dealing with the baptism barrier but it would prioritise geography over religion in school admissions. The Government's Bill is a classic case of bending the knee to powerful interests, including the Catholic Church and the fee-paying school body, in that it completely side-steps the baptism barrier issue and allows the continuation of the right of children of past pupils of fee-paying schools to attend the school attended by their parents.

In its Bill the Labour Party proposes that 10% of the school body be made up of such students but Fine Gael believes the figure should be set at 25%. Any rational thinking person would not allow such a provision to be included at all. It is unbelievable a school would demand that a particular number of children of past pupils be accommodated. How is a student whose parents did not attend second-level education to gain admission to a school? Such students should not have to compete for a place with a student who has an absolute entitlement through a royal

blood line to attend a school. Will the Leader ask the Minister for Education and Skills to come to the House to discuss the status of the Government's watered down School Admissions Bill and the Labour Party's Bill which was published this day last year and would deal in some way with the baptism barrier? While it would not do so to the satisfaction of many, it seeks to improve the position by prioritising geography over religion. This is an issue that affects a huge number of children in the State. When it comes to vested interests, Fine Gael always bends the knee. There is no reason the Labour Party's Bill cannot proceed to the next Stage. I implore the Leader, therefore, to encourage the Minister for Education and Skills to come to the House to enable us to discuss the matter further.

Senator Maria Byrne: I welcome the announcement made by the Minister of State with responsibility for the Office of Public Works, Deputy Kevin Boxer Moran, on free access to cultural and heritage sites for all children under 12 years. This is a very positive move. Children are the future of the country and it is important from an educational point of view to instil a love of culture and heritage in them. I would like to see other organisations which offer the same type of service, be they private or public, similarly allow free access to young students to encourage a love of culture and heritage.

Senator Robbie Gallagher: I raise the issue of farm safety in the context of the regrettable decision to slash the farm safety budget for 2017. The decision taken by the Health and Safety Authority to cut the budget by 25%, from €384,000 last year to €287,000 this year, is alarming and very hard to fathom when one considers that, so far this year, unfortunately, there have been 13 fatalities in the agriculture sector. Of the 45 fatalities last year, 16 were in the agriculture sector. Those of us who grew up on a farm know that it is a great place in which to grow up but a dangerous place in which to work. As I said, the decision by the Health and Safety Authority is regrettable. Will the Leader raise the issue with the Minister for Agriculture, Food and the Marine with a view to having it reversed?

I congratulate everyone involved in the John West Féile Peile na nÓg hosted by counties Cavan, Monaghan and Fermanagh over the weekend. As Members will be aware, it is a club football competition for all children under 14 years of age and more than 6,500 children and their families visited the three counties mentioned. I compliment and congratulate the GAA clubs in the three counties for the hospitality showed to their guests. I have spoken to a number of guests from different parts of the country and they were extremely happy with the event. The weather was good and they had a very enjoyable time.

I second the proposal made by Senator Rose Conway-Walsh on bin charges. It is regrettable that one year on from the last controversy there is total confusion about what the charges will be for consumers. The Minister, Deputy Denis Naughten, needs to get his act together and come to the House to explain how much extra people will be charged. He has admitted that there will be additional charges, which is regrettable. As there is a great deal of confusion and anger about this issue, will the Leader ask the Minister to come to the House to update us on the matter in order that we can update our communities?

Senator Marie-Louise O'Donnell: I want to raise two issues. I would like a guarantee from the Leader of the House that the Judicial Appointments Commission Bill 2017, perpetrated by the Minister for Transport, Tourism and Sport, Deputy Shane Ross, will not be guillotined in this House. If I do not get this guarantee I will call a vote in the House on it today. It is a very serious Bill, which has caused extraordinary disarray between the Judiciary and politicians. It is absolutely outrageous. It might have been done on the precipice of a wing, in

the sense that Fine Gael had nowhere else to go with it and had to commit to it. It is not coming from a centrality of purpose, at least I do not feel it is, but that is for my argument. I would like a guarantee from the Leader that it will not be guillotined. I do not care if it does not come here until September or October or whenever, but whenever it does it should not be guillotined.

Equally as serious, and anybody living on the other side of Longford should listen to this, the former chairman of the Western Development Commission, Mr. Paddy McGuinness, told the Oireachtas Joint Committee on Arts, Heritage, Regional, Rural and Gaeltacht Affairs he was resigning because of frustration with Departments, the Government and the commission. He was not given his enhanced role. There were turf wars. There has been no board in place since February 2014. He said what is happening is absolutely appalling. He said in spite of the good work done by the Western Development Commission the region is actually failing and falling further behind and things are not being delivered.

He said the final straw was the handling of an allocation of €2 million in 2015 to develop a pilot strategic regional development office. We all speak about the development of the west of Ireland. Here is a man who was the director of the commission and who has resigned. The moneys were appropriated as capital expenditure. The proposal did not need nor could use capital expenditure, but over 18 months of representation he failed to have the funds transferred to current expenditure. As a result, no progress has been made on an exciting initiative, and to date not a cent of the €2 million has been spent. The Minister, Deputy Ring, is without portfolio but is supposed to have a portfolio for rural Ireland. I ask that he come to the House and tell us exactly what is going on with the Western Development Commission. What will happen Mr. Paddy McGuinness? Who will listen to him? What happened when he was the director and what is going on? As far as I am concerned it is all window dressing and no reality.

Senator Frank Feighan: I concur with Senator Gallagher's remarks on Féile. My secretary brought a young team to Féile and he was in Derrygonnelly in Fermanagh. He waxed lyrical about the great welcome they got. It is nice to hear such goodwill being spoken about.

On many occasions before Brexit I raised the issue of the European Medicines Agency located in Canary Wharf in London, and that if Brexit happened those 700 or 800 high-quality jobs would have to move away from the UK. I have called for this for the past year. The financial regulator and the European Medicines Agency must come to the island of Ireland. I also believe they must come further west, exactly what Senator O'Donnell has said, and I call for the 700 jobs to be located at the MBNA facility in Carrick-on-Shannon. This is where they should go. I ask the Minister to come to the House and give us an update on where those jobs will go. Are they coming to Ireland? Does he envisage they will go west of the Shannon where they are badly-needed in Carrick-on-Shannon?

Senator Trevor Ó Clochartaigh: It is something I do not often say, but I totally and utterly concur with what Senator Marie-Louise O'Donnell said about the Western Development Commission. I was at the committee meeting and she is absolutely correct. We certainly need a hearing on it.

Bímid anseo ó lá go lá agus muid ag labhairt as Gaeilge. Bíonn an fhoireann bhreá díograiseach i Rannóg an Aistriúcháin ag obair linn ag cur leagain Bhéarla ar fáil don dream nach dtuigeann Gaeilge ó dhúchas, ach tá fadhbanna sa rannóg sin, de réir cosúlachta, maidir le cúrsaí foirne agus mar sin de. Sílim go bhfuil sé tábhachtach go bhfaighimid ráiteas ón Aire atá ag plé le Comisiún Tithe an Oireachtais maidir le céard atá ag tarlú ansin. There is an issue with the

translation department, it would appear. There are a number of unresolved HR issues. There are implications as regards the translation of the legislation we pass in the Houses. It is important that we get an update on the implications of the translations, or the mistakes allegedly made in translations, as to how that actually-----

An Cathaoirleach: This issue is a matter for the Houses of the Oireachtas Service. It has nothing to do with the Leader or the Government.

Senator Trevor Ó Clochartaigh: But the actual translation of the Bills we are passing certainly does.

An Cathaoirleach: I accept that, but there is a system and it is not appropriate. It is a HR issue and the Leader is not in a position to respond, as I understand the rules, and the Government has no responsibility for it. It is a matter for the Houses of the Oireachtas Service. I do not know how the Senator can raise it.

Senator Trevor Ó Clochartaigh: It certainly has impacted on the work of the Houses and I raise it as an issue-----

An Cathaoirleach: I do not deny that, but the problem is the Leader cannot answer on it.

Senator Trevor Ó Clochartaigh: The point I am making-----

An Cathaoirleach: I am trying to protect him.

Senator Trevor Ó Clochartaigh: I take the Cathaoirleach's point and his guidance on it. The point I was making before he interjected was that there are implications as regards the translations of the legislation coming through. We are told mistakes have been made in the translations. These are legal documents based on debates-----

Senator David Norris: The Irish version takes precedence.

Senator Trevor Ó Clochartaigh: Yes, in certain cases and clarification is needed. I ask the Leader to give us clarification on what implications there are for the legislation that has been passed. How many mistakes have been made? What are the legal implications if people were to try to vindicate their rights to the courts?

Bhí go leor cainte ann maidir leis na cainteanna ó Thuaidh agus aontaím leis an tSeanadóir Boyhan. Ceann de na príomhrudaí atá á éileamh ag Sinn Féin sna cainteanna ó Thuaidh ná Acht na Gaeilge. Tá Acht na Gaeilge á lorg ag daoine eile - pobal na Gaeilge ó Thuaidh agus mar sin de. Cá seasann an Rialtas ar Acht na Gaeilge ó Thuaidh? Where does our Government stand on trying to have an Acht na Gaeilge as part of the ongoing negotiations in the North? Will the Government make a positive statement in this regard? I congratulate the new Minister of State with responsibility for the Gaeltacht, Deputy Joe McHugh, on his appointment. I would welcome a hearing with him, possibly before the summer break if possible ar cheisteanna na Gaeilge agus na Gaeltachta agus, go háirithe, ar Acht na dTeangacha Oifigiúla.

Senator Terry Leyden: The Constituency Commission Report 2017 has been published.

An Cathaoirleach: It is only recommendations and legislation will be introduced by the Government.

Senator Terry Leyden: I accept that, and from my vast experience-----

An Cathaoirleach: I do not want a debate on it today. I am making this clear.

Senator Terry Leyden: From my experience here there will be no changes. That is what I have seen over the years. There is profound shock in north Roscommon and the Boyle area as 7,800 members of the population will be brought into the constituency of Sligo-Leitrim. The area has 18 electoral divisions that will go from Roscommon to Sligo-Leitrim, including urban and rural Boyle, Ballyfarnan, Keadue, Cootehall, Crossna, Rushfield and Rockingham. This will break up and divide our county. It is against the principle of the commission. It breaks all the rules. The commission has brought the constituency of Mayo back to one county. It states it received submissions. There will not be another review until 2021.

I represented Roscommon in 1981, which is 36 years ago, when County Roscommon was brought back into one constituency, along with an area of east Galway. Efforts have been made in the past by Governments to divide the county with regard to transferring Monksland to County Westmeath. This was thwarted by the will of the people of Roscommon.

I do not think we can change these recommendations, quite frankly. They have all been accepted. On behalf of the people of north Roscommon I am gravely disappointed. It is an area that will be disenfranchised from the rest of the county with regard to developments, progress and representation in Dáil Éireann. It is a blow, let us be quite frank about it. It is the area of County Roscommon that elected Count Plunkett in 1917. It has a proud tradition of electoral support and it created the first Sinn Féin independent Member of Parliament. The people feel very let down, aggrieved and disappointed at what has happened. One Member of the House has already stated he will run in another area, but that is another day's work.

An Cathaoirleach: Sin scéal eile.

Senator Catherine Noone: I raise the issue of a survey carried out by the Royal Society for Public Health, which revealed that four of the five most popular forms of social media harm young people's mental health. Instagram has been pinpointed as the most damaging to young people's mental well-being.

According to the survey of almost 1,500 people it is deepening young people's feelings of inadequacy, anxiety, depression, insomnia, loneliness and fear of missing out. The survey concluded that Snapchat, Facebook and Twitter are also harmful. Among the five, only YouTube was judged to have a positive impact and the other four platforms were deemed to have a negative effect. According to participants they can exacerbate the body image worries of children and young people and worsen bullying.

As legislators we must ensure social media firms take more responsibility for their users. Measures such as pop-up images to warn young people when they have been using the Internet a lot should be introduced. With Instagram and similar platforms, young girls in particular who are comparing themselves to unrealistic and digitally manipulated images should see a pop-up alert indicating that these photographs have been "photoshopped", along with other measures. In the next few weeks we will perhaps be trying to get legislation finished, but I ask the Leader that in the new term he would prioritise discussion on the effect of social media on our younger people.

An Cathaoirleach: I call Senator Norris.

Senator David Norris: Thank you. I thank the Leader.

An Cathaoirleach: I am sorry if I surprised you.

Senator David Norris: I have gotten rather deaf, I am afraid, so I did not quite hear my name. I thank the Leader for providing me with Private Members' time, in which I will introduce the National Housing Co-operative Bill 2017. It deals with the biggest problem to face this country, and people have not yet woken up to it. There will be an enormous number of people dispossessed from their homes by vulture funds unless the Oireachtas acts. I ask my colleagues, even if they have not considered speaking, to come and speak briefly to show support for this Bill. In the interests of the Irish people it is time we put a stop to evictions.

I support the comments of my colleague, Senator Boyhan, on the power-sharing and coalition talks in the North of Ireland. The Democratic Unionist Party, DUP, has concluded an agreement with the British Government and the party is now hanging fire over the Irish language Bill. An increasing number of people in Northern Ireland are enthusiastic about the Irish language. It is good and it does not do the slightest harm. I do not know what the DUP's problem is with it. Apparently it wants to introduce parallel measures for what I can only describe as Orange slang, as it is not really a language at all. If that keeps the party happy, why not do it? Why would Sinn Féin not accept it if the Presbyterians wish to gabble at each other with these funny words? Away with them, as it does not do anybody the slightest bit of harm. There is no excuse whatever on the part of either Sinn Féin or the Democratic Unionist Party not to get an administration up and running in Northern Ireland.

Senator Pádraig Mac Lochlainn: The outstanding issues for finding a resolution in the North include an Irish language Act. We should remember there is a Welsh language Act and a Scottish language Act in place. Along with the bill of rights, these are issues outstanding from the Good Friday Agreement that we all speak of but which has not been implemented fully. There is also the matter of lesbian, gay, bisexual and transsexual rights. I have watched with great interest the response of the British media and commentariat, who have all of a sudden discovered the policies of the DUP in recent times. It is those very policies that we wish to deal with and ensure we can have a genuine rights-based society in the North of Ireland. I hope we can achieve that.

I rise to speak about the report of the expert panel on concrete blocks. I am sure the Leader is familiar with this report and the topic was covered again on RTE's "Prime Time" in recent days. According to the report, up to 5,000 private homes - I believe it could be more - in Donegal could be affected. It is devastating. The home is the biggest purchase by a family or individual and it is repaid over decades but these homes are falling apart. There are hundreds of homes in Mayo affected, as well as the homes and council houses in Donegal. It is a profound crisis. As the Leader knows, there is a very good precedent in the pyrite redress scheme.

I ask for a debate as this is a very important issue. It is correct that there were many debates in the Dáil on the pyrite problem and that culminated in the redress scheme. I ask the Leader to set aside time in this Chamber for a debate on this report. We need a redress scheme for families. There was a profound failure in building control and in the self-regulation of the building sector. The State failed our citizens profoundly and we cannot walk away and let the houses crumble in front of these people. It is a devastating matter. Not a week goes by in which I do not speak to a family in my home county about what is happening. I can also tell Members about similar problems in Mayo. Will the Leader confirm today he will set aside time for a de-

bate on this very important report? Will he bring the Minister before us and impress upon him the urgent need for a redress scheme?

Senator Colm Burke: I support Senator Norris and his Bill. I am not necessarily supporting the Bill completely but it is an issue with which we must deal. There are over 32,000 families with difficulties repaying mortgages. Their financial position has not changed a great amount in the past few years and we now need to deal with the issue. We have a new problem in that with the flotation of shares in AIB, the bank is going to come under much pressure over the next 12 to 18 months to offload mortgages so as to look after its new shareholders. We have an obligation to householders and I specifically mean people's family homes; this is not where it is a second or third house. We must have a serious debate on the matter and I welcome the Bill. Unfortunately, I will be tied up at the health committee as we have representatives of the Health Service Executive before us once every three months. I also want to hold them to account today as there are a number of issues where I am not happy with the replies I have received. I may not take part in the debate on the Senator's Bill but I thank Senator Norris for bringing it forward.

An Cathaoirleach: There will be an hour and three quarters of debate on the National Housing Co-operative Bill proposed by Senator Norris. There will be time enough this evening, which is the point made by the Senator.

Senator Paul Daly: I raise the matter of farm safety which, coincidentally, my colleague, Senator Gallagher, raised already. This is indicative of the severity of the matter as we did not communicate before we raised it. Unfortunately, in Clare yesterday evening there was another farm fatality and I take this opportunity to extend our sympathies to the bereaved. This farm accident brought to 14 the number of deaths on Irish farms this year. Recent Health and Safety Authority statistics state the risk of fatality working in a farm place is ten times that of any other occupation. I am aware that under the chairmanship of the Cathaoirleach and with Senator Conway as rapporteur, there was a report completed by a previous Seanad. I do not know where that report is sitting and it is high time for us to address the matter again. We had a cross-party Seanad committee on Brexit and we have cross-party arrangements or meetings on various matters. If there were 14 fatalities in six months - unfortunately, it is an annual pattern - in any other area, we would all be up in arms. For example, how would we act if the deaths were a result of terrorism? There would be committee meetings, legislation and action taken.

Farm Safety Week will be upon us shortly, the Minister will come in and we will all get the opportunity to make statements. We will pay lip service and when Farm Safety Week ends, we will all appear to move on. At the same time, there will be 14 fatalities in a six-month period. We need to address this very important issue and I would like the House to lead on it. It may follow up the previous report. Reports are fine but they seem to end up on shelves. We need an action plan to see what can be done.

Senator Gallagher mentioned the farm safety budget and it is disgraceful that it has been cut. I do not condone the cut but it is not always about money. The existing budget was not working so perhaps money is being spent in the wrong areas. Perhaps it is not being spent efficiently and there may be cheaper ways of tackling the problem through awareness campaigns and education. It is a very important matter. As I stated, if 14 Irish people were killed by means other than farm accidents, we would hear much more about it.

Senator Máire Devine: I want to raise the issue of Grenfell Tower again. The Minister for Housing, Planning, Community and Local Government, Deputy Eoghan Murphy, said this

morning that there is no situation in Ireland that is directly comparable to Grenfell. What does “directly comparable” mean? This morning the chief fire officer of Dublin Fire Brigade said that the local authorities are best placed to carry out building control inspections but that there are no resources within the local authorities to do so. The reports of inspections by all local authorities of multi-storey units are due by 19 July, with recommendations. The national directorate for fire and emergency management is charged with the co-ordination of this process. The directorate was also responsible for the audit of fire safety compliance in Traveller accommodation in the wake of the 2015 Carrickmines fire in which ten people and one unborn child died.

Never again should this country allow light-touch building regulations or safety self-certification as we did in the time of the boom, much to our disgrace. We prioritised profits over the safety of families in their homes. We will not give in to lobbyists.

I ask the Leader to invite the Minister for Housing, Planning, Community and Local Government to the House to provide an update on fire safety audits, to discuss the requirement to fix buildings that are non-compliant, vulnerable and which pose a fire risk, to outline what resources will be needed for same and where they will come from.

Senator Ned O’Sullivan: The leaving certificate and junior certificate examinations have just finished and I wish candidates all the best with their results. I am concerned about a recent statement issued by the State Examinations Commission to the effect that there is a serious shortage of examination markers or examiners, particularly in mathematics, Irish and language subjects in general.

In a different life, I was a leaving certificate examiner and most of the people I worked with would have been experienced teachers of the subjects they were examining, as well as being experienced in actual examining, for which they were well trained. I note that the advertisement for examiners now states that retired and newly qualified teachers are eagerly sought by the commission. While I have the absolute height of respect for retired teachers and young teachers who are just out of college, it is worrying that leaving certificate students would not be exposed, in the marking of their papers, to high-quality, experienced examiners.

The shortage is directly attributable to the very low rates of remuneration for examiners and the huge workload involved. It is a very serious task. It involves a number of days at a training conference and around three weeks’ work during the summer months. It is very tough work and it is very poorly paid.

Our students deserve the best and should be given every chance to succeed and to receive proper marking. I ask the Leader to invite the Minister of Education and Skills to make a statement on how this situation has arisen and why it was not forecast. It seems to have come out of the blue. The leaving certificate was just finished when this shortage was flagged. I am sure that many students and teachers around the country are quite worried about it.

Senator Jennifer Murnane O’Connor: I wish to speak about the boundary changes. Many of us had been worried about the boundaries but I welcome-----

An Cathaoirleach: We have already-----

Senator Jennifer Murnane O’Connor: I just want to welcome-----

An Cathaoirleach: Hold on for one second, please. I have already admonished Senator

28 June 2017

Leyden about this because it is not appropriate. This is just a recommendation. Legislation has to be introduced by the Government, which may not happen before the next general election.

Senator Jennifer Murnane O'Connor: Okay.

An Cathaoirleach: I can see that Senator Murnane O'Connor has a smile on her face because of the boundary change but-----

Senator Jennifer Murnane O'Connor: Yes, the recommendation is there and I just want to welcome east Carlow home.

An Cathaoirleach: I will allow the Senator to do that.

Senator Jennifer Murnane O'Connor: Thank you. The second issue I want to highlight is-----

An Cathaoirleach: I do not want to spoil the Senator's joy but I had to make that point.

Senator Jennifer Murnane O'Connor: -----the new pay-by-weight system for waste that will be introduced from 1 July about which I am very disappointed. Over a year ago we spoke about this system but we urged the Department to conduct an awareness and information campaign. We said that it would be important to produce leaflets and to let people know how important it is to reduce the amount of waste produced. We all understand that landfill sites are filling up. We also spoke about the possibility of the introduction of a waiver scheme for elderly people, for large families, for families with young babies in nappies and so forth but none of this was mentioned by the Minister.

This is going to cause trouble. A lot of people out there are very angry. I know this from dealing with people in my own constituency. I note that a notice of motion was unanimously passed by South Dublin County Council against the pay-by-weight system and this is only the start. The lack of information is appalling. This was not even mentioned in the past year and now, all of a sudden, we are being told that on 1 July, the new system will become operational. It is not good enough and a lot of people are very angry about it. We need to take this issue seriously.

Senator Jerry Buttimer: I thank the 19 Senators who contributed on the Order of Business. Senator Ardagh began with the issue of cycling on our streets and, in particular, in our capital city. I join her in extending our condolences to the families of the people who have been killed and injured on our roads. I know that the Government has prepared a Bill dealing with minimum passing distances which will come before the House soon. The Government is committed to investing in cycling as a sustainable alternative to motorised transport. The Senator is correct that there is a need to spend more on cycling infrastructure to ensure that we have proper networks, similar to those in many other European capitals. I would be happy to invite the Minister to come to the House to discuss the matter further.

I share the concerns of Senators Ardagh and Noone about social media and Snapchat in particular. It is an issue about which we must have a conversation. Social media can have very harmful effects in terms of putting pressure on young people. I am happy to have a debate on the issue in this House.

I must apologise to Senator Boyhan, who I inadvertently omitted yesterday in the context of a response on the Intoxicating Liquor (Amendment) Bill 2017, sponsored by Senator Lawless.

The situation regarding this important legislation is that the Department is working on the Bill. My office has been in contact with the Department to ensure that the Bill comes back to this House before the summer recess. I cannot give the Senator a definitive date as to when it will come back but it is being worked on as we speak. I am anxious to honour the commitment I gave to Senator Lawless regarding the Bill. It is important that we bring this Bill to a conclusion and that we have it either passed or rejected by the House.

In fairness to Senator Lawless and to former Senator Imelda Henry, who did a lot of work on the Bill too, this is very important legislation. It deals not just with the sale of alcohol on Good Friday but is also linked to the wider sale of alcohol Bill. It is important that we would have that debate concluded before the summer recess. I assure Senator Boyhan that we are working on it. We are not trying to thwart the passage of the Bill but are putting pressure on the Department to bring it to a conclusion.

Senator Boyhan also made reference to the issue of the Irish seafood sector and the very important festival that is taking place. The Minister for Agriculture, Food and the Marine, Deputy Creed, is very committed to that sector. I would be happy to arrange a debate on seafood exports, the seafood sector and the wider maritime area with the Minister as soon as possible.

Senators Boyhan, Conway-Walsh, Ó Clochartaigh, Mac Lochlainn and Norris all raised the issue of the talks in the North today and the importance of Acht na Gaeilge. Those of us who are republicans in this House recognise the importance of an Irish language Act. While I cannot speak for the Minister for Foreign Affairs and Trade, it is important that we would have an Irish language Act in the North of our country. It should be possible for citizens of Northern Ireland to be educated through Irish, to be able to speak Irish and to be supported in their use of the Irish language, while also respecting other traditions and cultures. It is important that we do promote the Irish language. The Minister for Foreign Affairs and Trade, Deputy Coveney, is in Belfast today. I spoke to him last night. The deadline is looming. I appeal to all sides and, in particular, to the DUP as the largest Unionist party to engage in a meaningful way and to reach out so that we can have devolved Government and a decision-making process in the North. The Minister is committed to resolution of this matter. Members will be aware that the Taoiseach spoke to Prime Minister May yesterday. It is in all of our interests to have power-sharing. The Irish Government will not be found wanting and I know from my engagement with the Minister, Deputy Coveney, that he is committed and wants to see the matter resolved satisfactorily and in a manner that will be of benefit to the people of the North. It is important this matter is resolved regardless of how long that takes. All sides must come together to ensure that we have power-sharing rather than direct rule.

Senators Conway-Walsh, Murnane O'Connor, Gallagher and Ó Clochartaigh raised the issue of waste charges. I took the liberty of pre-empting that this issue would be raised on the Order of Business. I can confirm that the Minister, Deputy Naughten, will come to the House next Wednesday following the Order of Business to discuss this matter. It is important we have a full debate on the matter and that we understand the complexities of the issue.

Senator Alice-Mary Higgins raised the issue of the Joint Committee on Social Protection report. As a House, we should look at how we can debate committee reports. Having previously been a chairman of a committee I know that committees are an industrious, productive and constructive part of our work as Members of the Oireachtas. Sometimes reports are published, they get one or two headlines in a newspaper, or none, and they disappear into the ether and are forgotten about. I would like if we could set aside time in our schedule to debate

28 June 2017

Oireachtas committee reports. A former Ceann Comhairle, Seán Barrett, was very supportive of Oireachtas committee reports being debated in both Houses. I would be happy to facilitate Senator Higgins's request. I am equally happy to ask a Minister come to the House to discuss the sustainable development goals. Senator Higgins is correct that it is important that we live up to our expectations and that we do not only sign documents and aspire to get to that point but go beyond it.

Senator Ó Ríordáin asked about the status of the Schools Admission Bill. I do not propose to engage in a row with the Senator on the matter. The Bill will be before the Dáil next week. I am informed that the Minister will propose a number of Committee Stage amendments following which the Bill will come back to the Seanad. Also, I congratulate Senator Ó Ríordáin on his selection as a Dáil candidate for the next general election.

Senator Maria Byrne spoke about the announcement by the Minister of State, Deputy Moran, of children under 12 being allowed free access to cultural and heritage sites. Last week, I had the pleasure of having two visitors in Ireland from the United States. We visited a number of OPW sites. The OPW heritage card, which costs approximately €40, covers adult admission to many wonderful sites. Everyone should have one. The visit to the Rock of Cashel was tremendous. The work being done by the OPW in terms of upgrading and preserving key parts of the site in Cashel deserves to be commended. I commend all in the OPW for the work they are doing.

Senators Gallagher and Paul Daly raised the important issue of farm safety. Senator Daly made the very good point that while the budget has been cut the current allocation in respect of farm safety is significant. As stated by the Senators, farming is the highest risk category in terms of accidents and deaths. Any death is regrettable and any accident is hugely problematic. We sympathise with the people who have died and their families. We must ensure we are getting value for money. If the case is made for an increase in the budget it will be considered. It is important that the Health and Safety Authority, HSA, has the power to carry out inspections. I have experience in this area, having had a family member involved in an accident on farm. This year, the HSA will carry out inspections around animal handling, machinery and work carried out at height. The farming organisations and farmers need to work together to ensure the risks are reduced. The Senators are right that a lot of work remains to be done. I will endeavour to have the Minister come to the House to discuss the matter.

The Seanad Public Consultation Committee, and Senator Conway as its rapporteur, produced a report on farm safety that needs to be built on. As I said earlier, it is important that we learn from reports and recommendations. While I do not wish to be critical of anyone officials can put all sorts of barriers in the way of initiatives. There is a need for leadership in regard to some of the issues that have been raised by Senators Daly and Gallagher today. I will be happy to schedule a debate in the House on those issues.

Senators Gallagher and Feighan congratulated the volunteers of Cumann Lúthchleas Gael on their handling and hosting of Féile na Gael in Cavan, Monaghan and Fermanagh. As a former Cork county youth officer I know that Féile na Gael is the weekend all young boys and girls aspire to participate in. I thank the host families and the men and women of Cumann Lúthchleas Gael for their tremendous work last week. It was clear from some of the photographs I saw over the weekend and on Monday morning that there was huge celebrations across the country in many clubs. I thank everybody who was involved.

Senator Marie-Louise O'Donnell referred to the Judicial Appointments Commission Bill 2017. As the Senator will be aware, the schedule in terms of debate on the Bill by the Seanad is not available yet as the Bill has only commenced proceedings in the Lower House. This matter was also raised yesterday on the Order of Business, when I said that I do not envisage the guillotine being imposed but I cannot confirm that it will not be imposed. I said yesterday in response to Senator McDowell that the Seanad has a constitutional obligation to scrutinise legislation, to amend it if necessary or to allow it remain as drafted. I do not propose to rush passage of the Bill through this House. The matter will be discussed by the Leaders and Groups meeting, as has always been the case in regard to legislation since I became Leader. I also said yesterday that we cannot allow a situation whereby one, two or three people grandstand and filibuster such that the Bill will end up in the ether. Equally, I will not fast-track the Bill through this House. As I said, that discussion will be had at the Leaders and Groups meetings. As members who attend that meeting will know, I am reasonably flexible and I work with people. It is a two-way street: I give and there is take. I will come back to the Senator when I know the Government's intent of amendments, if any. I cannot give a commitment today on the matter but I am prepared to work with the House to ensure we have a real, meaningful debate on Second, Committee and Report Stages.

In regard to the Western Development Commission and the resignation of the chairperson, I will be happy to ask the Minister of State, Deputy Ring, come to the House for a debate on that issue. Senator Feighan raised the issue of the European Medicines Agency. Former Minister of State, Deputy Marcella Corcoran-Kennedy, along with the Minister, Deputy Harris, were very involved in trying to bring the agency to Ireland. This matter was raised previously by Senator Colm Burke, who want it relocated to Cork, Senator Richmond who wanted it relocated to Dublin and Senator Feighan who wanted it relocated to the west. What is important is that it is located in Ireland.

Senator David Norris: Hear, hear.

Senator Jerry Buttimer: In regard to the issue raised by Senator Ó Clochartaigh, as stated by the Cathaoirleach, I do not have any jurisdiction over translation services although the Senator is correct that any issue that impairs the work of the House must be resolved. However, that is a matter above my pay grade. The Senator also raised the issue of an Acht na Gaeilge, which I have already addressed.

Senators Terry Leyden and Jennifer Murnane O'Connor referred to the constituency boundary commission's recommendations which the Cathaoirleach said would be debated in the House. I congratulate and thank the members of the commission which held ten meetings. There are different views on the outcome of the report. I certainly have mine which have been well documented as I made a submission to the commission. It is disappointing that there is to be no change in Cork but *c'est la vie*. It is, however, a missed opportunity and it is a matter to which I will come back when the report is debated by the House, if we are still here. We may not be part of the next general election at all. Senator Jennifer Murnane O'Connor may have to go into a part of County Wicklow, but that is another day's work. Senator Terry Leyden said people would be disenfranchised, which will continue to the case in the city of Cork, which is disappointing. Bishopstown has been divided in two. The Senator was correct to highlight the fact that communities have different voices, but there is no unity, which is disappointing.

Senator Catherine Noone referred to the Royal Irish Society public health debate and raised a very interesting point. Social media have become an integral part of the lives of young peo-

ple, whether it be Instagram, Snapchat, Twitter, Facebook or whatever the new fad is. This is putting pressure on them. I will be happy to have a debate on social media.

Senators David Norris and Colm Burke referred to the Private Members' Bill to be debated today. It is important that it not be allowed to vanish. I implore all Members to speak to it as it is an important Bill. None of us wants anyone to lose his or her home and be discommoded or evicted. To be fair to the Senators, they have raised very important and interesting points about how we should work together to ensure people will not have to face the ignominy of losing their homes or being evicted. It is important that people work together and that the institutions of the State and the banks work with them. I am very anxious, therefore, to ensure the Bill will not vanish today and implore all Members to support Senator David Norris.

Senator Pádraig Mac Lochlainn referred to the Irish language Act, an issue I have addressed, as well as the very important report of the expert panel on concrete blocks. I have asked the Minister responsible to come to the House to discuss the issue which was raised by Senator Michelle Mulherin two weeks ago. The request has been submitted. The Senator is correct. It is an issue which has vexed residents in counties Donegal and Mayo, in particular. The Senator's constituency colleague, the Chief Whip, Deputy Joe McHugh, has already spoken to me about the matter in the context of redress. The Senator was correct to raise the matter today. We dealt with the issue of pyrite and we can do the same again in this instance. It is a matter of finding a way around things.

Senator Colm Burke referred to the Bill before the House and the need to hold people to account, such as in the case of the HSE. I agree with him.

Senator Máire Devine made reference to the Minister for Housing, Planning, Community and Local Government, Deputy Eoghan Murphy. I gave a comprehensive reply yesterday when the matter was raised on the Order of Business by a colleague, Senator Rose Conway-Walsh. None of us can be complacent on the issue of safety, whether it be in high rise units or multi-unit accommodation. Other than Priory Hall, we do not seem to have a litany of buildings being condemned, but if I am wrong, I will come back and retract my remarks. I would hate people to think we have had no controls or standards in buildings in the past decade. The Minister was speaking on a radio programme about buildings in Ireland not having the same density as those in London. We must ensure we speak with one voice when we say there can be no dilution of standards or shortcuts. We learned from the fire which occurred on St. Valentine's Day in Dublin in 1981. We must now learn from the fire that occurred in London. I agree with the Senator in that regard. The report to be issued on 19 July must be acted on. I do not buy the line that resources are not available to carry out inspections. They are happening. We must ensure the reports from each local authority and the Residential Tenancies Board are acted on, if deficiencies are identified. We cannot err on the side of finance. We must prioritise the lives and safety of all those affected.

Senator Ned O'Sullivan referred to examinations and correctors in the context of the State Examinations Commission. The issue was not highlighted after the junior and leaving certificate examinations; rather, it happened during the recruitment process. Like the Senator, I was an invigilator and corrector and wish all of our colleagues well as they get their sample papers together to hand to superintendents. The Senator is correct. There is a need for integrity in marking and the highest of standards must prevail in the correction of examination papers because the lives of so many students depend on the outcome. I share the Senator's view in that regard. If the State Examinations Commission and the Department of Education and Skills

need to carry out a review of remuneration, correctors and the process involved, we should examine that possibility.

I cannot give my good friend Senator Marie-Louise O'Donnell a definitive answer, but I will be happy to work with all Members of the House to ensure there will not be a quick passage of the Bill and alacrity in dealing with. That has not been my form. As the Senator knows, we have only had to use the guillotine on one occasion for a particular reason. I am quite happy to allow a debate, provided we do not have grandstanding or filibustering.

Order of Business agreed to.

Sitting suspended at 12.35 p.m. and resumed at 12.45 p.m.

National Housing Co-operative Bill 2017: Second Stage

An Leas-Chathaoirleach: I welcome the Minister of State, Deputy Michael D'Arcy, and again congratulate him on his appointment.

Senator David Norris: I move: "That the Bill be now read a Second Time."

I welcome the Minister of State to the House.

This is an extremely important Bill and I am relieved that it has been allowed in the Seanad because there were questions about whether it would create a charge on the Exchequer. I asked the Master of the High Court, Mr. Ed Honohan, who is largely responsible for preparing the Bill, if this was the case and he stated definitively, "No". The other aspect that might have created problems is the question of property rights. In light of the fact that the public good in the Constitution trumps every other right, I have never understood why Governments have not had the guts to appeal to the public good in passing legislation.

I pay particular tribute to two persons: Ed Honohan, who produced the Bill, and Deputy John McGuinness, who is in the process of introducing it in Dáil Éireann. They both have done a very great deal of work on it.

Yesterday, we held a press conference in Buswells Hotel and the only people to appear there were from *The Irish Times* and RTE radio. I saw nothing whatever reported about this, which is extraordinary. Those present were Mr. Mike Allen from Focus Ireland, Fr. Peter McVerry from the McVerry trust, Mr. Austin Byrne from Right 2 Homes, Mr. David Hall from the Irish Mortgage Holders' Organisation, Mr. Jerry Beades, Mr. Brian Reilly and Ms Caroline Lennon-Nally.

I look at the Press Gallery and I see nobody there. That is most disappointing. If there are any reporters listening to or watching this on their units in their offices, I appeal to them to take note of this debate and to report it in some detail.

Neither I nor Right 2 Homes and the others involved claim that this Bill is perfect. It is the start of a debate. We would like the Government to take note of it. We would like the Government and my other colleagues here today to put down amendments to make it a good Bill. We will not try to rush it through. The debate has been allocated one hour and 45 minutes and the Bill will be left in suspended animation on the Order Paper in order that it can be continued because we believe in co-operation. This issue is a disaster facing this country. If members of

the public realised what was coming down the line, they would be in a panic. The authorities cannot deal with 7,000 people being homeless. They are incapable of dealing with that. What happens when that number increases to 10,000, 20,000, 30,000, 40,000 or 50,000 people, as will surely happen when Allied Irish Banks, under the instructions of the European Central Bank, unloads the distressed mortgages? I would like to put in the figures but I cannot give any definite figures because there is quite a range of figures available to people. In terms of people's right to a home, the number of accounts is 60,000, the number of people directly affected is about 250,000, and the total debt outstanding is €14 billion. I cannot confirm that because there is a dearth of demographic and statistical information. One of the first things we need to do is to scope the complete dimension of the problem. However, we have some figures from the Central Bank. On 31 March this year, there was a total of €8.8 billion in outstanding balances on mortgages in arrears for more than an year on private homes, covering 41,000 accounts in total. The total in arrears on private homes came to €2.6 billion. In March of this year, private home accounts in arrears for more than a year made up 5.6% of all residential mortgage accounts. Clearly, we have a very serious problem facing this country.

Have people forgotten that eviction is a dirty word in this country? Charles Stewart Parnell and Michael Davitt throughout the 19th century fought against eviction. I find it astonishing that an Irish Republic should stand over eviction, and not only that but that it should invite the vulture funds into this country to buy up the slack and make a profit out of it. There is no other motive in vulture funds, other than vulgar profiteering. What has happened here, just as at the time of the Famine, is that a rigid economic theory is being implemented as if we were some kind of a laboratory experiment but we are dealing with real people. We are dealing with human misery. We are dealing with people who for years have been tortured by financial worries. When I look at the European Central Bank it makes me grimace. These were the people who illegally forced this country into redeeming the bonds of bondholders and taking on board the gambling debts of the Irish banks, and then they turned around and did precisely the opposite in Cyprus, so there was no principle involved. We paid out €65 billion. The bondholders were laughing all the way to the banks. Some of them bought up the bonds at 5% of their face value and the Irish taxpayer was forced to redeem them at 100% of their face value. When the vulture funds move into this country, take over the distressed mortgages and evict people, guess what the cherry on the pie is. The Irish taxpayer will be presented with the bill for the evictions. They can be very costly, involving the cost of helicopters, the police, the sheriff's office, dogs - the whole works. It is like forcing the Jews to pay for their own execution during the Second World War. It is an absolute disgrace. To think that the Government gave them charitable status, what in the name of Christ is charitable about the vulture funds? They were given that status so they do not have to pay tax. They got away with €77 million in profits and they did not pay a single red cent to the Irish taxpayer under their deeds.

I find this quite an extraordinary situation for any Government in which to find itself. I am very glad the Green Party, People before Profit and all the small parties have supported this Bill. I have spoken to my friends and my colleagues about this Bill. Senator Colm Burke said on the Order of Business this morning that this was a very important Bill, that there were things wrong with it, which I accept, but that it should be debated in this House and left on the Order Paper. All the smaller parties support it. I have spoken to my friends in the major parties and they have all agreed in principle with this Bill. How could they do anything else? That wonderful man, the Jesuit, Fr. Peter McVerry, said he did not know how anybody in Ireland could not support this Bill. It is inarguable; there is no case against it. The Bill is not perfect. It is intended to start a discussion on this issue.

What has happened here can be seen right across the Continent of Europe and in United States of America, and it is the reason Donald Trump got elected and it is the reason for Brexit. At the time of the financial crisis when this was just beginning I asked the Government to institute a Minister for home protection, not homeland protection, not a neurotic reaction to a perceived terrorist threat, but a reaction to the threat of people being evicted from their homes, a Minister for home protection to ensure Irish citizens would have a roof over their heads. Ireland is unusual in Europe in that we have a very large amount of home ownership. There is a something in Ireland about land and about people having their own home, not renting but owning their home and having that to which to go home.

With regard to the banks, they have learned nothing. They are precisely the same as they were before the financial crisis. The banks have taken it upon themselves to close down campaigns. I will not specify all of them but the Ireland Palestine Solidarity Campaign is one. It was a good, decent, peaceful campaigning organisation but the banks decided unilaterally to close down its accounts. They have also closed down the accounts of some embassies in Ireland. That was bloody high-handed of them, in particular given the Government has such a large stake in these banks. They also started charging outrageous and illegal interest rates, which forced some people into losing their homes and some people into losing their lives. I remember at the beginning of this crisis somebody saying fatuously: “Well, nobody lost their life.” Quite a few people, put under this enormous financial terror, have taken the ultimate step to take their own lives.

This Bill proposes to create a new agency, a national housing co-operative, which will move in when groups like Allied Irish Banks unload this enormous number of shares, creating a possible avalanche of homelessness. The housing co-operative will take over the distressed mortgages at the current level of value. It will then rent them back or remortgage them to the original owners in order that they can stay in their houses. That is a really good response.

I do not understand how the bloody vulture funds got into this country in the first place and how they were given this privileged status. I like the former Minister, Deputy Michael Noonan. He has been an admirable, honourable politician, but I do not know how anybody could say that vultures were a good idea because they cleaned up corpses. I cannot understand how any Minister in an Irish Government could make such a gaffe. What we are talking about here is not a bird, snake or animal corpse but the corpse of the well-being of Irish citizens.

I am happy to move this Bill, particularly in a period when somebody like Mike Allen, director of advocacy at Focus Ireland, says that no strategy to tackle our housing crisis can succeed unless it stems the flow of families losing their homes on a daily basis. In Dublin this year, over 70 families a month lost their homes. Let us just think about that. That means 70 ordinary families losing their homes.

I will finish on this as I understand that I have a few minutes left. The capital required would be secured by a 20-year bond secured against the properties and we believe that we would have the backing of major international financial institutions to do so. This is because long-term 20-year loans are at a uniquely low level and the financial institutions are looking for something good that is guaranteed to take up. It is for that reason that this Bill creates no charge on the Exchequer.

We should be ashamed of ourselves as an Oireachtas if we do not take on this issue. I would like to quote Edmund Honohan, Master of the High Court, when he addressed us in both Hous-

es of the Oireachtas. He said:

Gentlemen [he should of course have said Gentlewomen as well but we will forgive him, he is, after all, the Master and not the Mistress of the High Court] you are the gatekeepers of legislation. Do not pass the buck.

I thank the Leas-Chathaoirleach.

An Leas-Chathaoirleach: I welcome Deputy John McGuinness and his colleagues to the Gallery.

Senator Victor Boyhan: I formally second the Bill. I welcome the Minister of State back to the Seanad and I would also like to acknowledge the presence of Deputy McGuinness from Kilkenny and the enormous amount of work that he has done in the Upper House, and indeed outside of Parliament. He has been a constant advocate on this matter.

An Leas-Chathaoirleach: The Lower House, I should think. The other House.

Senator Victor Boyhan: In the Dáil. The other House, let us say.

Senator David Norris: The lesser House.

Senator Victor Boyhan: It is important to acknowledge the enormous work that my friend and colleague, Senator Norris, has put into forwarding this Bill. I am delighted to second it and to have been asked to do so. Let us add some context here. What are we talking about? The purpose of this Bill is to provide for the establishment of an industrial and provident society we call the national housing co-operative society. This society would have the mandate and powers to acquire, manage, rent or sell distressed mortgages so that the occupants of houses can move from the status of distressed mortgagor by means of a mortgage to possibly a rent and mortgage. It is important that we get that context right.

Senator Norris mentioned facts and details on this matter. I got an email this morning from a contact who had been in touch with the Central Bank. These are the latest figures, which I will now share with the House. A total of 278 homes were repossessed in the first quarter of this year. We also know that 1,645 legal proceedings have been issued for the repossession of family homes in that first quarter. It is important to quantify some figures around this debate so as to get some sense of its urgency and importance.

I was struck by two simple words used by Senator Norris, namely, “financial terror”. I think that brings the message home clearly. We all know friends, members of our family and colleagues who have lived in terror every day as they try to honourably meet their financial commitments to hold and secure a roof over their heads and those of their family and loved ones. That is a noble cause and one which should be supported by everybody in the Houses of the Oireachtas. Everyone has a right to a home. The consequence of doing nothing is that thousands of people will end up on our social housing list when we already have a national housing crisis. It is imperative that the Government steps in through a mechanism like this Bill and tries to give some support to people who genuinely need it.

It is also very important that this not be seen by anybody outside this House as some form of charter for those who can pay but will not do so. It is important that we get this message out. There are people who can pay but choose not to, who do not want to discharge their honourable debt to honourable financial institutions. This is a really important line. We are trying to

deal here with vulnerable people in their own family homes. Senator Norris's Bill sets that out very clearly. Since the financial crisis in 2007, the level of home mortgage arrears has reached alarming levels with serious social and economic consequences. An urgent intervention is required to stem these expensive and exceptional circumstances, as well as the expensive litigation involved in taking actions through the courts to effectively evict people from their homes. If people are driven from their homes for inability to pay the mortgage, both the social and economic implications for this country are devastating.

The National Housing Co-operative Bill 2017 seeks to resolve the difficulties facing home owners with mortgage arrears and to find and broker resolutions and solutions to prevent people from being turfed out of their homes by the banks and vulture funds. It is envisaged that the national housing co-operative, when established, will purchase the properties and related debt from the various lending bodies. This will be subject, of course, to a degree of nuance and change and this is where the legislation is perhaps somewhat weak. As Senator Norris has said, however, this Bill is to kick-start the issue and get the debate going. He has indicated that the Bill is open for amendments to make this better legislation. It is incumbent on us as parliamentarians to bring proposals forward and to draw on the expertise and knowledge across all parties and none in order to make this better legislation. That is our job and we should settle for nothing less.

Significant benefits would flow from this Bill. Most people would be able to remain in their homes and would have greater security of tenure. Repossessions would be limited to very exceptional circumstances. I reiterate that those who can but will not pay should get no comfort from this legislation. That is really important.

I will conclude by sharing some more facts. We need to deal with facts and figures if we want to get to the bottom of this issue and put in place meaningful and proper measures such as this Bill attempts to do. I quote from figures released by the Central Bank in June 2017. These figures indicate that the number of mortgage accounts in arrears for principal dwelling houses further fell in the first quarter of 2017. This has to be welcomed. This marks the 15th consecutive quarter of decline. A total of 76,422 accounts were in arrears at the end of March, still a significant number, amounting to a decline of 1.4%. There is a decline then, and we know why that is happening, but the number is still very significant. The number of mortgage accounts classified as restructured by the end of March came to a total of 120,894. That is very telling.

Let us make this personal. We all know neighbours, friends and colleagues who are only paying interest-only mortgages. This is unsustainable and cannot go on. There is a crisis and we need to understand that. The Central Bank figures also mention the number of buy-to-let mortgage accounts in arrears. As of March these amount to 24,500, which is a phenomenal figure.

I point out to the Minister of State that financial terror has reigned over so many people. So many people's lives have been destroyed. So many people were unable to go on living because of this terrible crisis over mortgages and homes. So many people bought their first family home with great expectation and pride for that was to be their family homestead. That has fallen away for so many people. We owe it to them to do something here.

I will conclude by thanking Senator Norris for setting out this Bill and for inviting people to add and detract from it and make it better legislation. For far too long politicians from both of these Houses have belly-ached on the radio and in the media about distressed mortgages and the

financial ruin that people have suffered as a result. It is time to speak up and be accountable, to put their words into action and come to this House to support this legislation.

An Leas-Chathaoirleach: Senator Murnane O'Connor has eight minutes.

Senator Jennifer Murnane O'Connor: Fianna Fáil supports the Bill in principle, however, we believe it is incomplete.

Fianna Fáil's position on mortgage arrears is that every effort should be made to keep families in their home. It has been ten years since the onset of the financial crisis but no sustainable long-term solution has come from the Fine Gael-led Governments to tackle the issue and assist families in genuine mortgage arrears. That is a fact. Fianna Fáil published a mortgage resolution office Bill in 2013, which would have allowed an independent office to assist families. The previous Fine Gael Government rejected it, as its preference was to allow the banks to retain a veto. This discouraged families from engaging with the banks to resolve their mortgage difficulties, as they believed the banks did not have their best interest at heart. Even though there has been a very slight decrease in those in mortgage arrears for more than two years, there are still 33,000 homes in mortgage distress and in the past two years there has been a worrying increase in the number of mortgages that are in arrears for more than 90 days. This remains a major challenge.

Fianna Fáil is bringing forward a Bill on mortgage arrears resolution, called the Mortgage Arrears Resolution (Family Home) Bill 2017. Deputy Michael McGrath is moving the First Stage of the Bill in the Dáil today. I know a group has been working on the Bill for the past few months. This campaign led by Fianna Fáil to remove the veto power from the banks and other lenders has been ongoing for a number of years but Fine Gael has refused to budge. It is still said by MABS and personal insolvency practitioners that the biggest hurdle is dealing with mortgage lenders. This new Bill would use the current insolvency mechanism, but it would remove the banks' veto. It would force the lender to come up with a sustainable long-term solution. If the lenders do not come up with a solution, then the mortgage resolution office, which is under the personal insolvency service, will create a mortgage resolution order. This would involve the office coming up with a sustainable long-term solution and allow families to stay in their homes.

Fianna Fail supports the principle of keeping people in the family home and while it supports the intention of the National Housing Co-operative Bill 2017, there are some very serious questions and concerns that need to be addressed. While well intentioned, the Bill lacks clarity and at a minimum requires the availability of €5 billion and the recruitment of at least 300 staff. In debating this legislation we have been absolutely honest and clear about what is possible in the context of the Bill. As it stands the Bill will be stopped before it enters Dáil Éireann as it will not receive a money message. Opposition parties or groupings are prevented under Article 17.2 of the Constitution from passing legislation that involves significant cost. From reading the Bill, it is clear that it is a money Bill and only the Government can proceed with a money Bill.

Senator David Norris: It is not.

Senator Jennifer Murnane O'Connor: It is estimated that the co-operative will have to raise at least €5 billion. If this money is to be raised through bonds, as was the case with NAMA, this will ultimately have to be guaranteed by the State. The Bill, as drafted, it is not

clear on the function of the co-operative. It is unclear from the Bill whether the homeowner is activating the process or not, and how much control the home owner has in this process. That is a significant issue. There is such a lack of clarity that many issues have to be resolved. Under the mortgage-to-rent scheme, for all its flaws, the home owner must initiate the process.

This Bill is also unclear about whether the house or the debt is sold. In NAMA's case, the loans were purchased at a discount and the bonds used to fund NAMA were guaranteed by the State. It is unclear whether the co-operative will become a landlord or a landowner. For example, the Long Title refers to the possibility of the co-operative renting distressed mortgages. This again highlights the incompleteness of the Bill. In some cases the Bill suggests that home owners will have to give up their house but remain in debt. This certainly would not serve the home owner. It is unclear what the co-operative will actually own, whether the house, the loan or both. It is unclear what the homeowner is giving up. Given that the co-operative will need State support in terms of guarantees, the lack of clarity over the function of the Bill is likely to cost the State and the home owner. Evidence suggests that repossession is currently not the primary issue, it is typically the steps before that point that are causing stress among home owners.

Fianna Fáil is today bringing forward the Mortgage Arrears Resolution (Family Home) Bill 2017. We believe the Bill offers genuine, practical and constructive solutions to assist families to stay in their homes. It is far less complex and has a far more practical cost base and will not require a money message.

We support this Bill, in principle, and it is about everybody working together, getting information and making sure that people stay in their homes. We have a housing crisis. We have people losing their homes. However, I believe that Fianna Fáil, Fine Gael, the Independents, Sinn Féin and the Labour Party need to work to make sure that people will have the chance to remain in their homes. I congratulate Senator Norris and Deputy John McGuinness because I know they have worked hard on the Bill. It will take all groups working together to ensure that people and families do not lose their homes.

An Leas-Chathaoirleach: Senator Kieran O'Donnell has eight minutes.

Senator Kieran O'Donnell: I welcome the Minister of State, Deputy Michael D'Arcy. I may not agree with everything in the Bill but I agree with Senator Norris's sentiment and applaud his intent. This Bill was before the Oireachtas Joint Committee Finance, Public Expenditure and Reform, and Taoiseach a short time ago and I see the committee Chairman, Deputy John McGuinness, in the Gallery.

I have had time to reflect on the Bill. I asked myself the following questions. Do we have a problem with people with mortgages? The answer is "Yes". Why have we a problem? It is a legacy issue. In the years 2005 to 2007 many people bought houses at an astronomical cost because the property market was allowed to run on unchecked. We are talking about responsibility. Fianna Fáil has to take a share of the responsibility for that.

The issue is how to address this problem now. The Bill before us is about effectively addressing the issue in terms of the vulture funds, a view which I share. We need to take a serious look at how the banks dispose of their loans. From the discussions I would have had with people who are involved in property and in property rental, there are concerns in the Dublin market about the level of control some of the vulture funds have in the property market. We need to look at this issue. Perhaps we need to introduce controls in the market. We cannot have

a situation where a large group has some sort of control over property rentals.

I have a number of questions on what is proposed in this Bill. It has been stated that the State will have to underwrite the funding. It may be regarded as another mini-NAMA. The structure is not that different. Second, on the question of the European Investment Fund, it is proposed that the rules would have to be changed, but could the rules be changed? Is that a practical measure?

Senator David Norris: The French Prime Minister proposed it.

Senator Kieran O'Donnell: I am posing the question.

Senator David Norris: It is a very good question.

Senator Kieran O'Donnell: Does the Bill do anything to increase the supply? The most significant issue in the housing market at present is the level of supply. The Bill does nothing to address the issue of supply, but basically deals with a group who have distressed loans with the banks. The other issue the Bill does not address, is the issue of sustainable mortgages. The problem is that people bought three bedroom, semi-detached houses up and down the country, and took out mortgages for close to €300,000. This was crazy. It was not sustainable to service such a mortgage. If the loan is moved to a national housing co-operative, the entire debt on the house is moved. The banks must come to a resolution. If the debt is written down to what is regarded as a recoverable amount, the banks have already taken the hit on their balance sheet. Why should they be selling the debt on to somebody else? Why should we not come up with a mechanism where the bank can deal with the individual mortgage holder? There is much doublespeak going on here in that, ultimately, it suits the banks to sell loans in large numbers and not have to deal with the issue. I would put it a different way. We have bailed out the banks at considerable cost. Even with €14 billion of face-value book loans purchased at €5 billion of a write-down value, it is €9 billion that the taxpayer has already bailed out. When I speak about the taxpayer I am talking about the citizen, the person on social welfare who is paying VAT on goods purchased. These people pay excise duty on drinks and cigarettes. It is the holistic meaning of the term "citizen". They have already paid for it. The question is whether the solution lies within banks.

This has brought about at a critical time a discussion around how we deal with what we know colloquially as vulture funds but what are large investors in multiple loans sold by banks. The discussion is about how we deal with them selling home and residential loans, not to mention small business loans. We must consider whether banks must step up to the plate and accept their share of responsibility in giving mortgages to people. They were being doled out like confetti. I was elected as a councillor in 2004 and met people who got mortgages they should not have got. Everything was set up to give mortgages to those people. We have a very fundamental idea instilled in us, referenced by Senator Norris, in that we value the ownership of our home and we see it as an aspiration of everybody to enable somebody else to own a home. Even if this goes to a co-operative, it does not change the basis for a home owner, who still has a full loan and may end up as a tenant. These people may never own their home. We need to find a structure to enable people to own their home. The banks are doing write-offs so they can be sustainable. They have already done the write-off on their balance sheet as it is.

I have a few points on the structure of the Bill. I referred to this in the finance committee and I am trying to be constructive. I am working from the view that we are now at a juncture

where we must look at maintaining people in their homes and, additionally, getting them back to being in control of the purchase of their homes over time. The co-operative can either buy the loan or the property. If the co-operative buys the property, the individual would remain as a tenant. Such people would not own the house, despite living in it before. They would probably be entitled to a form of rent supplement or housing assistance payment, and the State would effectively be paying for it. The worry would be that the national housing co-operative would create another residential mini-NAMA. We need to move beyond that and put the responsibility back on the banks to sort out the mess they created so people can remain in homes.

The mortgage-to-rent and other schemes must be examined again to see if they are fit for purpose. The worry is there are many questions about funding and this does not bring about any increase in supply or lead to sustainable mortgages.

Senator David Norris: The houses are on the market.

Senator Kieran O'Donnell: It is something we must address and the banks must deal with it. If they have written down loans to €5 billion, they have been written down by approximately 80%. My maths should be better.

An Leas-Chathaoirleach: The Senator is into injury time.

Senator Kieran O'Donnell: Why should vulture funds or even the national housing co-operative, even with its merits, be able to pick that up at a reduced rate? Why does the home owner not get it when the write-off is already there?

Senator Rose Conway-Walsh: I welcome the Minister of State and say “fair play” to the activists, Senators Norris and Boyhan, Deputy John McGuinness and all the other people who have made it possible for us to discuss this Bill. I acknowledge its attempts to stop the tide of citizens and families being turfed out on the streets. It was apt earlier when Senator Norris spoke about evictions, because that is what they were. As legislators, we are facing the question of whether the Government will continue to condone evictions. My party and I certainly cannot stand over that.

This is not a perfect Bill but we do not deal with perfect Bills. We get Bills and we do our best to make them perfect through various stages of scrutiny and debate. I am glad Senators Norris and Boyhan have said they would welcome amendments. Today, it is all about the principles and spirit of the Bill, and it is a spirit I am very happy to support. My party has brought legislative proposals before aimed at giving borrowers a chance, at least. For example, our land and conveyancing reform Bill in 2013 could have made a huge difference but, sadly, it was rejected. The same old Government line has triumphed since in that the banks must come first and the borrower and rights of consumers are bottom of the list. We have seen this in delays dealing with the tracker mortgage debacle, which I see as a crime. The closure of rural facilities and the flotation of AIB reflect the attitudes of banks and them never being reined in to be held accountable. When we invite representatives of banks before the finance committee, we have seen even in the past number of weeks that they have refused. The excuse of the partial flotation of AIB has been used, with all the other banks trotting out the same lines that they will not come in for a number of months. That is not acceptable.

That is the mentality that has us in this position and it must change. The former Minister for Finance, Deputy Noonan, rolled out the red carpet to vulture funds. This time last year, I put to him at the economic dialogue gathering as to whether he had quantified exactly the amount of

money lost through the sweetheart deals he was giving to vulture funds. He never addressed the matter and he saw those funds as a solution. I certainly never agreed with him in that respect and they are part of the problem. Vultures do not kill but they prey on the carrion. These funds actively kill off small businesses and attack owners. They are predators rather than simply vultures.

As has been noted, there is an idea in Ireland about land and home ownership that we should cherish. There is also a history in Ireland of corruption, cronyism and protection of the golden circle. We can consider the €67 billion given to the banks we are here to speak about and we forget that we are paying €7 billion or more every year just to service that debt. It is €7 billion that could be used on physiotherapy and health or other services that people are in desperate need of around this country. We should all be clear that the banks got away with it and continue to do so. That is why what we are discussing today is so important.

Some people tell us there is a low rate of repossession in this country but that ignores the so-called voluntary surrenders and, more importantly, the context. The same banks wrecked the country, destroyed the economy and made tens of thousands of people unemployed, as well as forcing people towards emigration. We are now speaking as if everything is okay and we have full employment. Nevertheless, I come from an area with unemployment rates of more than 30%. How can that be explained? The banks have gotten away with the major part they played in bringing that about.

As people have try to recover, the banks have come knocking on the door, saying that we owe them. We have it backwards. In a normal context this Bill would be unnecessary. There will always be a small number in society, as alluded to, who through bad luck will fail to repay their mortgage. There will also be a number of people who can pay but will not do so, in respect of whom there must be the possibility of a threat. When we have a societal and economic issue of this scale, a different approach is needed, but the conservative powers in the State simply cannot contemplate that type of action. That is the crux of the problem. They promised limited actions, but even are not being taken. A review of thresholds and the processes for the personal insolvency arrangements, including SMEs, to raise them, where appropriate, was promised. The establishment of a dedicated new court was also promised, but, again, that has not happened. The Government promised to work with the Central Bank to amend the code of conduct for mortgage arrears, but that, too, has not happened. All of these things have not happened because of the policy that the banks must come first, but they have never been held to account. It is excruciating to witness their arrogance and the benign attitude the Government has shown towards their behaviour, but they could not care less about citizens because they know that there are no sanctions and that the close knit elite will not bring their friends to account. They also know that there are no sanctions against those who engage in white collar crime and they have had all of the evidence they need even in recent weeks.

There are questions about initial financing and the way a co-op would operate. We will, therefore, need information as the Bill progresses. A lot of work will need to be done to iron out the concept until it resembles what is a living entity. My party is prepared to put in the hard work with others as these are societal and economic issues that need to be addressed. It is not just a banking issue, even though we have concentrated on the banks today, but we have a duty to act. However, we must also act responsibility and consider the full consequences of our actions. The Bill should progress and Sinn Féin will support it on this Stage.

Senator Grace O’Sullivan: I express a huge “thank you” to Senator David Norris for

spearheading the Bill. It shows once again his humanitarian and caring nature and activist role. I also recognise the work done by Deputy John McGuinness who is in the Visitors Gallery. I thank all of the housing and citizens' groups which have supported Senator David Norris in his wish to bring forward the Bill.

This is a housing issue. Everyone present probably has experience of family members being harassed by the banks in the past few years; therefore, they know how people's confidence can be destroyed. People have received telephone calls from banks on a daily basis. Pressure has been put on individuals, families and their children. The distress caused has been shocking, atrocious and totally unacceptable. The Bill will go some way towards addressing the problem.

In the past year the Civil Engagement group, of which I am part, has focused heavily on the housing crisis. Last year I introduced the Vacant and Derelict Sites Bill as a means of tackling the ever-expanding housing waiting lists. The aim of the Bill before the House is to prevent homelessness from occurring in the first place. It should, therefore, be well supported and commended. As a member of the Oireachtas Joint Committee on Housing, Planning, Community and Local Government, I have advocated for much stronger action by the Government to end homelessness and tackle the catastrophic rise in rents, particularly in the Dublin region. Since the beginning the Civil Engagement group has focused on adopting a social approach to housing. We view it not as an investment but as a right. We want to see strong action being taken by the State and locally to deal with the issue. An important part of our approach is the principle contained in the Bill to protect those who are already in homes. The new Minister for Housing, Planning, Community and Local Government, Deputy Eoghan Murphy, has admitted that the Government will not meet its target to house Ireland's homeless and get them out of hotels and other emergency care settings. The former Minister had ambitious targets and it is sad that they have not been met. I hope the Bill will go some way to protecting those who are slipping into homelessness. Prevention is better than cure. Society would be much better served if we were to find a way to help people to stay in their homes rather than try to assist them after they have lost them.

On the insolvency laws and vulture funds, the Bill aims to give a fresh start to borrowers, to allow mortgagees or borrowers to buy their mortgage debt from the banks and create a new co-operative society that will rely on the European Investment Bank in providing the funding required to buy secured loans from lenders. The Green Party supports the principles behind the Bill. Certain points need to be teased out and I hope that will happen in the coming weeks. I agree, in particular, with the aim of the Bill to deal with the issue of insolvency and tackle the parasitic vulture funds in Ireland. The housing crisis is being seen purely as a financial issue, but that mindset must be turned around. The Bill should be about providing support which I believe is the approach proposed by Senator David Norris. My party wholeheartedly supports the Bill on this Stage. I look forward to making further inputs as it passes through the different Stages.

Senator Tim Lombard: I welcome the new Minister of State at the Department of Finance. This is the first opportunity I have had to be in his presence since his appointment and I congratulate him on his promotion.

I acknowledge the Bill before us and Senator David Norris's input into it. It deals with an important matter that affects so many members of society. There are issues in the housing market that need to be addressed. How they are addressed will be key in how we address societal issues. For me, the key issue is the lack of supply and house building. The former Minister for

28 June 2017

Housing, Planning, Community and Local Government, Deputy Simon Coveney, and the new Minister, Deputy Eoghan Murphy, have made moves to address the key issues involved. Lack of supply is one of the key issues we must tackle in order that we will again have an active housing market. Some infrastructure has been built to open up sites, but lack of State investment in infrastructure and the need for a direct input into social housing schemes are key issues that need to be addressed in order that we can increase housing supply.

The Bill tries to deal with legacy issues. Perhaps we might put a small version of NAMA in place or ask the banking industry to deal with them. How we address them and get everyone on board will be key in solving the housing problem. Some people have struggled badly in the past few years and we need to ensure a process will be put in place to help them. There have always been people who struggled but yet managed to pay their way. We need to ensure we will bring such persons with us also. It is, therefore, a balancing act.

Trying to access credit and a credit rating are key issues in the housing market. There is an issue for people on the so-called working wage in taking out mortgages to enable them to access the market. From my point of view, the key issue is the lack of supply. We need to build more houses and open up the market. If we do so, I hope we will share the ambition of ensuring everyone will be able to own his or her home. We must ensure people will have an opportunity to invest. That is what most people want. They want to own their own home. That is an idea we should promote. There are measures that need to be looked at through the Department of Finance so that these issues can be addressed. I am sure the Minister of State, Deputy D'Arcy, will use his influence in the Department of Finance to ensure that these issues can be addressed. If we do not address them, the cycle will begin again, and the cycle - in many ways, the boom and bust - is a key issue we have now. We cannot have another boom-and-bust scenario. We have seen inflated prices in the past six to eight months, or even longer - probably the past 18 months - that we need to address. It is all about trying to get these sites open and get supply in the market. The Minister of State will have a very tough remit with these issues, but I am confident he can deal with them.

Senator Kevin Humphreys: The Minister of State is very welcome to the House, and I congratulate him on his promotion. It is a great honour to serve the Irish people as a Minister, and I know he will do his best. I compliment Senator Norris and Deputy McGuinness and the others who worked to bring the Bill forward. I listened very closely to Senator Norris's contribution. He openly and honestly said this is not a perfect Bill. As a former Minister of State, I do not think I ever brought a perfect Bill to the Seanad. However, if we listen to the debate and discussion, we can improve on every Bill, and the Senator has openly accepted this.

A few remarks have been made in this debate to the effect that the Bill does not deal with supply. I think Senator Norris will accept this is the case.

Senator David Norris: I actually-----

Senator Kevin Humphreys: The Bill deals with demand. If one stops people losing their homes, one stops demand increasing-----

Senator David Norris: Hear, hear.

Senator Kevin Humphreys: -----so we must look at this in a logical way. If the Minister of State wants to deal with supply, I can give him many suggestions on how to do so. One very simple suggestion would be to introduce legislation on short-term lets. This could provide

2,000 units overnight just within the Dublin area, not to mention Cork, Leitrim, Galway or wherever else this could be done. If the Minister of State wants to deal with supply, there are mechanisms that can be used. We are trying to reduce demand. I have listened to comments to the effect that the Bill needs to be a money Bill. I am not convinced it does, but we can discuss and flesh that out.

I remember when Deputy Willie Penrose introduced bankruptcy legislation that it was constantly said that as a result of the changes in that legislation, the sky would fall in if we let people off with bankruptcy of less than 12 years. It was said everyone would be going bankrupt, etc. The sky has not fallen in. People have been able to get on with their lives, start up new businesses and buy homes due to that Bill, so Members should not be too quick to say the Bill before the House is a bad idea. It has a lot of merit.

The Sinn Féin Seanad leader in her contribution said the Bill needs amendment. Everyone who supports the Bill openly said that it does and that it can be amended and improved. It is on Second Stage in the House so that we can start that discussion and conversation. I would very much like to see the Bill progress to Committee Stage, when we could have a robust interrogation of the Bill and how we can improve it not in a party-political sense, but in a way that will help people facing huge arrears.

Is there an opportunity for families to purchase their loans at the price they are being sold on for? We see loans of €200,000 being sold on for €90,000. We all know families in Ireland would come together and chip in and would make an effort to buy that home if it were offered to them at €90,000. Can we start looking at such mechanisms?

Senator Kieran O'Donnell: That is my proposal.

Senator Kevin Humphreys: This is the debate the Bill is allowing to take place. However, this will not solve everything, which is why the co-operative and how it can be purchased is an innovative idea. There are pension funds, the ECB and investment institutions that are looking for what I call moral ways to invest money. They are looking for returns but they want to make a contribution to society.

I very much appeal to the two major parties in the House to allow the Bill to progress. Let us work on it together and see how it can be improved. Let us see what we can learn from the debate and the discussion. The proposals in the Bill do not claim to represent the font of all wisdom; they beg a discussion and a proper debate that we can have on Committee Stage, when we can take further evidence. The Bill could be improved, but let us get on with the work.

I have always said that I do not want to see anyone left behind, but thousands of families are being left behind, and we must examine how we can assist them to make sure they have roofs over their heads. We must ensure that as few people as possible lose their homes. I thought there was adequate legislation and that the Central Bank rules would reduce somewhat the inflated housing prices, but that is not happening. Senator Kieran O'Donnell said we do not want it to happen again, but all the signs are there that it is happening again. Young people are becoming more and more pressurised. They are not even that young; they are in their early 30s. They are in their family formation years and are desperate to buy a house, have a home and start a family and they are getting pushed more and more into these inflated house prices. I very much worry that we are at the beginning of a cycle in which this will all happen again. This is why it is so important to make sure we do everything we can to assist the people who

were burned and crucified through the last recession. I believe this Bill starts that conversation.

As I said, I commend the people who assisted in introducing the Bill, namely, Deputy McGuinness and Senator Norris, but let us not leave it lying around. Let us progress it and see how we can improve it. I would like to make some amendments to it and I will further engage with Senator Norris later in that regard, but let us move on and get about the business we were elected to do, that is, to pass legislation that protects the citizen. I again thank Senator Norris for proposing the Bill.

Senator Catherine Ardagh: I start by congratulating Senator Norris on bringing this Bill before the Seanad. I also commend my colleague, Deputy John McGuinness of Fianna Fáil, who has been promoting this cause since before 2011. I do not think a month or a week goes by that he does not bring this cause to the fore. I also echo the sentiments of many of my colleagues that the spirit of the Bill cannot be questioned. However, some small amendments regarding funding and the minutiae would probably be suitable. It is said the devil is in the detail.

There is a section of society that has been left behind. My friends, perhaps in 2003 to 2007, were given €500,000 to buy apartments with very little light in not-so-great parts of the city which would now cost, if they tried to sell them, €150,000 or €200,000. People are left saddled with debt. We also have families that might have lost their jobs, that have small amounts left on their mortgages and whose houses are worth quite a substantial amount, and banks are forcing them through the courts system even though the amount left on the mortgage is minimal compared to the value of the house. This is absolutely unfair. It does not matter how much one's house cost; if one has been there for 20 years, reared a family and invested a lot in one's area and community, one should not be forced through the courts system and the strain of being evicted, as has been referred to, from one's family home. It is an absolute disgrace.

I agree with Senator Humphreys. I am a solicitor and I can see that a frenzy is starting again. It is a bubble. Everyone is saying they must have a home. People are talking more about investment property. There is talk of going back to relaxing the mortgage credit lending rules, which I do not agree with. We saw from 2003 to 2007 that 100% mortgages were being given to people who had absolutely no income and perhaps no possibility of any income in the future. We must, therefore, be very mindful of not relaxing the credit rules, instead introducing measures that will increase supply. Fianna Fáil has looked at measures relating to VAT, planning and certification rules. There are ways of reducing the cost of building houses and ways of increasing supply. We also discussed the "use or it lose it" tax on land. There are many plots of land around the city which are left vacant, with owners sitting on them and not building because they are waiting for even more inflated prices, although they do not know when they are going to come. I think it is very unfair to have these vacant sites around the city, where people want to live.

Fianna Fáil is this week bringing in a mortgage arrears resolution Bill. One of the plans brought in by this Government was the PIP, or professional insolvency practitioner. The main reason this measure failed was because banks were given a veto on whether to implement the PIP plans. From the outset, there was an outcry that this was not going to work and, lo and behold, it did not work. I do not believe the PIP plan was the solution. The Fianna Fáil Bill will get rid of the banks' veto and will bring in a more streamlined courts system. I welcome this Bill and hope it will go some way towards helping people stay in their homes.

I am glad to support Senator Norris's Bill in some shape or form and I commend him on bringing it to the House. As he said, the real elephant in the room is supply. I do not think the

number of people affected by arrears will be increasing from now on and the number seems to be slowly decreasing. At the same time, they are there and it will be very hard for them to get out of that trap. In the short and medium term, their situation will not get better unless Bills like this give them a chance to move on. We are a First World country. We should not have people who are almost imprisoned by their mortgage as this affects not only their family life but also their mental health. It is wrong that this would happen in this day and age. I again commend Senator Norris and I commend my colleague, Deputy McGuinness, and the others in the Visitors Gallery who have been spearheading this Bill.

Senator Jerry Buttimer: Déanaim comhghairdeachas leis an Aire Stáit nua, an Teachta D’Arcy. Go mórmhór, gabhaim buíochas leis an Seanadóir Norris agus an Teachta Dála McGuinness as ucht an Bhille an-thábhachtaigh seo. In welcoming the Minister of State, Deputy D’Arcy, to the House, it is my first chance to congratulate my friend and colleague and to wish him well in his new Department and new brief. It is a very important Bill that we are discussing this afternoon. I congratulate Senator Norris and Deputy McGuinness, who is in the in Visitors Gallery, for their work, as well as all those who have worked with them on the Bill.

The important point from today’s debate is that we should not allow this Bill to vanish into the ether, as I said on the Order of Business. Notwithstanding that there are different viewpoints on the Bill, there is a need to have not just a conversation but a national conversation. The national economic framework forum met today in Dublin Castle and the Oireachtas all-party committee met on the housing issue prior to the formation of this Seanad. It is important that the overarching aim and spirit of the Bill are what we should all work to achieve, and that means we must abandon the high tax and spend of Sinn Féin, the fiscal prudence of Fine Gael or the catch-all of Fianna Fáil in order to arrive in the middle. This is about citizens of our country being able to be kept in their own homes, being able to buy or being able to work together to ensure we have supply of housing.

In saying that, we must consider the backdrop. I understand the sincerity of Members of the House but sometimes, when I hear Senator Ardagh talk about Fianna Fáil bringing forward this or doing that, I have to wonder whether I am in a dream, because it was the party in government that nearly bankrupted the country. I am sure if T.R. Dallas wrote a few more songs, they would be bestsellers. We are now where we are, however, and what we must do is ensure that we achieve what Senator Norris is trying to achieve at the end of this.

I do not necessarily buy the argument that we should always be looking at our debt burden, although I might not be popular in Fine Gael for saying that. It is about people. It is about ensuring that people can stay in their own homes and that, as Senator Norris said on the Order of Business yesterday, they are not evicted or removed. We should not be going to the courts in this regard. I have a viewpoint which is something similar to that of Senator Norris. Senator O’Donnell touched on the vulture funds in his remarks. Why can we not have some type of co-operative, as Senator Norris said, where people can go to get money and make payments? If we look at what we are paying in rent allowance, housing assistance, hotel accommodation and the whole nine yards, I often wonder what would happen if we had some kind of vehicle whereby citizens could go and take out money and have a type of a mortgage. We are spending a fortune on our budget for all the housing supports, which are needed and which we all support. I am simply posing the question of whether there is a better way of doing that.

Supply is the big issue. We need to look at how we can incentivise the construction sector to provide supply in order to ensure we are doing everything possible-----

28 June 2017

Senator Jennifer Murnane O'Connor: The Government is supposed to be building thousands of houses but we still have not seen them.

Senator Jerry Buttimer: Senator Murnane O'Connor-----

Senator Jennifer Murnane O'Connor: The Minister, Deputy Coveney, promised thousands and we have only 200.

Senator Trevor Ó Clochartaigh: Castles in the skies.

Acting Chairman (Senator Ned O'Sullivan): The Leader, without interruption.

Senator Jerry Buttimer: I am reminded of the line in the song "I've looked at clouds from both sides now". Sometimes the clouds the Senator are on-----

Senator Jennifer Murnane O'Connor: They were supposed to build thousands of houses.

Senator David Norris: This debate is going to be a futile mess if Members insist on introducing partisan politics into it. I think that would be a disgrace.

Acting Chairman (Senator Ned O'Sullivan): We will move on. I ask the Leader not to be provocative.

Senator David Norris: I am not talking about him, particularly.

Senator Jerry Buttimer: I was making the point that what we need is a sustainable model whereby people can access credit. We bailed out the banks, whether we like it or not, and they have a moral duty to work with citizens. That might be populist but it is the reality. All of us in this Chamber and in the other House are dealing with customers of banks, whether private or commercial. I repeat that the banks have an obligation and a moral duty to work with all of us. I worry that we are heading down the road of the old-type bank, where they were seen as being vastly superior to all the rest of us. That cannot be allowed to happen.

This is about ensuring we have a new way of doing business. That is why I commend Senator Norris and Deputy McGuinness on challenging the *status quo* and challenging the Department of Finance thinking. Without being personal, some of the people in the Department are the people who were there in the old days. We need to challenge that mindset because if we do not challenge each other, then we cannot find the pathway forward, irrespective of our political ideology. I understand the Government has a different viewpoint on parts of the Bill. That is why it is important that we do not defeat the Bill today. We must have a national conversation. We have a White Paper on different policy documents, whether in regard to defence or education. While I am not being partisan, to be fair to the Minister, Deputy Coveney, and the Minister of State, Deputy English, Rebuilding Ireland was the first serious attempt in a generation to build housing. The Senator's party did nothing except run away.

Senator Jennifer Murnane O'Connor: It has not happened.

Acting Chairman (Senator Ned O'Sullivan): No provocative language, please.

Senator Jerry Buttimer: None of us accepts the situation where there are people in hotel rooms, people being evicted and people having uncertainty regarding their place of residence or their home. None of us wants that to continue. That is why housing policy must ensure we get a balance between the provision of social housing and private housing, and that we incentivise

the market so we can have more people involved.

If schemes need to be changed, let us do that. To be fair to the Minister, Deputy Eoghan Murphy, he said in his opening remarks as Minister, and the Taoiseach said in his first day in the Dáil, that there will be a review. Senator Ardagh has made reference in the past to the buy-to-let scheme and the whole issue of supply for first-time buyers. If we have to tear up the whole playbook, let us not be afraid to do that. This is about our fellow citizens. Some of us are lucky enough to have the money to buy a house or have a mortgage, and we cannot just wash our hands and absolve ourselves of responsibility. We are legislators. We have a task to do this and we are doing part of it today in this House. That is why it is important.

The other point concerns the model of financial services.

I am worried about our banks. I am concerned about the way in which the credit union movement is being treated as well and I make no apology for saying that. We must always ensure we have a viable credit union movement, which is accessible to people who require finance, and we must equally ensure we work with the people who build houses as well. They are not pariahs in some cases. We know who were the pariahs in the past but we need a healthy and vibrant construction sector, which can build houses.

I commend Senator Norris, in particular, and Deputy McGuinness. This is not the most perfect Bill but this is a conversation we need to have.

Acting Chairman (Senator Ned O’Sullivan): Four Senators are offering but I will call the Minister at 2.20 p.m. If everybody, therefore, keeps their contributions reasonably short, I will get everybody in.

Senator Brian Ó Domhnaill: I welcome the new Minister of State to the House. I congratulate him on his appointment and I wish him well. This is vitally important legislation. It is much more important than the discussion that has taken place over the past week about judicial appointments because this matters to people in their daily lives. This is about keeping them in their family homes and protecting their physical and mental well-being.

This is one of the most important Bills to come before this Seanad because it is about protecting real people who have been disenfranchised by the financial world within the State supported by the Government of the day, whether it was the current and previous Governments or the Fianna Fáil-led Government which was in office prior to them. The banks were bailed out and supported, but they have offered no support in return to those who wish to remain in their homes. That is a disgrace on the part of our financial and political institutions.

The legislation may have its flaws. I do not recognise them but others have commented on them. The legislation deserves respect and support. I congratulate Senator Norris and, in particular, the chairman of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, Deputy McGuinness, for bringing it forward. It is radical, creative and reflects outside-the-box thinking that very often does not happen within the Civil Service. The financial sector is not only running the political show in Ireland; it is running the political show across the world. I did not understand this until I paid to do a masters degree in finance a few years ago. I soon became educated in the fact that big finance is running governments across the world. Policy decisions that are taken, whether it is in this House or the other House, or in parliaments throughout the world, are infiltrated by vested interests from the financial sector disguised as

lobbyists and, therefore, those interests are always protected against the best interests of the consumer, or the home owner in this case. The Master of the High Court and other eminent researchers have said that the repossession statistics will increase at least fivefold over the next two years. Last year, there were approximately 5,000 repossessions and this will increase to 25,000 over the next two years if nothing is done.

There has to be an alternative solution because currently banks are frustrating people to the point of breaking them and, in some cases, they are using receivers. They are paid to do this. Vulnerable home owners are scared out of their wits. They are seeking medical interventions and they are forced to give up. Eventually, their homes are repossessed through the courts and they end up on the social housing waiting list. It will cost the State much more in the long term than the Bill would ever cost. The legislation provides a solution that can be tweaked if needs be but it is the path to sustainable homes for many people.

Receivers in the buy-to-let sector are operating on behalf of banks and vulture funds. The banks will say the receiver is acting on behalf of the borrower but that is not the case. I have a case where a receiver was appointed and sold two properties for a total of €127,000 but only €62,000 was allowed against the loans. The receiver, therefore, took more than half the money raised. The State is permitting banks and receivers regulated by the Central Bank to operate in this fashion while the borrower has no protection. That is unacceptable in a democratic society.

We have to stand up to big finance because it is laughing at us at the moment. The Bill is a step in the direction of taking them on properly and standing up on behalf of the ordinary man and woman who has taken out a mortgage and hit hard times, and who through no fault of his or her own, has lost a job and is unable to repay an unsustainable mortgage. The mortgage is a joint agreement between the lender and the borrower and that does not apply when the bank calls in the loan because the banks are taking no share of the loss. They say they may be doing underhand deals but there is not much evidence of that.

With regard to the fund that is to be established, the EU has an obligation to assist the State to deal with this residual issue because the ECB put such pressure on Ireland in 2008 and 2009. This makes economic sense and there are many ways to justify it economically but I do not have time to go into that. In the long term, this would be cost effective for the people affected and for the State. It would provide value for money and keep people in their homes. Reference was made to the need to provide additional housing. If the Bill is not accepted, there will be a need to do so for those who are in houses with unsustainable mortgages.

There are many ways of looking at this. If these issues are not dealt with, our mental health budget will have to be increased because people are at breaking point. I have visited families who were so distraught that they were unable to explain their circumstances. How can they take on the might of these financial institutions? When they seek legal advice, that is costly and they may not have the money to pursue it. There are many caveats. The Bill is sensible and I wish it well. I am happy to support it and I commend Senator Norris, Deputy McGuinness and the representative groups on the work they have put in. They are bringing forward a creative solution using outside-the-box thinking, which is urgently required. Approximately 10% of the 760,000 mortgages in the State are in arrears of 90 days or more. When one drills down into that number, €8 billion worth is in arrears of 360 days or more. This serious issue is coming down the tracks and if it is not dealt with now, there will be an avalanche of destruction over the next 24 months.

Acting Chairman (Senator Ned O’Sullivan): I call the Minister of State. I congratulate him on his promotion and I welcome him back to the House.

Minister of State at the Department of Finance (Deputy Michael D’Arcy): I thank the Acting Chairman. It is a pleasure to be back in the House. Senator Ó Clochartaigh seems to be present every time I am in the House.

Senator Trevor Ó Clochartaigh: I am the Minister of State’s greatest fan.

Deputy Michael D’Arcy: The Senator is very kind.

Senator Trevor Ó Clochartaigh: I would like to respond to the Minister of State.

Deputy Michael D’Arcy: It is good to see that Senator Norris has moved to the centre.

Senator David Norris: I am the floating voter.

Deputy Michael D’Arcy: There are major issues. Affordability is the biggest issue and the Bill does nothing for people who want to purchase property. The problem with the rental sector is that not only is there a lack of housing, too many people are renting. Until we have houses that people on average salaries can purchase, they will be renting. There is huge pressure on rent.

I am pleased that the Senator accepts this is the start of a debate and I am happy to start it. In our opinion, and that of the Department of Finance, there are enormous deficiencies in the Bill.

Senator David Norris: We need a Minister who stands up, faces down the Department of Finance and does not get bullied by it.

Deputy Michael D’Arcy: We are having the debate. That is why we are here.

I agree with the Senator. As a result of our history, in this country the word “eviction” is a dirty word. We also have to understand and accept that there are very few evictions. Senator Daly said there were about 5,000 to date. To put that into context, there are 170 evictions a day in the UK, and there were 45,000 evictions in 2016.

(Interruptions).

Acting Chairman (Senator Ned O’Sullivan): No one from the Gallery is entitled to speak. Only elected Members will speak here.

Deputy Michael D’Arcy: The position in which we find ourselves is of great difficulty for some people. I want to put the figures on the record now. There are 121,000 private dwelling homes in the State that are now in arrears, and 87% of those loans have been restructured. Some 15,700 homes are under pressure. I do not know whether Senator Conway-Walsh made her statement with or without the required knowledge, but her statement was incorrect. She said €7 billion was paid to service the national debt for the banks. That is completely incorrect.

Senator Rose Conway-Walsh: It is being paid to service the debt that is being privatised.

Deputy Michael D’Arcy: That is incorrect.

Senator Rose Conway-Walsh: What are we paying-----

28 June 2017

Acting Chairman (Senator Ned O'Sullivan): No further interruptions.

Deputy Michael D'Arcy: The national debt is €200 billion. In 2007, it was €40 billion. The banks will cost the State €30 billion. The extra €140 billion is a result of the deficits we ran between 2007 and 2017. We ran, on average, a €14 billion deficit per year for ten years. They are the figures. The €7 billion figure refers to servicing the entire debt. They are the exact figures.

Senator Rose Conway-Walsh: The Minister of State is saying that €30 billion-----

Deputy Michael D'Arcy: The figure of €30 billion of €200 billion is a result of the banks. The figure of €7 billion refers to it all. Our deficit is €140 billion. They are the figures. It is important to put them on the record.

Senators O'Donnell and Humphreys spoke about the prospect that, at some stage, somebody would be allowed to purchase his or her loan at a reduced rate. We had the same conversation when we spoke about the IBRC loan book that was traded – Senator Norris was in the House for that debate. I do not know if that can be done. My personal opinion is that the matter should be considered. Under those circumstances, there is a benefit for the individual.

My criticism of the Bill is that if it is passed, the debt still stays with the individual.

Senator David Norris: A reduced debt.

Deputy Michael D'Arcy: We do not know that.

Senator David Norris: We do.

Deputy Michael D'Arcy: The Bill does not deal with that.

Senator David Norris: It does.

Deputy Michael D'Arcy: The debt stays with the person. While the property might transfer, the amount may or may not be reduced. The full debt is still liable to the person who signed on the dotted line; that is the responsibility of a person who signs for a mortgage.

Senator David Norris: People have huge debts.

Deputy Michael D'Arcy: They are the points I want to address. I also accept the bona fides and the spirit in which the Bill is proposed. Everybody would like to do something for people facing the appalling vista that is the pressure of being in debt.

I thank Senators for introducing the Bill. I know it is motivated by a genuine desire to assist those suffering with long-term mortgage arrears and the fear of losing their homes.

Senator David Norris: I do not want to be rude to the Minister of State. Will a copy of his script be supplied?

Acting Chairman (Senator Ned O'Sullivan): There is no requirement for the Minister of State to do so, but perhaps he may be able to do so.

Deputy Michael D'Arcy: I will get a copy for Senators. The Government cannot support the Bill because, if brought into law, the Bill as drafted raises very serious concerns from a number of perspectives, including housing policy. The Bill could lead to the State housing budget

being reallocated from social and affordable housing to the blanket purchase of mortgages in arrears for the benefit of individual mortgage holders.

In terms of fiscal implications, the Bill could lead to reductions in spending and other Government priorities in order to fund the proposal. It could also lead to a breach in the State's fiscal targets, the meeting of which have allowed the State to return to economic and employment growth. In terms of fiscal stability, the Bill, as drafted, would incentivise an increase in mortgage arrears, given the ability to transfer costs from individual borrowers to a State-backed scheme, with no impact for the individual borrower. This would follow an impressive 15 consecutive quarters of decreases in the levels of mortgage arrears and would also be likely to undermine wider payment discipline, with consequent costs in terms of higher interest rates for the majority of holders who are paying their mortgages. In addition, there are no substantive details provided for this proposal and no worked-up business case. Based on the information provided, it is virtually impossible to see how a large mortgage book of non-performing loans can be turned into a performing security eligible for low-cost funding without a massive capital injection.

There is no evidence that the proposed national housing co-operative society could issue bonds. The establishment of a co-operative would require significant levels of capital and there is no information contained within the proposal about where this capital would be found. The level of capital required to acquire €13.9 billion of outstanding non-performing loans would be significant and it is not possible to see how the State could provide this capital without breaching fiscal rules. There is also no evidence that the co-operative could be kept off balance sheet. Furthermore, the Bill raises state aid and competition issues, and could prompt the European Commission to open an excessive deficit procedure against Ireland at a time when we have repaired the damage to Ireland's reputation at EU level and globally.

The Bill states; "The availability of EIB funding at historically low interest rates for bodies providing housing and the potential to refinance housing debt from this source" as justification for the Bill. There are serious difficulties with this approach, including the fact that European Investment Bank, EIB, will only lend to viable business proposals and there is no basis for how this proposal is viable. It is difficult to see how the viability of this proposal could be established when a business case is reliant on borrowers with poor credit records making regular payments. Even if viability could be established, any funder, be it the EIB or a third party, would likely require a significant risk premium to fund this project. Therefore, no cost funding cannot be assumed. The EIB will only provide half of the funding for any project, so the private sector would have to provide at least the other half of the required funding. For the reasons outlined already, any third-party fund will charge a significant risk premium for this proposal. Furthermore, the explanatory memorandum displays no understanding of how the ECB operates as it suggests that the co-op would, through a secured property bond, raise the total needed from the ECB and EIB with a combination of 15 and 20-year fixed interest rates.

The ECB cannot directly fund this proposal. It could only purchase such a bond in the secondary market if it was properly marketable, rated and met all of the required conditions. However, it is highly unlikely to be able to do so as the co-op would have to be off balance sheet. The bond would have to be bought by the private sector and would have to be performing, none of which would appear possible. I will touch on the Government's response on mortgage arrears. Members will be aware that the Government has already introduced the mortgage-to-rent scheme which enables borrowers unable to restructure their mortgage to remain living in their home as a social housing tenant. My colleague, the Minister for Housing, Planning,

28 June 2017

Community and Local Government, recently adjusted this scheme to make it more flexible and accessible to a greater number of borrowers. It is also the case that the Department of Housing, Planning, Community and Local Government and the Housing Agency are initiating pilot projects to explore potential mechanisms that would facilitate investment into the residential market by private equity firms using the mortgage-to-rent model. Should these pilot projects prove successful the refined MTR model would eliminate the need for a national co-operative society proposed in this Bill.

The Government has also introduced personal insolvency legislation to provide a framework to allow indebted borrowers to restructure their debt in a sustainable way by means of a personal insolvency arrangement with priority being given to the objective of facilitating the borrower to remain in the principal dwelling where possible. This legislation was further amended to introduce a court review of PIAs which included the family home which had been rejected by the lender. The court now has the power to impose the PIA on the lender if it forms a view that the proposal is the most reasonable and best alternative to bankruptcy. The insolvency service reports that the level of applications for PIAs has increased since the introduction of this court review.

Part 3 of the personal insolvency legislation is currently the subject of a review for which the public consultation phase will close on 30 June. The outcome of this review will be laid before the Houses of the Oireachtas in due course. The term for this charge of bankruptcy has been reduced from 12 years originally to three years, and last year was reduced to one year for applicants who fully co-operate with the process, allowing people to start again in a reasonable timeframe.

Last October the Tánaiste and then Minister for Justice and Equality, and the Minister for Social Protection launched a new Abhaile home mortgage arrears resolution service.

Acting Chairman (Senator Ned O’Sullivan): The Minister of State has two minutes left.

Deputy Michael D’Arcy: Abhaile facilitates State-funded access to legal advice and-or consultation with a personal insolvency practitioner for indebted borrowers to ensure that they are fully informed about all available options to address their mortgage debt. The Consumer Protection Act 2015 has been enacted to fill the consumer protection gap where loans were sold by the original lender to an unregulated firm. The Act introduces a regulatory regime for a new type of entity called the credit servicing firm. These firms are now subject to the provisions of Irish financial services law which is applied to regulated finance service providers. Importantly, this remit ensures relevant provided borrowers whose loans are sold to third parties maintain the same regulatory protections as prior to the sale. These protections include protections under the various statutory codes and regulations issued by the Central Bank of Ireland. It should also be emphasised that the sale of a loan from one entity to another does not change the terms of the contract or the borrower’s rights and obligations under the original contract.

Acting Chairman (Senator Ned O’Sullivan): The Minister of State has one minute left.

Deputy Michael D’Arcy: I will not finish this in a minute, if the Chairman could indulge me, please.

Members will also be aware of the code of conduct on mortgage arrears, CCMA, which set out how mortgage lenders must treat borrowers in or facing mortgage arrears, with due regard to the fact that each case of mortgage arrears is unique and needs to be considered on its own

merits, with the objective of at all times assisting the borrower to meet his or her mortgage obligations. Members will see from the range of initiatives to address mortgage arrears already implemented, that the Government is already committed to providing support for borrowers in mortgage arrears and will continue to address outstanding commitments contained in the programme for partnership and the Action Plan for Housing and Homelessness.

On 8 June, the Central Bank stated that there were 735,000 primary dwelling home mortgages outstanding at the end of the first quarter of 2017. Some 90% of these accounts are not in arrears. The majority of mature categories of arrears, including those in long term arrears, are now declining. There has been a reduction of 46% in the number of primary dwelling homes accounts over 90 days in arrears since the peak of the third quarter 2013. This cohort stands at 53,100 accounts. The equivalent reduction in buy-to-let properties in arrears over 90 days is almost 36%. Accounts in arrears over 730 days now number almost 33,000, with outstanding balances over €7.4 billion.

These figures indicate that where borrowers actively engage with their lender under the CCMA, it is more likely that an equitable arrangement will be found and the borrowers will be able to remain in their family home which is everybody's objective. I believe the introduction of the National Housing Co-operative Bill could undermine that good work to date by encouraging indebted mortgage holders eligible for a mortgage restructuring arrangement to wait and see how this legislation pans out. This would be a negative outcome and mortgage arrears would continue to increase, leaving them with a larger debt to resolve in the future.

Acting Chairman (Senator Ned O'Sullivan): Could the Minister of State conclude please?

Deputy Michael D'Arcy: This Bill would have an adverse impact on the ability to undertake secured lending in Ireland which is ultimately dependent on the financial institutions' right to realise the security if needed, and priced accordingly. This is the cornerstone of secured lending and an effectively functioning mortgage market.

Senator David Norris: It is the cornerstone that drove this country bankrupt.

Acting Chairman (Senator Ned O'Sullivan): There will be no interruptions and the Minister of State will conclude now.

Deputy Michael D'Arcy: I reiterate the Government's strong opposition to this Bill for the reasons outlined and urge Senators not to pass the motion for this Bill. It is important that any proposal for such far-reaching legislation would have been thoroughly researched in terms of the current situation, the expected impact and outcomes, and be subjected to rigorous regulatory impact analysis so that the resulting draft legislation is based on clearly established facts and all the potential consequences, both positive and negative, are foreseen and properly considered in advance.

Acting Chairman (Senator Ned O'Sullivan): I thank the Minister of State. Clearly, we will not finish this today. The next speaker is Senator Ó Clochartaigh.

Senator Trevor Ó Clochartaigh: Tá mé ag seasamh inniu agus mé ag tacú leis an mBille atá tugtha chun cinn ag an Seanadóir Norris agus lena bhfuair sé cuidiú ón Teachta McGuinness agus daoine eile lena réiteach.

28 June 2017

I am disappointed with the Minister of State's response. We have heard many different contributions today. Generally people have said that they agree in principle that there is a major crisis and people have to be helped and so on. It becomes a little tiresome, especially from the Minister of State and the Government Senators, when they give us those types of sentiments and then the Minister turns around and gives us a litany of excuses as to why these people cannot be helped rather than coming in here in a constructive way to say that he agrees with the Bill and while there are issues with it, let us work together and see how they can be improved, and giving his own suggestions.

There were very few suggestions from the Minister of State on how to improve this Bill which is very disappointing at a time when we realise there is such a crisis. If we have the wherewithal in the Department of Finance to devise the animal that is NAMA, which can organise a fire sale of bargain basement proportions for vulture funds to come in and buy up properties in the State, surely we have the wherewithal and expertise to improve Senator Norris's Bill to create what would be a more humane type of institution that would help people in mortgage distress and would really follow the spirit of this Bill. I do not believe that the Minister of State cannot come with more positive proposals at this stage.

When people come to write the history books in years to come, Rebuilding Ireland, which the Leader mentioned earlier, will probably go down as one of the greatest works of fiction of the 21st century. We can look at the situation in Galway at the moment. In 2016, the previous Minister, Deputy Coveney, who has been lauded as having done great work in this area, told us that there was a target of 1,126 social housing units which were supposed to be built in Galway city and county in 2017. How many have we got? Fourteen. How many will we get next year? Fifty five, according to the targets. That is in Galway city and county where we have over 4,000 people on social housing lists.

Senators tell us that it is a supply issue which of course it is. However, the problem with a supply issue is that the Fine Gael-Labour Party Government, and previous Fianna Fáil Governments, have all left the supply to the private sector. We need State intervention. We need a State building programme that will build social and affordable houses for people who need them and take the pressure off the private rented market which will see the exorbitant rents being charged for private rented accommodation brought down. If we build social and affordable houses for people who need them, it will take the pressure off the private rented market, the exorbitant rents that are being charged to people in private rented accommodation will decrease and it will stop the practice of people being housed in hotels and paid for by the local authorities. There is a supply issue and the Government is not taking any real action to address it.

I agree with the Leader's comment earlier that a considerable amount of money is being spent on HAP, rent supplement and so on. Approximately €870,000 is being spent over a six month timeframe by Galway City Council to house 24 families in emergency accommodation. What level of mortgage would that support? Why can that money not be spent on construction of social and affordable housing rather than be squandered in that way? That cannot be done because of Government policy, not only of this Government but of previous Governments. Sinn Féin has brought forward legislation in this area. For example, we have called for the 15 derelict sites in Galway to be bought by the local authorities for the purpose of social and affordable housing provision. That would take some of the pressure off the supply side.

It is important consideration is given to the intervention suggested by Senator Norris to address of the mortgage crisis. I have been in the repossessions court in Galway and have seen the

stress people are under and the David and Goliath struggles that are going on in the courts. In fairness, some of the county registrars are standing up to the banks. Many people are severely stressed as a result of having to attend repossession hearings in the courts for months on end. The banks have no problem bringing in solicitors and barristers and paying them huge amounts of money but most of the people in mortgage arrears do not have two pennies to rub together. They cannot afford that type of support. In Galway, the repossessions court is no bigger than a shoe box such that most of the people against whom repossession cases have been taken cannot get into the room to listen to their cases being dealt with. It is a disgrace.

That Fianna Fáil is rubbing its hands about this crisis is appalling.

Senator Aidan Davitt: It would be more in line for Sinn Féin to focus on fixing the problems in the North.

Acting Chairman (Senator Ned O'Sullivan): Senator Ó Clochartaigh to continue without interruption.

Senator Trevor Ó Clochartaigh: Fianna Fáil has no credibility on this issue.

Senator Aidan Davitt: Sinn Féin has enough on its plate up North.

Senator David Norris: Sinn Féin is the most noteworthy party in this country. I never thought I would say that. It is the only left-wing party in the country too.

Acting Chairman (Senator Ned O'Sullivan): I have given Senator Ó Clochartaigh some leeway and I hope it will be appreciated and he will conclude soon.

Senator Trevor Ó Clochartaigh: Fianna Fáil fuelled the property bubble and it introduced the regulation that was in place at that time. It allowed the 100% and 110% mortgages to be given by the banks. For Fianna Fáil to be crying crocodile tears at this point is not good enough. We know Fianna Fáil cannot be trusted on these issues.

This model, which is a NAMA for the small people, is an important one. Sinn Féin supports the model in principle but we will be bringing forward amendments on Committee Stage.

3 o'clock It is about time the Government put its money where its mouth is. It needs to use money more wisely and stop depending on the private market to resolve the crisis it created, to put real money and effort into the build of social and affordable housing and to take account of the measures we have brought forward on rent certainty.

Acting Chairman (Senator Ned O'Sullivan): Unfortunately there are two speakers remaining but as we have gone over time they will have to wait until the resumption of this debate to contribute.

Senator David Norris: Before we conclude, because I do not believe we will come back to this Bill, the fingerprints of the Department of Finance were all over the Minister of State's speech. It must be stood up to.

Acting Chairman (Senator Ned O'Sullivan): The Senator will have an opportunity to respond another day.

Senator David Norris: We need political direction. What was said was absolute rubbish. In regard to the Minister of State's point that there were only 5,000 evictions, how would he feel

28 June 2017

if he had to look every one of those 5,000 Irish citizens in the eye and tell them that?

Acting Chairman (Senator Ned O’Sullivan): The Senator will have an opportunity another day to raise those issues.

Deputy Michael D’Arcy: May I respond to Deputy Norris?

Acting Chairman (Senator Ned O’Sullivan): No, we are out of time.

Deputy Michael D’Arcy: I want to respond to Senator Norris.

Acting Chairman (Senator Ned O’Sullivan): I cannot allow the Minister of State to do that.

Deputy Michael D’Arcy: It is not ideal for people to have their houses repossessed. The Senator does not have the monopoly on this, not for one second.

Senator David Norris: I was reiterating the Minister of State’s own words.

Acting Chairman (Senator Ned O’Sullivan): I ask for some decorum, please.

Debate adjourned.

Sitting suspended at 2.35 p.m. and resumed at 3 p.m.

Petroleum and Other Minerals Development (Prohibition of Onshore Hydraulic Fracturing) Bill 2016: Committee and Remaining Stages

Acting Chairman (Senator Gerry Horkan): The Minister of State is welcome back.

SECTION 1

Senator Grace O’Sullivan: I move amendment No. 1:

In page 4, line 14, to delete “both.”” and substitute the following:

“both.

Prohibition of exploration, extraction or exploitation of petroleum

5D. (1) National land and waters should be managed for the benefit of the people of Ireland to avoid the dangerous impacts of climate change and promote a rapid and just transition to clean energy.

(2) The Minister shall not issue, renew, reinstate, or extend any licence or other exploitation rights for the exploration, extraction, production or prospecting of petroleum onshore or offshore.””.

Acting Chairman (Senator Gerry Horkan): Do we have a seconder?

Senator Grace O’Sullivan: She has not yet arrived.

Acting Chairman (Senator Gerry Horkan): I am sure we will get one at some stage. The

Senator may address the amendment.

Senator Grace O’Sullivan: The Minister of State is most welcome.

I addressed this matter during the Second Stage debate. What Ireland and the rest of the developed world needs to recognise is the contradiction in our energy policies. On the one hand, we are signing up to international agreements to cut greenhouse gas emissions, while, on the other, signing oil, gas and coal exploration licences. In the Paris Agreement we have agreed that we must limit increases in the global temperature to between 1.5° and 2° Celsius. Anything more than this would cause huge disruption to our way of life that would be beyond the capacity of politics, society and technology to deal with. However, we also know that, were they to be burned, the current known reserves of fossil fuels would release such an amount of greenhouse gases that it would lead to further rises in temperature. If we were to burn more, we would see further rises in temperature, exceeding the limit of between 1.5° and 2° Celsius. Therefore, our current energy policy is nothing less than a complete contradiction, a policy that can only lead to one conclusion: we should keep the petroleum in the ground. Of the known remaining reserves of oil and gas, we can burn between one third and two fifths and still keep within the 2° Celsius range. I ask the House to think about this and what it means. It means that three fifths of the known reserves of oil, gas and coal which were located using expensive and damaging exploration techniques will just have to stay where they are: locked up and unused forever. Any other outcome would mean disaster, not just for human society but for all life on earth. We need to get real. Anyone who votes against my amendment will need to explain to me how exactly he or she plans to square the circle. Will he or she suggest exploring and then leaving the fuel in the ground or will he or she ignore the global problem and our European, global and ethical obligations to get the fuel to be burned and damn the consequences?

The amendment has been taken from US Senator Bernie Sanders’s just transition strategy which has been designed to ensure state action on climate change and energy policy is equal to the scale of the problem that faces us globally. The just transition strategy is also focused on providing a pathway to a new future of work that will move people from destructive industries and help them to retrain and adapt to a new, greener future in sectors such as renewables and green technologies. This is the approach the Green Party is emulating in Ireland and the amendment is an important demonstration of that thinking. We have an example of such joined-up thinking in the global divestment movement that has seen the divestment of over \$5 trillion dollars worth of stocks and shares in fossil-fuel related companies because of academics and public and private bodies in reaction not only to the moral obligations surrounding climate change but also the fact that these companies are about to be left with a mountain of stranded assets of explored and unextractable oil, gas and coal that will be the ruin of many of them unless they get out. I urge them to get out now.

Many will say this is impractical and that we cannot endanger our energy security and that we not be able to keep the lights on without new oil and gas exploration at home. However, just this week, the new French Government led by Emmanuel Macron has announced that it will do exactly what is proposed in the amendment. The new Environment Minister, the noted ecologist Nicolas Hulot, declared a new law to prohibit the issuing of all new licences for oil and gas exploration, onshore and offshore, on the principle that fossil fuels located could never be extracted and that to do so would greatly endanger the lives and safety of future generations. Before Members have a go at me about this being possible in France because of its use of nuclear power, the same government has announced the phase-out of 20 ageing and expensive atomic power plants. The exploration ban, the nuclear power plant phase-out and the proposed

28 June 2017

ending of all fracking in France are part of a new green shift that will see France emulate Germany, Denmark, Sweden and other countries in a rapid transition to a renewables future. I say: "Ireland, let us get on board."

I stress again my complete support for the Bill. My amendment is offered not in an effort to disrupt or slow down the process but to open the debate on energy policy in Ireland that will bring it to a level that really reflects the seriousness of our commitments. I am delighted that once the President signs the Bill, which will be passed here today, fracking in Ireland will be banned, and we will have secured crucial protections for our air, water, farms, rivers, climate and, most of all, our people.

We have protected our community from the dangers and fears inherent in this technology, and vindicated the work of many groups here today in the Gallery, including Friends of the Earth, Afri and Love Leitrim. They have done tremendous work to get the Bill so far. Nonetheless, I will push for a full vote on the amendment, as my colleagues in the Green Party in the Dáil did when they suggested similar additions to the Bill. We need to face up to our responsibilities and the natural constraints of our planet. Today, we will ban onshore fracking and it is fantastic, brilliant and a real progressive step forward for Ireland. My amendment would ban not only onshore, but offshore fracking. It is the same thing. It is all about damaging and polluting our atmosphere and damaging the quality of life of our people. This is why I have tabled the amendment.

Senator Alice-Mary Higgins: I second the amendment.

Senator Terry Leyden: I welcome the Minister of State, Deputy Kyne. As Fianna Fáil spokesperson for communications, climate change and natural resources, I must tell Senator O'Sullivan that unfortunately we cannot support the amendment for the simple reason that it would not keep with the Bill and could delay it being enacted. To be consistent, in February 2011 onshore petroleum licence options for the north-west area were granted by the then Fianna Fáil-led Government. However, exploration drilling, including drilling that would involve hydraulic fracturing, was not allowed under these licence options. This is backed up by replies to parliamentary questions, which I am happy to share with interested parties. Enormous work has been done on the Love Leitrim campaign over six years by all of the councillors and Oireachtas Members, and I welcome Councillor Mary Bohan who is in the Gallery. I also welcome Scott Coombs and Eddie Mitchell, Shane Coghlan of Friends of the Earth and many more, including representatives of Roscommon County Council and Leitrim County Council. This issue is included in the county development plan.

I commend the intelligence of getting a Government Deputy to sponsor a Private Members' Bill. I have been endeavouring to get a Bill through for some time, the Registration of Wills Bill, and every time I get so far, I am thwarted again by a change of either Government or Minister and it is practically impossible. Deputy Tony McLoughlin, a Fine Gael Deputy for Sligo-Leitrim, has tabled the Bill, with the support of Fianna Fáil and the Government. The Government's input was vital in this regard. If the Government wanted to block the Bill, it could easily have done so, but it has given much consideration to the Bill.

I appeal to Senator O'Sullivan to withdraw the amendment because she is going down a very dangerous path. There is no question of fracking being allowed offshore. It is a myth at this stage. There are no applications and nothing on the horizon. It is a different process. The onshore process is well tried and well practised. Nobody is closer to this than Councillor

Bohan, because it started in her area and could have done damage to the River Shannon, tourism and the agricultural industry. It could have destroyed the clean air and clean water. Water is absolutely vital and there is no guarantee the water would not come down the River Shannon and pollute it, destroying fisheries and tourism. It was the most outrageous proposal on a small island. Fracking has happened in the United States of America and Britain. Fracking in the United Kingdom has resulted in mini earthquakes in areas, and this fact is well recorded, because it is such a small country compared to the vast areas of the United States of America.

We appreciate what the Senator is trying to do, and we sympathise with her situation, but I have been advised by the Fianna Fáil research office, which is well acquainted with this issue, that this would delay implementation of the Bill. If the amendment were accepted today, the Bill would have to go back to the Dáil and go through the entire process again. We would then have the adjournment for the summer recess and it would not be law before autumn. I reiterate that we support the Bill 100%. We would like to have introduced such a Bill ourselves, and we would have liked if a colleague such as Deputy Eamon Scanlon could have introduced it, but there was no point because the Government probably would not have gone along with it.

It is in a good area electorally for Roscommon and Leitrim. It looks like a Tullymandered constituency revision. It smacks of the biggest Tullymander since James Tully was there in Meath.

Senator Frank Feighan: Was Tully a member of Fianna Fáil?

Senator Terry Leyden: I say this having represented Roscommon for the past 40 years, with 36 years in a beautiful consolidated county. These electoral divisions are the most outrageous Tullymander I have ever come across. It did not affect Meath. It did not affect the Minister in the Department. It is the most outrageous bit of work.

Acting Chairman (Senator Gerry Horkan): I ask the Senator to come back to the amendment. I understand that point the Senator is making, but I ask him to try to stick to the amendment.

Senator Terry Leyden: The point I am elaborating on is that it is coming at a very convenient time for a certain person who is jumping ship from Roscommon, who may benefit from the fact the fracking Bill will be passed today, in conjunction with his colleague, Deputy Tony McLoughlin, who initiated the Bill. That is another day's work and I wish him well.

Senator Frank Feighan: I have left Senator Leyden's hospital and accident and emergency department in great shape.

Acting Chairman (Senator Gerry Horkan): Through the Chair please.

Senator Frank Feighan: I am the only man-----

Acting Chairman (Senator Gerry Horkan): Senator Leyden without interruption, but maybe on the amendment.

Senator Terry Leyden: I always wish politicians success. I lost an area of Galway one time and landed up in lovely Longford. That was the end of my career in the Dáil. It will be difficult for other people in Roscommon.

Acting Chairman (Senator Gerry Horkan): I ask the Senator to come back to the amend-

ment now.

Senator Terry Leyden: I apologise for diverting but I had an opportunity.

Fianna Fáil will oppose the amendment with the Government because we believe it to be the right thing to do. We commend the Minister of State, Deputy Kyne, and the Minister, Deputy Naughten. I heard the Minister on the radio today and he spoke very highly about this issue. When he came in as Minister, he ran with this Bill so he has to take credit for working with the Minister of State, Deputy Kyne. The fact is that we just cannot afford to delay the Bill. Private Members' Bills could take ten years to go through the Houses. This is one of the speediest. We may find it is the one that has gone through the fastest of any Private Members' Bill for a very long time. Feargal Quinn introduced a Bill here and got it through eventually, but it is a very slow process. The Government has backed it 100%. It sends a great message throughout the world that we will not allow fracking. It is the best publicity for our clean air, clean water, quality cattle, organic cattle, organic sheep, vegetables and fruit. Our green and beautiful land will not be destroyed by fracking. I thank all involved. Well done Love Leitrim, Friends of the Earth and all the councillors, Deputies and Senators. We all backed this in our own way and it is a great day for the House and the Oireachtas.

Acting Chairman (Senator Gerry Horkan): I welcome Councillor Mary Bohan, the recent chair of Leitrim County Council who has had a very successful year, and Deputy Tony McLoughlin, whose Bill we are discussing. They are very welcome to the Gallery, as are all of their supporters and the people involved in the campaign.

Senator Rose Conway-Walsh: I welcome everybody in the Gallery. I commend all the people who have brought us to where we are today with the Bill. I know exactly what Senator O'Sullivan is trying to do with the amendment and I completely appreciate it. The reason I do is because I am from the area of the Corrib gas project. I saw, followed, witnessed and lived through everything that happened with regard to the project and what continues to happen when we see unemployment rates at more than 30% and our gas flowing out to be followed by oil and everything else. We also lived through the seismic testing that was done offshore and the subsequent earthquake. We might say there is no connection but there are too many coincidences.

There were attempts - in some cases successful - to divide the community on the topic. If a person was not 100% in one box, he or she had to be in the other box. I agree with every word in the amendment, without reservation, but his amendment deals with offshore exploration and extending the ban to conventional gas and oil extraction, and it is not what the Bill intends. I also recognise the absolute urgency for communities around what needs to be done to prevent fracking. I am frightened of my life of fracking and the possibility that fracking could be allowed onshore. This in no way diminishes how I feel about anything done offshore. We have often cited the true map of Ireland and our offshore exploration.

With regard to an outright ban on all exploration, the banning of conventional offshore gas and oil exploration was not the intention of this Bill and nor does it seem to be the immediate concern for all those people involved with the community groups across Leitrim, Sligo, Clare and Mayo. They, like me, are all fearful of the awful consequences that fracking could have on the environment and health. We should remember that once fracking starts, there is no end. Once there is a foothold, it will be impossible to get those companies out. The offshore environment is very different when it comes to exploration. The intention of the amendment is that Ireland would never use any oil or gas found off its shores, as other countries have done,

such as in Norway, where the state has seen benefit from it. We would always have advocated the Norwegian model and how the Norwegian Government stood up to oil and gas exploration methods. We were ignored right through a decade and beyond.

Our aim should be to phase out fossil fuels and create a greener and more self-sufficient island when it comes to energy. We must be realistic. The timeframe is relatively long, considering the technology available. What storage technology is there for renewable energy, for example? We hope that technology will advance. We need a realistic timeframe for the phasing out of fossil fuels and mapping of the alternatives. This should be our priority. I desperately want to see this Bill going through so we can deal with onshore fracking. I would absolutely support what is being said in the amendment today at another stage when we seriously consider offshore drilling and everything else, including deals being done and the protection of our environment and citizens. I cannot support the amendment today but I look forward to seeing it on the table in future so we can deal with it in another context.

Senator Frank Feighan: I welcome all the members of Love Leitrim, Friends of the Earth, the Good Energies Alliance Ireland and all the people who put serious work into an issue about which they were very fearful. People power set this train in motion. I thank Deputy Tony McLoughlin for all the work done by him and his staff. People speak about new politics and it is a good news story that a Bill could be introduced early last June and a year later it has gone through all Stages in the Dáil and Seanad. I look forward to this Bill being brought to the President of Ireland in the coming days for him to sign. It is real and good politics, with people from all sides of the political divide coming together and doing something that is right and proper.

I remember four or five years ago we introduced the visitors to the then Minister, former Deputy Pat Rabbitte, and he would have given them a fair hearing to outline fears about pollution risks to water and the atmosphere and the contribution to climate change. This Bill ensures the prohibition of any exploration or extraction of petroleum from rock that requires additional processes to increase the permeability of the rock and aid the extraction of petroleum from lithologies, shale rock, tight sands and coal seams. I went to an open forum where the film from the United States was shown and I was horrified to see people lighting water where fracking caused awful consequences. There is fluid or waste in the extraction process and the Bill would deal with such matters. This Bill will ensure fracking will not occur in lovely Leitrim, Cavan, Fermanagh and Sligo. I congratulate everybody who has been involved and this is a good news story for politics and the people of the area.

Senator Tim Lombard: I welcome the Minister of State to the Chamber and I acknowledge the presence of Deputy Tony McLoughlin, who pioneered this Bill. Great credit must go to him for pushing this Private Members' Bill so far. It is great to see we are on the verge of passing this legislation. As Senators have said, we hope it will go to the President imminently so it can be made into law.

As representatives of the Government we will not support the amendment. The debate needs to happen but today is about fracking and how we can ensure this particular matter can be dealt with. Deputy McLoughlin set out an agenda and has delivered so far on it. If we brought this into the debate, it would slow the process, although the House should have the debate at some stage. Senator Grace O'Sullivan is capable and an excellent Senator but we should have a debate with the Minister on future fuel needs and how we will legislate for them. It is a broader debate that will involve solar farms and guidelines, wind farms and electric cars. A variety of topics must be dealt with. We need to have the Minister in the House for a considerable period

to thrash out the issues so we can move ahead with appropriate legislation for our country. It is a key matter for us as a nation. Unless we act now, it will be too late. Senator O'Sullivan has great knowledge in the field and we must try to work with everyone in the House to ensure there is appropriate legislation for everyone.

As I stated, this Bill is about fracking and an initiative brought forward by Deputy McLoughlin. I hope that today we can bring it forward and have it passed. I hope the Bill will move swiftly through the House in the next hour and I hope it can be enacted.

Senator Alice-Mary Higgins: I welcome the Minister of State to the House and commend Deputy Tony McLoughlin, who demonstrated an extraordinary positive initiative in bringing forward this Bill and building cross-party support. A positive aspect of new politics that we have seen is not just that quality proposals coming from the Opposition benches are more often beginning to be considered - we have some positive Opposition legislation moving through the House and becoming law - but also that some backbenchers within the Government have done the same. Senator Colm Burke in this House has put forward very constructive proposals for legislation. I commend the Deputy and it is important those proposals are being heard.

Others have mentioned Love Leitrim and Friends of the Earth. Afri, or Action From Ireland, has done extraordinary work. I also give credit to the wider movement that is asking the important questions around fossil fuels. We have seen movements for divestment from fossil fuels from the likes of Trócaire, Trinity College Dublin and National University of Ireland, Galway. We have seen a lead from many young people who understand that fossil fuels cannot be at the core of a future for them or any of us on this shared planet.

I also want to note that the Bill sends out an important signal on the international level at a time when we have seen Europe having to step up and having to put substance behind its written commitments. Given the United States has pulled back from the Paris Agreement, it has really put it up to every country to say what they will do in a concrete way about meeting the Paris targets. We need to have a stepping up of ambition across the world on that. At a local level, this sends an important signal to local and rural communities that they are not going to be sacrificed to short-term energy interests or short-term lobbies but, rather, that they need to be part of the debate around a sustainable future and that their voices will be heard.

This is at the core of the amendment Senator Grace O'Sullivan is putting forward. Her amendment points towards where we need to go next. It refers to the management of land and waters, "for the benefit of the people of Ireland". There were other small amendments we could have put forward but we have not done so. It is important that we be clear that the definition of "land" should be that which is based on the European directives and that the definition of "waters" in the Bill should include groundwater. This amendment makes very clear that the land and the waters are to be managed for the benefit of the people of Ireland.

We know that Justin Keating in a previous generation faced up to the challenges of an Irish State seeking to establish financial and economic security and sustainability for its population and, at that time, it had a 50% tax on the product of oil exploration, with a 6% or 7% royalty. The challenge at that time was the fiscal, financial, economic and energy security of a new State as it moved forward. It was very unfortunate that those provisions were rolled back and removed. I would absolutely concur with Senator Conway-Walsh in regard to some of the ways offshore exploration has been managed with regard to Shell and others in Mayo, which has been of huge concern. The stakes are now much higher, however. We are not talking simply about

economic and energy security in the long term for our State, but about environmental security and the global challenge of climate change. There is a huge responsibility on the State to ensure that we are paying attention to how our land and water are managed in order to ensure it is delivering on every level benefits for our citizens and also to ensure we do not move towards the catastrophic impact of climate change, which is happening already in many parts of the world.

While I know not all Members will be able to support the amendment today, I hope they will support this as the direction we need to move in. Ireland needs to follow on from France and other countries and say that the best way we, as a State and as legislators, can manage these resources for our citizens is by no longer issuing licences, offshore or onshore, for oil exploration until we have a meaningful strategy in place and until we have fully explored what we can do in terms of more sustainable and renewable resources.

There is one other key phrase in my colleague's amendment, where she refers to the "just transition". Again, that is where Love Leitrim and such local campaigning and its international aspects are vital in bringing together the idea that we would be placing communities, workers and citizens at the centre of the debate on how we build this. That, of course, applies to green technology as well, because we need to hold green technology to the same standards of environmental and social impact assessment, as well as consultation and engagement.

I encourage Members to consider supporting the amendment and, if they cannot support it today, to say they will support the spirit of the amendment. We will be bringing it back to this House. We will look to follow France, which has banned these forms of offshore harvesting.

I want to highlight another concern on which I had planned to put down an amendment. Recognising the urgency of the Bill, I have not done so, but I urge the Minister of State to engage with the Minister, Deputy Naughten, on this issue. It is a very serious concern that even at a time when we in Ireland are recognising the huge environmental dangers of fracking, such as the impact on our water and on our climate change targets, the Minister has nonetheless indicated he will continue to support the building of a liquid natural gas terminal at Shannon, which could lead to a situation where Ireland is importing and processing fracked liquid natural gas. This is an issue where we are in it together from the local to the national to the international level. Fracking which is happening anywhere is contributing to climate change. We in Ireland, as the next step, need to look at how we stop fracking in Ireland but also how we ensure we are not contributing to hydraulic fracturing anywhere in the world. We need to take the next step to ensure that no State moneys and none of the moneys in our institutions and colleges are being invested in this industry of hydraulic fracturing or, indeed, in any fossil fuels.

These are the next steps. If Ireland is going to go further than simply sending one very positive signal today, we need to show leadership as we have previously done. Afri was very involved in areas such as arms divestment and the banning of cluster munitions, where Ireland as a small nation led the way in taking a moral standpoint that got taken on in other parts of the world. I ask the Minister of State to go further than a one-day victory, although it is a very important victory for the people of Leitrim, Roscommon, Galway, the west coast and the other counties of Ireland, and that we make this a global moment. I again commend Deputy Tony McLoughlin for putting this forward and I endorse my colleague's amendment.

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Seán Kyne): I welcome Deputy Tony McLoughlin, Councillor Bohan and members of the anti-fracking advocacy groups in Leitrim and elsewhere and commend them for

their work on this very important topic.

In response to Senator O'Sullivan's amendment, in the first instance, the wording of the amendment is declaratory. It is unclear what potential impacts subsection (1) may have on sectors wider than the petroleum industry, whereas subsection (2) may infringe on the existing rights of licence holders, potentially giving rise to legal and compensatory implications. However, the key point I want to stress is that Government policy with regard to climate change is laid out in the energy White Paper, which provides for alignment between energy policy, climate action and exploration policy leading to the transition to a low-carbon economy by 2050. There will remain a significant role for natural gas, for example, as a transition fuel in achieving a low-carbon economy. Therefore, I do not propose to accept the amendment.

It is important to note that offshore fracking is an entirely different process which is only irregularly used in conventional drilling and there are none of the environmental concerns associated with onshore fracking that are relevant to the offshore. Deputy McLoughlin's original Bill was the Prohibition of the Exploration and Extraction of Onshore Petroleum Bill 2016. That was taken on board, with the support of the Government, and became a Government amendment to the Petroleum and Other Minerals Development (Prohibition of Onshore Hydraulic Fracturing) Bill 2016. Therefore, the genesis of this has been the onshore aspect. While I accept there is a broader debate, as Senators O'Sullivan, Lombard and Higgins have stated, I do not think today is the day for that. This is a very specific Bill in regard to banning fracking onshore. As I said in the Dáil, other debates can be had on another day. Accepting amendments at this stage which could impact on the spirit of the onshore ban on fracking would not be in the interests of the people who wish to see onshore fracking banned. A good deal of work was done by the committee that scrutinised the Bill and the synthesis report by the Environmental Protection Agency, EPA, which was a combined report between the North and South. The prohibition of fracturing offshore has not been considered in the same fashion in the context of the EPA-led joint programme or any other programme of research in Ireland or internationally as far as I am aware. Nor has a prohibition of this activity offshore been introduced in any other jurisdiction.

There is a Bill in the Dáil and there will possibly be future Bills relating to the offshore. It is best to leave that area to be dealt with on another day and to have a broader discussion on it. I accept the issues in that regard, even within my Department between climate change on the one hand and natural resources on the other. Natural gas in particular is a transition fuel in terms of a transition to a low carbon economy. Senator Higgins mentioned the LNG terminal at Shannon and there are other issues we have to examine. Moneypoint, which is coal-powered, is one of them. Coal is relatively cheap at present. It is a fossil fuel but it is a very important energy generator. It will come to the end of its natural life and decisions will have to be made on what replaces it. Will it be natural gas or renewable gas in terms of the role biomethane will play? There are also the plans for a renewable heat incentive that are being developed and, hopefully will be agreed by Cabinet before Christmas, on which there was consultation earlier in the year. Can that renewable gas be put into the system and reduce our carbon emissions? Also, in regard to carbon sewerage, are there possibilities in the soon to be extinct Kinsale gas field? As it runs out, are there options for carbon storage? Is that a reasonable proposition?

There is a bigger debate than this issue, but today is the opportunity to agree on banning fracking onshore. I ask the Senator not to push her amendment as the Government will not be able to support what it proposes. It will be momentous day if we get this Bill to ban fracking onshore passed. I accept it is a first step in a wider process but that wider debate can be had in this House and elsewhere, and I will be happy to participate in that.

Acting Chairman (Senator Gerry Horkan): Despite the fact that not all the Members present are agreeing to support Senator O’Sullivan’s amendment, they have nearly all indicated they would be very supportive of the concept she is trying to promote. The Senator can now make concluding remarks on her amendment.

Senator Alice-Mary Higgins: I want to comment on one other point. We are on Committee Stage.

Acting Chairman (Senator Gerry Horkan): I cannot allow the Senator in now.

Senator Alice-Mary Higgins: That is okay.

Senator Grace O’Sullivan: I have great respect and admiration for the work of Deputy Tony McLoughlin. Today marks a big victory for the island of Ireland and beyond. Nevertheless, as Senator Higgins outlined, my sense is that we are talking about a global issue. Will the Minister of State consider requesting that the EPA would conduct the similar study for offshore fracking as for onshore fracking? However, one way or another, as I stated initially, there is a contradiction. We are either moving towards a just transition to a fossil-free future or not. My amendment essentially requests that we recognise that onshore fracking is a problem, as is clear from the EPA report, but, equally, offshore fracking has potential risks for the marine environment and the human environment. It is problematic. On that basis, what is happening today is wonderful and I welcome it, but we need to go beyond that and have the wider debate. That is why I would like to press this amendment.

I mentioned the position that France is taking and we as an island nation have to step up. We are not ambitious enough in meeting our climate change targets. We are failing in that respect. This amendment is pushing it out a step further in recognising that fracking, as every Member here agrees today, is bad for humans and for the environment, whether it is onshore or offshore. That is why I am pressing the amendment. I very much respect Senator Rose Conway-Walsh and her support and I also respect Senator Tim Lombard. However, as Senator Higgins said, what we are agreeing with the passing of this Bill today is a victory for a day but what I am proposing is a step beyond that, namely, that we are ambitious and that we recognise that fracking, whether it is onshore or offshore, is not what this island wants to engage in. That is why I want to press the amendment.

Acting Chairman (Senator Gerry Horkan): As we are on Committee Stage, I can let Deputy Higgins back in if she wants.

Senator Alice-Mary Higgins: No. It is fine.

Acting Chairman (Senator Gerry Horkan): Does the Minister of State want to respond?

Deputy Seán Kyne: Yes, briefly. I understand the Senator O’Sullivan’s sentiment on this issue. I understand that the EPA has no remit in respect of the offshore and therefore it would not be involved in that area. I have a hunch this is an area that will be raised either in this or the other House in the very near future in terms of a Bill or a study. I believe it is an issue we will discuss in the very near future. There is no victory until such time as this Bill passes in its present form and I would not like to see any amendment made to it that could compromise the legality, or otherwise, of it. I again ask the Senator not to press her amendment.

Amendment put:

28 June 2017

The Committee divided: Tá, 8; Níl, 31.	
Tá	Níl
Boyhan, Victor.	Ardagh, Catherine.
Higgins, Alice-Mary.	Burke, Paddy.
Humphreys, Kevin.	Buttimer, Jerry.
Kelleher, Colette.	Byrne, Maria.
Nash, Gerald.	Coffey, Paudie.
Norris, David.	Coghlan, Paul.
O'Sullivan, Grace.	Conway-Walsh, Rose.
Ó Domhnaill, Brian.	Conway, Martin.
	Daly, Paul.
	Davitt, Aidan.
	Devine, Máire.
	Feighan, Frank.
	Gallagher, Robbie.
	Gavan, Paul.
	Horkan, Gerry.
	Leyden, Terry.
	Lombard, Tim.
	Mac Lochlainn, Pádraig.
	McFadden, Gabrielle.
	Mulherin, Michelle.
	Murnane O'Connor, Jennifer.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Donnell, Marie-Louise.
	O'Mahony, John.
	O'Sullivan, Ned.
	Ó Clochartaigh, Trevor.
	Ó Donnghaile, Niall.
	Reilly, James.
	Richmond, Neale.
	Warfield, Fintan.

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

Amendment declared lost.

Section 1 agreed to. Section 2 agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

Senator Alice-Mary Higgins: I again commend Deputy Tony McLoughlin and all Members in the House on passing the Bill. It is very important that it is passed today, and I recognise those who were unable to support the amendment in that regard, because regulatory co-operation under the Comprehensive and Economic Trade Agreement, CETA, is due to start in July and would potentially have jeopardised this Bill. The Comprehensive and Economic Trade Agreement investment courts have similar agreements and have jeopardised such important regulatory measures in the past. I wanted to highlight that because we will be returning to those investment court issues and this Bill is a reminder of the reason we need to question them.

Senator Terry Leyden: I compliment the Minister of State, Deputy Kyne, and wish him well. It is tremendous that the Government has accepted this Private Members' Bill. It is a step in the right direction because bringing forward a Private Members' Bill on one's own without the backing and support of Ministers is practically impossible. I say "well done" to Deputy Tony McLoughlin and his team for pushing it forward. It is a great success for
4 o'clock Leitrim, Roscommon and Ireland in terms of the anti-fracking campaign. I congratulate the Love Leitrim campaign, Friends of the Earth and other organisations. There was a united approach by all parties and none in Roscommon, Leitrim, Sligo and surrounding areas. In terms of a new Assembly being formed, the Minister has indicated that he will meet with his counterpart in Northern Ireland to ensure he or she brings about the legislation in Northern Ireland also. Northern Ireland does not have legislation to ban fracking and if fracking is allowed there, it will very much affect the Republic of Ireland. I hope all those involved will enjoy their visit to Leinster House. It is well deserved.

Senator Rose Conway-Walsh: I commend everyone who has been involved in this Bill, including Deputy Tony McLoughlin who is present. It is a very happy day in terms of this Bill being passed, but we need to progress the ban on offshore fracking. I welcome the Minister's words on that. I thank Senator Grace O'Sullivan for tabling that amendment and for putting that signpost there. It is firmly on the agenda and will be dealt with in a comprehensive way to both protect the environment and citizens of this country. That is what we are here to do, so let us be united on this, not divided; united to protect the citizens of this country from the vested interests that have ruined areas of this country and continue to try to take over our own country and as well as our off-shore resources.

Senator Tim Lombard: I want to acknowledge Deputy Tony McLoughlin, who proposed this Bill, for his great input in making sure this legislation is passed here today. It is a very important day. It is great to see legislation passed in this House that will bring about a major change in people's lives in that part of the world. I want to acknowledge Tony's great input and that of the Minister who spearheaded this campaign to drive it through. Its passing marks a great and very positive day for the Houses of the Oireachtas. Hopefully it will be signed by the President in the next few days and that will be an important statement for Ireland itself. I acknowledge all the great efforts made by people to ensure this legislation was passed.

An Cathaoirleach: Deputy Tony McLoughlin should be referred to as Deputy McLoughlin. It is appropriate that as a Member of the other House he should have his name appropriately recorded as Deputy McLoughlin not as Tony. He is entitled to that. The conventions are there and we acknowledge them. I call Senator Grace O'Sullivan before I call the Minister of State.

Senator Grace O'Sullivan: This is a great day, and huge congratulations to Deputy McLoughlin for all his work and his efforts, and his bravery, as Senator Leyden observed, in taking a Private Member's motion like this, and getting the support around him of the local and

wider communities for it. It is one of those days where one sees the ripple effect that it has on communities across Ireland.

Senator Leyden mentioned the North of Ireland and Brexit. It is something that we will have to be cognisant of because it would be such a shame if, through lack of negotiation and consultation, that there would be fracking in the North. We will have to keep the pressure on and keep an eye on the situation and make sure that for the people of all of Ireland, we remain fracking-free. I thank the Minister of State for his engagement which I really appreciate. I look forward to the development of this discussion and to the day when we will celebrate as a nation that our energy sector is renewable and is helping to support a healthy environment for the people of the country.

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Seán Kyne): I thank all the Senators for their co-operation on this very important Bill. Once again, I commend Deputy Tony McLoughlin - lest I be corrected - for his work in spearheading this very important Bill. I also want to recognise Orla Ryan and Clare Morgan from my Department and all the Members on what is a momentous day. I am not sure when a Private Member's Bill last reached Final Stage and became law so it is important to recognise that it is a long time since a Private Members' Bill went through all Stages in the Oireachtas and I commend Deputy McLoughlin. I also recognise the great cross-party support on this very important issue of the banning of onshore fracking, and I commend all the Members.

An Cathaoirleach: I have already acknowledged the presence of Deputies McLoughlin and Eamon Scanlon, as well as Councillor Mary Bohan and there may be others there. They are all welcome to the debate and I wish them well.

Question put and agreed to.

Sitting suspended at 4.15 p.m. and resumed at 5 p.m.

Home Care Services: Motion

Acting Chairman (Senator Gerry Horkan): I understand this is the Minister of State's fourth time in the Seanad in his first week in office. He is very welcome back and I congratulate him on his appointment as Minister of State.

Senator Catherine Ardagh: I move:

That Seanad Éireann:

noting that:

– the Department of Health contends that home care can be a cost-effective alternative to long-term residential care for some older people;

– despite significant increases between 2008 and 2015 in those aged 65 years and over and those aged 85 years and over, there was a decrease in the number of people receiving home help and home care packages;

– it has been argued that the implementation of the Fair Deal Scheme, in the absence of any similar structured scheme for home-based care, may draw people into residential

care prematurely;

- the majority (63 per cent) of people with dementia live at home and the annual cost of dementia is €1.69 billion per annum, 48 per cent of which is attributable to informal family care;

- insufficient provision of home help and home care packages channel people to long-term care, causing the institutionalisation of people with dementia; and

- people with dementia have a preference to remain living at home for as long as possible and that with the right support, this is possible for the majority; and

acknowledging that:

- €22 million was allocated through the National Dementia Strategy Implementation Plan for the delivery of intensive home care packages for people with dementia and that these packages are operating in eight pilot sites;

- Budget 2017 provided an additional €10 million in new development funding for home care and for continuation of the additional €30 million for home care announced in July, 2016;

- the Minister of State at the Department of Health with special responsibility for Mental Health and Older People has announced plans to begin a consultation process on the development of a statutory scheme for home care;

calls for:

- an approach to home care that addresses the inequity of service provision that currently exists across the country;

- positive aspects of the Nursing Home Support Scheme to be adopted for home care such as the standardised process for assessment, certainty of entitlement and centralised, multi-annual, ring-fenced funding;

- flexible home care for people with dementia, which meets individual needs and moves away from a time-to-task approach;

- increased investment in 2018 to meet the particular needs of people living with dementia in the community; and

- adequate resources to ensure full implementation of the National Dementia Strategy.

I thank the Minister of State for attending to take this matter.

We are now thankfully living longer and most of us will live independently for the rest of our lives. Fewer than 5% of all our elderly require care late on in life and all parties agree every effort should be made to facilitate this in so far as possible in the comfort and security of their own homes. Fianna Fáil believes that the funding allocated to enable older people remain at home provides not only the best value for money but also the most humane result for older people. There are many thousands of families helping their loved ones to stay at home when they are ill or frail and they receive very little assistance from the State. This needs to change,

especially to deal with the growing challenge of dementia care in Ireland.

A June 2016 report on home care by the Irish Association of Social Workers, Age Action Ireland, the Alzheimer's Society of Ireland and University College Dublin's school of social work offers a joint assessment of home care in Ireland. It was a timely study and a welcome contribution to the debate on how best to care for our older people. We have already heard numerous reports of people finding it difficult to access adequate home care. We saw this yesterday with the tale of the Devereaux older couple who thankfully were reunited in the same care home but we saw how their family had to resort to going on the national airwaves to ensure they got the care they deserve and require. It is important we understand why this is the case and what can be done to resolve the difficulties people have in accessing home care and nursing home care.

Fianna Fáil believes that the funding allocated to enable older people to remain at home not only provides the most comforting and dignified care but also the best value for money for the State. In 2015, the HSE estimated that some 2.2 million extra hours of home help and a further 3,500 home care packages for older people are required. Unfortunately, this was not provided for in 2016 service plan. We are firmly of the view that these additional resources must be provided for older people. We acknowledge there is a commitment in the programme for Government to increase home care packages and home help hours but we are concerned that there is a lack of detail surrounding how these commitments will be achieved.

The June 2016 report clearly highlighted the inconsistencies between the various local health areas when it comes to the availability of home care. This must be addressed as a matter of urgency. It is unacceptable that there are so many inconsistencies in the system with many older people missing out on home care just because of the area in which they live. Real progress in meeting the challenge of home care must be made during the lifetime of this Oireachtas. It is the preferred option for older people and it is well acknowledged that the care based around the home is vital for keeping people active in their own communities, which, in turn, has enormous health benefits for the individual.

I will refer to a case highlighted by Joe Duffy. He interviewed a lady six months ago who was in a nursing home. She was there for respite care as she had broken a limb and once that healed she wanted to return home. She went back on the national airwaves and Joe helped her to grow a small campaign, and she ended up returning home where she wanted to be. She wanted to be near her friends and her bridge club. Ultimately, hers is a story that resonated with many people whose mothers, fathers, aunts and uncles want to be at home. That is the best and most comfortable place for older people.

The 2017 HSE service plan announced that no additional home help hours will be provided. This will put severe pressure on families and it will continue the chronic overcrowding in our hospitals. As we do not have enough nursing home beds and people are not able to get the home help they need at home, people are keeping their loved ones in hospitals and this is causing some delay in ensuring beds are vacant for people who are more urgent cases. The HSE service plan ignored the crying need for additional home help hours across the country and it will ensure that thousands of older people will be left without the support they need. The plan also ignores the commitment in the programme for Government to increase the number of home help hours.

The 2016 Fine Gael manifesto pledged an additional 2.2 million home help hours over the next five years. We should have been seeing in the region of 400,000 home help hours being

announced for 2017 if it was keeping to its commitment. The upshot of this decision is that further pressure will be put on the already stretched nursing home system as older people will not have the support they need to stay in their homes. Health professionals all say the outcomes are better for older people if they remain in their own homes supported by home helps and their families. In addition to adding to the pressure on the nursing home system, a lack of home help hours will ensure that older people with chronic conditions remain in the hospital system long after they are deemed able to leave.

Fianna Fail introduced a Bill in the Dáil, led Deputy Willie O’Dea, that seeks to expand home care. The fair deal scheme is provided on a statutory basis but home care packages are discretionary and not provided on a statutory basis. It is too *ad hoc* and not transparent. The Fianna Fáil Bill proposes that home care services be offered to people in place of long-term residential care in circumstances where the provision of a home care package is less costly to the State, compared to long-term residential care. My colleague, Deputy O’Dea, pointed out that home care services can offer a better outcome for patients and such services are less costly to the State compared to residential care.

If this Bill is passed, it will be an enormous step forward in helping to empower older people. It will enshrine in legislation the right to services that will allow them stay in their own homes and communities as long as possible. This not only benefits the individuals concerned and their families but also the State due to fewer demands being placed on long-term residential care.

Senator Jennifer Murnane O’Connor: I second the motion.

I am going to speak about dementia. It is an issue that impacts on very many people’s lives, not only the lives of people living with dementia or Alzheimer’s but on the lives of the loved ones who care for them on a daily basis. The World Health Organization has described dementia as one of the most serious social challenges facing the world today. Dementia is a life-changing condition both for the person and for their family. The Government must step up in terms of its services to ensure that every person living with dementia has the best possible quality of life and, above all, quality of care. There are 55,000 people in Ireland living with dementia and a further 165,000 directly affected by it. It is hard to believe 11 people are diagnosed with it every day. The figures are astounding. It is expected that one in three people aged over 65 years will develop dementia and that the number living with it will double in the next 20 years and treble in the next 35. It is estimated that there are 400,000 people aged under 65 years in Ireland living with young onset dementia and there are no services available. If a person is under 65 years and has dementia, there are no services available for him or her. My nephew has Down’s syndrome. There are 700 people with Down’s syndrome who have been diagnosed with dementia. It is early onset dementia which occurs in the 40s, which is really serious. Service provision really needs to be considered in that regard.

There are other major costs associated with dementia outside the economic and financial costs that often remain unrecognised. These hidden costs place considerable emotional and social strain on the individuals and family members who provide the main bulk of care. Many of these family carers are frail and elderly and struggle to find the information and service supports needed to enable them to continue with their day-to-day caring role. Some are younger adults with children and sometimes struggle. They may also have to give up their jobs. Issues arise in that regard in that there is a lack of information and entitlements. Carers are trying to keep their families at home and mind them. The scale of the problem is such that governments across the

world are being forced to review their policies and reconfigure older people's services. European countries have well developed national dementia strategies aimed at providing a suite of services tailored to individual needs and designed to help members of the public with dementia. In recent days I read a document that I believe is so important. It states the majority of people with dementia, 63%, live in the community and use the services provided. It also states:

It is essential that people living with dementia remain connected with their local communities and that they have access to the right information at the right time. Do not underestimate the difference you can make if you have a basic understanding of dementia. People with dementia have told us that it is the attitude of those they meet in providing services which makes the biggest difference to their experience.

That is a fact of life. It is the understanding that matters.

Figures obtained from the HSE under the Freedom of Information Act reveal that at least 544 patients were waiting for appointments across all regions from December 2016 to January 2017. Seemingly, there are two clinics for which statistics could not be obtained. Some patients were waiting as long as 14 months to be seen at the memory clinic. As people are living longer, it is crucial that services be accessed as soon as possible, as timing is everything. The Alzheimer Society of Ireland has called on the Government and the HSE to adopt an all-Ireland approach to planning dementia services to ensure citizens are treated equally. That is crucial. It is not acceptable that there is no clear availability of the service. There is no service provision; rather, there is a lack of services and information. It all goes back to this the whole time.

Fianna Fáil wants to see a progressive increase in investment and also a national strategy for the long-term care of older people. This issue needs to be addressed, as people are living longer and the incidence of dementia seems to be growing rapidly. We need to ensure there will be investment and funding provided in order that anyone with dementia will receive full care.

Senator Frank Feighan: I, too, welcome the Minister who has been here four times in a week. He has probably been here more times than some Members in the past year. I thank him for attending and showing his enthusiasm.

The Government is very determined to support older people to enable them to live independently and with dignity in their own homes and communities. As many Members know, the HSE provides a range of community-based services aimed at ensuring older people receive safe, timely and appropriate care and treatment at the lowest level of complexity and as close to home as possible. The overall funding for services for older people is not insignificant. In 2017 it is €765 million. This includes approximately €375 million for the direct provision of home care. The HSE's national service plan provides for a target of 10.7 million home help hours, 16,750 home care packages and 190 intensive home care packages for clients with very complex needs.

My mother availed of home help. It was absolutely great to have somebody come in for half an hour four or five days a week. The service was very helpful because members of the family were away working. It was great and we really appreciated it. Most of those availing of the service receive a small amount of assistance, but it is not insignificant and they genuinely appreciate it. I pay tribute to the staff who attended to my mother. They showed great care and gave her great joy every day, for which we were very thankful.

By the end of April, the HSE was providing 1,600 packages and 436,000 home help hours.

All of the new applicants on the waiting list in my area - Roscommon, Galway and Mayo - had 2.25 hours of home care a week approved for implementation as of 31 March. I wish it was more because the service represents value for money. I am not saying resources are not limited, but I believe money could be taken from other areas and invested in the home help service because I have seen at first hand the work that is done. It must be emphasised that a home care service is allocated to those deemed to be of the highest priority, having regard to the available budget. Despite the substantial expenditure on them each year, demand continues to grow for HSE home care services. It is driven, in large part, by the rise in the number of older people. It is estimated that the number of people over the age of 65 years will double in the coming years, while the number over 85 is expected to treble.

Of course, there is much more to be done. The HSE acknowledges that a shortage of carers has had an impact on the implementation of approved care packages in some areas of the country. It is widely accepted that there is a considerable demand for these services over and above existing service levels. Furthermore, home care arrangements developed during the years with a significant local focus. There is now a considerable variation in accessing services in various parts of the country. Despite these challenges, however, A Programme for a Partnership Government includes a commitment to increase funding for home support services, to improve these supports, to introduce a uniform home care service in order that all recipients can receive quality support seven days a week, where possible, and to review the management, operation and funding of national home help services. The Government wants to improve community-based services in order that people can live with confidence, security and dignity in their own home for as long as possible. To make this happen, the Department of Health is developing policy proposals for the future financing and regulation of home care services.

I agree fully with the Government's view that a statutory home care scheme will help to introduce clear rules for the services for which individuals are eligible and how decisions are made on allocating services. It is a very difficult issue. I would not like to be in the position of trying to allocate services, but I believe the people who are making these decisions do so in the best interests of patients and as fairly as possible.

I understand a significant amount of detailed preparation needs to be done before final decisions are taken on the form a home care scheme should take and the regulation of services. I also understand the Department is engaged in a detailed process to determine what type of home care scheme is best. Circumstances evolve and we always need to ascertain the best means of delivery. What happened five years ago and what should happen now may be totally different; therefore, reviewing the approach adopted is the best option. The process in which the Department is engaged will consider the future design of both the funding and regulation systems for these crucial services. An important step in the process is public consultation which I believe will be launched shortly. The purpose of the process will be to allow all those who have views on this topic to have their say, including older people, their families and health care workers.

The aim of the national dementia strategy, published in December 2014, is to bring about an improvement in order that people with dementia can live well for as long as possible and have services and supports delivered in the best way possible. A number of priority areas for action have been identified. They include the provision of integrated services, supports and care for people with dementia and their carers. To meet this priority and to support the implementation of the strategy, Atlantic Philanthropies, the Department of Health and the HSE have agreed a core investment programme of €27.5 million, which is very welcome. This programme includes the roll-out of intensive support and home care packages for people with dementia.

28 June 2017

To conclude, while there are clear challenges I believe, based on the evidence I have outlined, the Government is committed to supporting older people who want to live independently in their homes and communities. People assume that politicians know everything or that we are experts on everything. Over the years, I have had excellent secretaries who assisted anyone who wanted to avail of home help or the fair deal scheme.

My mother received home help and then went into a nursing home. Like everybody else, I had not dealt with the system. I remember the help I received from the staff in Roscommon about how to apply for the fair deal scheme and what exactly I needed to do. I want to thank the women, in particular, who worked in the public service there and were very helpful. I would tell anybody that the advice and assistance they provide is great. I never thought I would need to avail of such help, but the help was very encouraging. I wish to pay tribute to the staff in Roscommon.

Senator Máire Devine: I again welcome the Minister of State. As a member of the all-party group on dementia, under the tutelage of Senator Kelleher, I welcome that the House is doing something about this issue. My office will attend the launch of the Alzheimer's Society of Ireland's prebudget submission and I appreciate all the work the Minister of State has done and continues to do on this issue.

As a nurse, I believe hospitals are the last place for those diagnosed with dementia or in need of care. It leads to a more rapid decline, longer periods of confusion and crippling immobility over years. It is not a positive ageing strategy.

I want to say outright that Sinn Féin has worked extremely hard on this issue, in particular my colleague, Deputy Caoimhghín Ó Caoláin, who produced a booklet in recent months. It gives a comprehensive overview of the recommendations on home care services and dementia care. I believe the Deputy's recommendations deserve proper consideration. He has called for the issue to be addressed for over two years. The proposals would free up reliance on our acute hospitals, which is an important point.

I have consulted with Age Action and it told me in no uncertain terms that there is a crisis regarding the numbers waiting for access to care services at home and a significant disparity across the regions. I hope the motion is the beginning of addressing these problems.

I also spoke to a manager in a home care provider. He sees the urgent need to address the inequality of service provision and the distinct and unique care needs for those suffering with dementia. We need to be absolutely clear that increased investment does not go towards wholly private home care companies. We need to support not-for-profit services which are extremely stretched and are trying to do their best to provide other services, such as meals on wheels, which are embedded within communities.

Such organisations are very concerned about and cognisant of giving carers a fair wage for the outstanding and, at times, very difficult job they do. I have grave and serious concerns about private companies, and there are ethical considerations, given the recent example of residents who could not, would not or were unable to avail of social activities being charged €5,000 for same in nursing homes. They were billed for services regardless of whether they availed of them.

We know private nursing homes cherry-pick residents. They squeeze every cent out of vulnerable people. They rely on a time-to-task method of working, which dictates times for tasks.

There is no value placed on human interaction, which is the most therapeutic intervention and the most effective care for our elderly.

When Fianna Fáil calls for certainty of entitlement, that needs to be a bit stronger and protected within legislation. I and my colleagues are working on this issue. I presume we will get the support of Fianna Fáil when we are able to debate the matter. Care is not just for those with dementia. Rather, it is also for those with MS, mobility issues and moderate to severe disabilities. It is important we examine those issues.

We have concerns regarding the nursing homes support scheme being extended to include home support. I do not think that is possible because the scheme is designed specifically for long-term residential care. Currently, supports, though inadequate and underfunded, are provided free of charge to the end beneficiary based on an assessment of need. Sinn Féin believes they should continue to be provided on this basis.

I ask the Minister to address two points. The Minister of State, Deputy Helen McEntee, the previous Minister of State with responsibility for this area, called for a public consultation in January with a six-month deadline. Is there a report and, if there is, could the Minister of State share it with the House?

The Assisted Decision-Making (Capacity) Act is long overdue. It will address the needs of vulnerable people. Those people, and their advocates, will be able to have a choice of where they go. If a person does not want to go to a nursing home or hospital, but instead wants to go home, we, as legislators, and the Government have a responsibility to provide for that. Perhaps we should do things first and not wait to be threatened by legislation. We should involve ourselves in embracing older people and those with disabilities who prefer to stay at home and live in their communities.

Senator Colette Kelleher: I welcome the motion, which focuses in particular on people with dementia. I would also like to welcome the new Minister of State and look forward to working closely with him, as I did with his predecessor.

As well as a growing population of older people, there are almost 55,000 people living with dementia in Ireland, 63% of whom live in communities. Most of us know someone, such as a family member, relative or neighbour, for whom this is a reality. The numbers are set to grow to 68,000 people in ten years' time. Dementia is a significant challenge for people, their families and society as a whole.

People with dementia need a wide range of supports which reflect the complex and changing needs of the condition. They need an early diagnosis and the support of a locally based dementia adviser, of which there are only eight. We need one for every primary care area, which would be 90. In order for people to live well with dementia they also need access to a range of services as the condition advances.

Home care is critical. It allows people to stay at home, remain part of their communities and do all the things we know are good in order to enable them to live well with dementia. Familiarity is critical because people often do not want to go into a respite centre, even for a fortnight, because it is too disorientating. People prefer to be at home in the place they know. Dementia-specific home care is consistent and continuous. People with dementia cannot have services which involve chopping and changing.

28 June 2017

Sometimes things take longer for those living with dementia. A person may require social supports. They may not need to be fed or dressed, but they might need someone to pop in to remind them to cook because they may simply have forgotten to do so. There is strong evidence that low-level and flexible support in the home, in particular for those living with early and mid-stage dementia, can be very successful in keeping people living well in their own homes.

Home care is vital in supporting dementia family carers. The social and health care system relies on family members to provide care for people with dementia, and this can often be burdensome and stressful if they are left to go it alone. One of the main reasons people burn out and people with dementia have to enter long-term care is because of family burnout. A report was published by Trinity College last week, the De-Stress report, which told us this, as if we did not know it already.

We know that the majority of people with dementia want to live at home in a familiar environment and remain linked to their communities. That was highlighted last year in a report published in July by UCD, Age Action, the Alzheimer's Society of Ireland and the Irish Association of Social Workers. It was also confirmed in last year's pre-budget submission from the Alzheimer's Society of Ireland, which I launched. There were some 25,000 signatories to it. We must listen to people. I know that there is a consultation process, but we should not have to wait for it to take place as we know what is involved from what people are telling us. Not only has the case and preference for home care been proved, it is also cost effective and cheaper than residential alternatives. The availability of a home care service enables the health care system to work effectively for patients' timely and appropriate discharge. People get worse when they go into hospital. They lose functionality and often do not come out again. It is not the right place for them. While it is official Government policy to support people to enable them to stay at home, it is not happening. One need only look at the relative spend between long-term residential care and community-based care. Between 2009 and 2015, funding for residential care was increased by €84 million, whereas funding for home care decreased by €11 million. One possible explanation and an issue which must be addressed is that there is no statutory entitlement to home care. It is discretionary. When the budget runs out, it runs out. However, there is an entitlement to residential care under the nursing home support scheme. I support Deputy Willie O'Dea's Bill to have it put on a statutory footing.

Last October I was delighted to set up the first all-party Oireachtas group on dementia. The group is co-convened by me and Deputy Mary Butler, while Senator Máire Devine is an active member. We hosted high-level round table discussions on home care which the then Minister of State attended. Again, we received the same message. However, we teased out the issues involved. The core issues can be boiled down to three Rs, namely, regulation, as proposed by Senator Colm Burke, resourcing of hundreds of millions of euro and the right to home care. Reflecting on this, the all-party group on dementia made its submission to the Citizens' Assembly, with a right to home care being one of the five recommendations. Although home care is provided in different guises, it is not regulated. Given its nature and that the most intimate care provided in the home is often unsupervised, there is a strong case for regulation which is what Senator Colm Burke's Bill would do. Anybody can set himself or herself up as a home care provider. One could be a criminal today and set up as a home care provider tomorrow. That is not good enough for the vulnerable persons in question.

On resourcing, I was glad when the Sláintecare report acknowledged the need for home care as part of a modern health system, although I believe the report vastly underestimated the level of investment needed. If we are serious about building a home care system, we need to lay out

a funding path which will lead towards an annual €1 billion investment in home care. It would be money well spent. The active care report published by DCU yesterday showed that we spent more on health and social health care per person among the eight countries it examined but in the wrong areas such as emergency hospitalisation rather than meeting people's needs and preferences.

As the motion calls for, we also need full implementation of the national dementia strategy. I am particularly interested in the 500 intensive home care packages which are meant to reach 130 people. What are the up-to-date figures? On a right to home care, I am aware that the outgoing Minister of State promised consultation. It would be great to hear the details from the Minister.

The issue of home care for people with dementia has been raised time and again. I receive calls from Members of the Oireachtas who want to know how they can secure a service. Recently, I was speaking to Deputy Anne Rabbitte about a 101-year old person who wanted to stay at home but who had to beg for a home care package. It is time for the Government to listen and, most importantly, act. With the party proposing the motion, I hope it will support the Alzheimer Society of Ireland's 2018 pre-budget call for a €35 million investment in home care for people with dementia, which must be built on year on year. It is not about turning up at events tomorrow, taking a photo, tweeting but doing nothing to secure a meaningful and realistic investment and system designed for a national infrastructure of home care services, as is common across Europe. The party or the Minister who has the foresight and the courage to build a high-quality, equitable infrastructure of home care services, like that of roads, railways and schools, will actually have a place in history. We remember people like the former Minister for Finance, Deputy Michael Noonan, who helped us to turn the economy around and Donogh O'Malley who gave us the universal secondary education system. The Minister and the party that do this, not just talk about it, turn up at events and agree with everybody, will be well remembered for a long time. That is why I am supporting the motion and urge every Member to support it too. I am supporting it only as a stepping stone to a meaningful commitment to building home care services on the scale needed to ensure Ireland will be a humane place for people with frailties and conditions, as well as a good place in which to grow old.

Senator Colm Burke: I welcome the Minister of State. I am not following him, but this is our third time to run into each other today in various debates. This is an important issue in how we plan health services. While over €760 million has been put into older people services, of which €373 million is for home care provision, it is a service we will have to continue to grow for several years. Over 10.5 million home help hours are provided annually, but there is still much work to be done. Over 16,750 home care packages are provided, but there are many more people looking for them. We need to ensure those who want to do so can stay at home and that the necessary supports will be available without them having to go into a nursing home.

We may have major challenges in nursing homes provision. There are over 23,000 people participating in the fair deal scheme. If we continue to have a growing number of older people in nursing homes, either under the fair deal scheme or in community hospitals, we will require something like 40,000 beds within ten years. There is a population of 600,000 who are 65 years of age. Within ten years that number will reach over 1 million. That will have knock-on difficulties for hospital services in that 5% of all hospital beds are occupied by the over 65s. Accordingly, if want to get people out of hospital fast, we have to ensure there are adequate facilities available.

One of the issues at which we need to look also is the provision of step-down facilities. In many cases, people want to go home, but they are not well enough to do so, even with home care provision. They need a step-down facility, an intermediary between hospital and going home. This is another area we need to examine seriously. I know that the Department has examined how home care is provided in other countries such as Germany, the Netherlands, Sweden and Scotland and is working to ensure we can provide a comprehensive forward plan in this regard. I noticed some criticism of nursing homes in some contributions. In the past 24 hours I have been contacted about three nursing homes which are closing down, not because of HIQA inspections or health care concerns but due to their financial viability. Not long ago, a Member complained in the House about the rate of pay in nursing homes. Nursing homes have costs to meet such as insurance and rates. I heard of one nursing home, the rates bill of which had gone from €50,000 to over €100,000 in less than 12 months. They have all these hidden costs to meet. This is about home care provision, for which we need to plan carefully.

Senator Colette Kelleher is right is about the regulation of home care providers. There are over 30 companies providing home care packages, but they are self-regulated. While it also involves the Health Service Executive, HSE, it is not adequate. In this House we introduced the Health (Amendment) (Professional Home Care) Bill 2016 which had stemmed from the Law Reform Commission's report which had set out clear guidelines for how we should move forward in this area. It is important the Department also take it on board. I believe that we need to fast-track the planning on how we now fund home care. The number of people over the age of 65 is increasing. That does not mean that because someone reaches 65 years of age, they suddenly require a home care package. Also, the age profile of the over 85s is going to grow dramatically. Some Senators have referred to that figure already. It is important, therefore, that we plan.

There is an interesting case of someone I know very well that goes to show how well home care can work. The person is 95 years of age, confined to a wheelchair and living on their own. As a result of home care, they can live quite safely and securely on their own. Under absolutely no circumstances does that person want to go into a nursing home setting. With the help of the people providing home care, they can plan to go out shopping, to the post office or to the bank when it suits. It is still working out. Even though there is a home care provider coming to the person something like four times a day, it is still far cheaper than the person being in a nursing home full-time. It does work. There are many people in nursing homes who would love to be back in their own homes but, unfortunately, the supports they need are not there.

The one other thing we need to keep in mind is that it will be a major challenge in rural areas as regards trying to get people to provide that home care. That is something we need to seriously consider. How do we deal with rural areas in which there has been a decrease in population, but there are many elderly people and many people who want to stay in their own areas and their own homes? How do we meet that challenge? That is another issue we have to face.

I thank the Members for tabling this motion and for having this debate. We need to plan, make sure that it covers all the angles and ensure there is maximum protection for the person receiving the home care.

Senator Rose Conway-Walsh: I thank the Minister of State for being present. I did not know whether to laugh or to cry when I saw this motion. When I heard that Fianna Fáil believes that the best option is for people to be kept in their own homes, I thought of how I longed to hear that sentence in 2008, 2009, 2010 and 2011 when we led campaigns to try to stop Fianna

Fáil from socially and economically ruining the system that was in place for home help. I have a question for Fianna Fáil today. Is it going to apologise for the savage cuts it made to home help, community hospitals, community nursing homes and primary care? That is exactly what Fianna Fáil did. I would really appreciate it if someone from Fianna Fáil could stand up and say that I am wrong. However, I know that between 31 August 2009 and 31 August 2010, in Mayo alone, Fianna Fáil cut 32,000 hours of home help from the most severely disadvantaged and vulnerable people across the county. That is not me saying that; it is an absolute fact. Fianna Fáil privatised the home help system, sacked swathes of home help workers, put them into private care and told them that they could no longer work under the HSE. They told elderly people that they were not even worth one hour of home help - it had to be 30 minutes or 45 minutes and it could not be the hour.

I do not have dementia so I remember trying to fight for the 99-year old man in Westport who had two hours of home help a day. Fianna Fáil said that he could not have two hours and could not possibly have an hour in the morning and an hour in the afternoon. That could not be possible under Fianna Fáil. It could not be done. Those are the kinds of fights I had for people in the community. That is why I longed to hear the line that Fianna Fáil believed that the best option for people was to be kept in their own homes. It is very difficult.

I hope Senators can understand that it is very difficult for me to stand here today and think that Fianna Fáil is going to be the saviour of home help, community care and all of that. I just do not buy it. Fianna Fáil actually made family carers weigh out the soiled nappies of the people they were caring for because they thought they were using up too many nappies and could save some costs through that. That is what Fianna Fáil did. Again, this is not me making it up; it is very well documented. This is why I cannot sit and listen to this. The closure of 40 beds in the hospital in my own community in Belmullet, despite a major community action group effort, was insisted upon by the Fianna Fáil Government. It would not lift the moratorium it imposed to put some nurses and staff in to care for those beds. That is why the people now do not have the respite care they need. That is why they cannot keep their elderly people in their own homes because they cannot even get the week or two weeks during the year because the beds are no longer there. It was an ethical decision made by Fianna Fáil and carried on by Fine Gael, because although Fine Gael did not do it to the extent that Fianna Fáil did, I know that in Mayo alone there have been cuts of a further 9,000 hours or so to home help hours to complement the 32,000 hours cut by Fianna Fáil. They would not listen to the communities, the carers or anybody else.

Primary care is connected to this issue. Fianna Fáil set up the models of primary care in 2001 and there were ten pilot projects across the country, but it would not resource them. It would not put in the resources so that it could do what it said it would do on the tin. That is why, as I speak, we have elderly people in beds - if they can even get them - in the nursing home in my area who are crippled because they have not got a physiotherapist to give them the treatment they need. They are physically crippled. They cannot go out into their own homes because they do not have that physiotherapy there and they cannot have it in the hospitals. What has been done is inhumane and it was started by Fianna Fáil and continued by this Government.

I can only draw the conclusion that Fianna Fáil suffers from selective amnesia around this issue. I will not say dementia and I will not say Alzheimer's. Are we now to believe that Fianna Fáil has had a conversion on the road to Damascus? I want to ask why. I want an explanation on behalf of the people Fianna Fáil treated in this way. I believe it owes those people an apology. Does Fianna Fáil now admit that it was wrong? Does Fianna Fáil now admit that its policy

28 June 2017

on home care, primary care, the closure of district and community hospitals and the privatisation of nursing homes was wrong?

Naturally, Sinn Féin will support this motion, but we are certainly not fooled by the disingenuous attempts of Fianna Fáil to cod the people into thinking that it would not implement the savage cuts was it to get the opportunity again. They inflicted these savage cuts on the most vulnerable people in our society who are dependent on this home care. They persecuted carers through cut after cut after cut. Carers are the most neglected group in our society. I commend the job that is done by carers in our society because the 24-hour care that they provide is holding up the whole of our society. I also commend the dementia action groups, other action groups and the home help action groups who fight for care for these people. It must be hugely difficult for these people to work inside that system. I know many people who actually had to leave because they could not bear it. They could not bear to see the suffering in the communities and not have the resources to be in a position to do something about it.

The Minister of State and his Government are now responsible for providing adequate resources to ensure the immediate implementation of the national dementia strategy. I ask him to do that as a matter of urgency. I ask him to reverse the cuts that were made by Fianna Fáil and I ask him to do it as quickly as he possibly can because we are talking about a very vulnerable group of people who are in the late stages of their lives. In many cases, there will not be a chance of a long-term strategy. Resources have to be put in immediately to protect the most vulnerable in our society. What does it say about us as a country and as a Republic? There is no point in us going out and spending loads of money on commemorations and everything else if we do not look after the most vulnerable in our society.

I know the people who are presenting this Bill tonight and my argument is certainly not personal to them. We need to learn from them and to bring this forward. Unless people admit to having made major policy mistakes in the past, we are not going to correct them.

Senator Alice-Mary Higgins: I welcome the Minister of State to the House. I will be supporting the motion. This is an important issue and one that has been crucial to me in my campaigning life. I had the honour of working with Older and Bolder, with other organisations across Ireland and with thousands of older people in the Make Home Work campaign. It is so clear whenever we talk to older people that, in the vast majority of cases, they want to be able to live in their own homes and communities and to continue contributing to those communities. It is very important to recognise that those older people who are living at home often play a vital role in their families and communities. Even people on the road to dementia or Alzheimer's disease still have contributions to make and roles to play. It is very important to recognise that home care benefits, not only the individual, but also the social fabric of our communities.

We need to acknowledge the mistakes of the past in the House. This is important and my colleague, Senator Conway-Walsh, has spoken about this. The public service recruitment embargo was a blunt tool which had consequences across all kinds of areas. We need to collectively acknowledge that and recognise the damage it caused. We also need to recognise the damage caused by the focus on privatisation in the area of home care work.

I welcome the fact this motion recognises the problem of the time-to-task approach that was brought in. When I worked with Older and Bolder and with older people across Ireland, we heard again and again of people who had been moved from two hours to one hour to half an hour of home help. Suddenly they only had five minutes to shower. They were not eating as

well. The quality and nutrition of what they were eating and, crucially, the quality of contact they received was changing. We need to have a rights-based and needs-based approach to care. This begins with recognising the care needs and rights of the individual. I welcome that aspect of the motion.

Having campaigned on this issue in the past, I have to acknowledge the fact that this matter has been paid an extraordinary amount of lip-service but has been allowed slide again. The very fact we saw €11 million less spent on home care shows that as an option it seems to be becoming less viable for people. When I worked with Older and Bolder I also visited into residential care homes and spoke to older people living there about the options they felt they had. There are people in those homes for no other reason than that they needed two hours of care a day. They needed somebody to help with the cooking, to help them into bed and to help them at crucial points in the day with simple tasks. That simple support was not there for them. There are people in residential care homes who should not be there. It is important people have choice, and I want to emphasise that. This week we saw a case of a couple separated over access to a residential care home. We need to recognise that older people have the same rights to relationships and to a full life as all citizens have.

I am happy to be a member of the all-party Oireachtas group on dementia and my colleague, Senator Kelleher, who established that group has played a key role in this. I support the motion but, to be honest, I would like it to be a little bit more ambitious. It speaks about addressing inequity and it asks for some positive aspects of the scheme to be extended. I would like to hear from those proposing this motion that they will be supporting the regulations pushed for by Senator Kelleher and by Senator Colm Burke. If we are to have a collective effort on this, there needs to be consistent pressure in the debates and negotiations around resourcing in this area. Fianna Fáil will, of course, be there, as will Fine Gael. Resourcing has to be addressed and the rights-based approach has to be recognised.

I support this motion but it is important we do not simply have a situation where each party has something it can tick off in terms of what it has achieved on home care. What we need instead is a commitment from all sides to deliver and transform the way we address this matter. The Minister of State is inheriting a commitment to a consultation on a statutory entitlement to home care. I know from the Make Home Work campaign, we know from our National Positive Ageing Strategy and we know from every conversation we have had with experts and with citizens that there is a demand for care in the home. I urge the Minister of State to make that consultation sharp and efficient, to turn it around and to deliver it so that we have that statutory entitlement and a scale-up in investment.

One thing which I very much regret is missing from this motion is the question of quality employment in the home care area. If home care is to become a viable option we need to recognise that this is not simply an area of investment. It is one of the areas which delivers the highest return of employment and which has the most potential to provide employment in every corner of this country. Those working in this area should be paid well and have decent conditions. That allows them to become active economic agents who can spend and invest in their local communities. This is one of the most job-intensive areas and it is growing right across the world. I urge the Minister of State to ensure this will be an area of high quality investment and that there are high quality standards for those working in the area as well as for those receiving home care.

Over 1,000 older people came to events around the country to contribute their ideas to the

National Positive Ageing Strategy. I would like the Minister of State to ensure that, as the National Dementia Strategy is implemented, we also see the National Positive Ageing Strategy driving forward.

As part of that collective work, I hope the House will support the recognition of care credits within our social protection system, in particular for the 48% of care that is provided informally by family members. That is also part of the picture. Part of what allows these people to continue providing care is that they have home care support.

Acting Chairman (Senator Gerry Horkan): Before I bring in the Minister of State, I would like to welcome to the Visitors Gallery former MP and former leader of the SDLP, Alasdair McDonnell. He is very welcome. He is joined by some of his supporters and advisers who are also very welcome.

Minister of State at the Department of Health (Deputy Jim Daly): I thank the proposer and seconder of this motion for bringing it to the House, as well all the contributors who have taken the time to partake in the debate this evening. I thank the Senators for the opportunity to speak about home care provision and our work in supporting those who live with dementia and their families. I agree with many of the sentiments expressed in the motion and it largely reflects work that is well under way and ongoing in the Department. The overarching policy of the Government is to support older people to live in dignity and independence in their own homes and communities for as long as possible. Home and community supports are a key mechanism for enabling older people and indeed, people with dementia, irrespective of their age, to do this and for facilitating their discharge from acute hospitals. The Government's priority is to ensure that our older population is looked after, supported and protected.

We are living longer than ever before, and thankfully the signs are that this trend will continue into the future. This is something to be celebrated and embraced. We must also be cognisant of the fact, however, that our ageing population brings about challenges across a wide range of areas. We know that there are currently about 55,000 people living with dementia in the Republic of Ireland. Approximately 4,000 people are newly diagnosed each year. The prevalence of dementia is set to increase as our population ages, and the challenge facing us is to support those who develop dementia and their families as much as we can.

Although it is not the only support, a major aspect of the support provided to our older population and to those living with dementia is through the provision of home care services.

This year the overall funding for services for older people is €765 million. This includes about €367 million for the direct provision of home care. A further €9 million supported by HSE and Atlantic Philanthropies will provide intensive home care packages for people with more complex needs. The HSE's national service plan provides for a target of 10.57 million home help hours, 16,750 home care packages and 190 intensive home care packages. The HSE is progressing a range of measures to improve home care provision overall, to standardise services nationally, and to promote quality and safety. This includes a procurement framework for home care services which came into effect in 2012 and which has recently been repeated in 2016. Providers are monitored through service level agreements with the HSE. National guidelines for the standardised implementation of the home care package scheme, which set out standard procedures for providers of home supports were introduced in 2011. Activity in regard to home care is monitored on an ongoing basis, to ensure that activity is maximised relative

to the individual client's assessed care needs, and within the available resources for home care having regard to demand throughout the year.

Arrangements for home care have developed over the years with a significant local focus and there is variation in access to services in different parts of the country. It is also accepted that there is considerable demand for home support services over and above existing service levels. The programme for partnership Government includes commitments to increase funding for home support services; to improve these supports; to introduce a uniform home care service so all recipients can receive a quality support, seven days per week, where possible; and to review the management, operation and funding of national home-help services. I am committed to following through on all of these matters. In order to help make this happen, my Department is developing a new scheme that will improve access to the home care services that people need, in an affordable and sustainable way. My Department will also introduce a system of regulation for home care so that the public can be confident that the services provided are of a high standard. It is my view that we need to address the home care challenges currently being faced by ensuring that the new home care scheme operates in a consistent and fair manner for all those who require it and is underpinned by effective regulation. However, a significant amount of detailed preparation needs to be done before final decisions are taken on these issues. There has already been good progress in this regard. A Health Research Board review, commissioned by my Department and published in April provides an evidence review of the home care systems that are in place in four other European countries. This review will inform the debate and future consideration of approaches to formal home care financing and regulation here in Ireland.

Another important step in the process is a public consultation process which I will be launching shortly. This consultation will allow all those who have views on home care to have their say, including older people themselves, their families, and healthcare workers. This consultation will help us find out what people think about current home care services and enable people to give their views on what the future scheme should look like. The development of a statutory home care scheme is an important step and the concerns raised in this Private Members' motion form part of the examination of the future scheme.

While I have outlined the importance of home care supports in general and the future work that is being prioritised with regard to a home care scheme, it is also important to reflect specifically on the issue of dementia and work that is happening and needs to continue to develop in order to support those living with the condition. Far too many people feel that the life of a person diagnosed with dementia is effectively over. This is not the case. With the right understanding and supports, where needed, life is far from over for a person diagnosed with a dementia.

Recognising the particular challenges faced by people with dementia, their families and their carers, the Government published Ireland's first national dementia strategy in December 2014, with the objective of increasing awareness, ensuring early diagnosis and intervention and developing enhanced community based services. The strategy contains 14 priority actions under five headings: leadership, better awareness and understanding, timely diagnosis and intervention, integrated services, supports and care for people with dementia and their carers; and training and education. The strategy also contains 21 additional actions to be prioritised for implementation as resources become available.

In parallel with the strategy, the Department of Health, the HSE and the Atlantic Philanthropies agreed a co-funded national dementia strategy implementation programme to imple-

28 June 2017

ment specific elements of the strategy. This implementation programme represents a combined investment of €27.5 million, with the Atlantic Philanthropies contributing €12 million and the HSE €15.5 million. Key elements of the initiative included the establishment of a national dementia office in the HSE and the roll-out of a programme of intensive home care packages for people with dementia. Some 217 people living with dementia have benefitted at an average cost of €950 per package per week. Dementia-specific intensive home care packages are now being provided to around 122 people with dementia at any one time, the provision of additional dementia-specific resources for GPs and primary care teams. The PREPARED project based in UCC is upskilling GPs in dementia diagnosis, and will train GPs and primary care teams in the management of dementia; and measures to raise public awareness, address stigma and promote the inclusion and involvement in society of those with dementia.

The National Dementia Office was established in early 2015 to co-ordinate implementation of the national dementia strategy across the HSE, including the funded elements of the implementation programme. The office is led by a general manager and has recently recruited two full-time project officers, with a consultant geriatrician joining the office on a part-time basis from October. The office has a key role in the implementation of the dementia strategy and considerable work is ongoing to advance actions under the strategy. For example, dementia training and education programmes, delivered under the strategy, are targeting a variety of groups including the general public, carers, public-facing staff, healthcare and nursing staff, and senior managers. To date over 5,000 staff have attended dementia awareness programmes across community and acute services. The HSE and the Alzheimer Society of Ireland have undertaken an audit of dementia-specific services for people with dementia and their carers currently available across the community health office areas. The results have identified gaps in services and will inform future service developments by the HSE. The National Dementia Office has just commenced a year-long post-diagnostic supports project which is looking at the information, emotional and psychological supports needed by people who have received a dementia diagnosis, and their families. Provision of supports at this stage of the condition will help people to understand their condition and develop coping strategies.

These are just some of the examples of the work underway to deliver on the implementation of the strategy. Considerable further work is required over the next number of years to implement the strategy and I am committed to this. My Department and the HSE are working on a mid-term review of the implementation of the national dementia strategy which will be published in the autumn and will identify the achievements so far and set out the further work that is required to implement the strategy over the next 12 months and beyond. The resources required for the ongoing implementation of the strategy can only be considered in the context of the Estimates and budget process. The mid-term review will assist in identifying further actions required and will be helpful in the context of budgetary considerations.

I will now address some of the specific queries which were asked earlier. I hope I will do them justice. Senator Devine asked specifically about the capacity Bill. The decision support service office is currently advertising. That needs to be set up but work is ongoing before it can be fully commenced. Progress is being made. It is a complicated area because a number of different Bills are impacted by it. I am happy to discuss it with the Senator afterwards. I share her ambition to see the capacity Bill through, but there are a number of complications in the background that mean it is taking more time than we would wish. I am happy to discuss that in further detail with her.

A number of Members asked about the home care consultation. I wish to confirm that I

will undertake to have that consultation launched within a week of being here. Senators will appreciate that I am only a week in office and I am trying to find my feet and get on top of all these issues, but this is something I really want to commit to and am anxious to get it up and running and into statute. We need the consultation and I will launch it within a week. I take on board Senators' observations on the need to keep it sharp, focused and effective and that it should not be let run on and on. I will bear that in mind.

I think I answered Senator Kelleher's question about intensive home care packages in the course of my remarks. Senator Colm Burke made a good point about rural areas and staff. It is a challenge I am well aware of from my own constituency. It is not merely resources but also having people available to provide the service. I take on board his comments about quality employment for these people. It is important that we get it right. The fair deal scheme, for good or ill, is a good scheme and works well. If we can replicate that and mirror it with a scheme similar in quality, which serves all people, including employers, the people who benefit from it and their families. It is worth getting it right but I do not want that to become an excuse for delay and making the process longer than it is.

Senator Colette Kelleher: And regulation.

Deputy Jim Daly: Sorry, and regulation and oversight, of course, which are very important part of it.

I thank the Senators for the opportunity to share with them some of the actions that are ongoing and to take on board the points here as I find my feet and try to grapple with moving this which will be my top priority as Minister of State.

Acting Chairman (Senator Gerry Horkan): I thank the Minister of State and call on Senator Catherine Ardagh to conclude the debate.

Senator Catherine Ardagh: I thank the Minister of State for coming to the House and I thank all of my colleagues who have contributed. It is not personal, but the fact Senator Conway-Walsh gave Fianna Fáil a lecture was quite disingenuous when all we have to do is look up North at the shambolic home care services package provided there.

Senator Máire Devine: It is not shambolic. The Senator is making that up.

Senator Catherine Ardagh: People are getting home care packages in 15 minute segments and Sinn Féin is giving us lectures. It is outrageous.

Acting Chairman (Senator Gerry Horkan): Senator Ardagh without interruption. She did not interrupt Senator Devine.

Senator Rose Conway-Walsh: That is the Tory Government.

Senator Máire Devine: Why should we apologise? We have asked for an apology.

Senator Catherine Ardagh: If newspaper reports are to be believed-----

Senator Máire Devine: Focus on your own history.

Senator Catherine Ardagh: I understand a long-standing member of Sinn Féin is being bullied so the Senators should really start-----

28 June 2017

Acting Chairman (Senator Gerry Horkan): Senator Ardagh through the Chair and without interruption. We have new visitors and I am sure they are not impressed by Senator Devine.

Senator Máire Devine: Tá brón orm.

Senator Catherine Ardagh: Sinn Féin does not have a monopoly of being the fairest and most humane party. We are all on the same page. We are all *ad idem* that home care packages are the way forward. Any cuts to services are regrettable.

Senator Máire Devine: Is that an apology?

Senator Catherine Ardagh: Any cuts to services are regrettable. That is a reasonable statement. Senator Devine should look at her own party and recent media reports that there have been allegations of bullying against long-standing members of that party.

Senator Máire Devine: Is that relevant?

Senator Catherine Ardagh: Those in glass houses should not-----

Senator Máire Devine: That is not relevant.

Acting Chairman (Senator Gerry Horkan): We might stick to the topic.

Senator Máire Devine: The Chairman should rule it out of order.

Acting Chairman (Senator Gerry Horkan): I am just about to ask Senator Ardagh to stick to the debate.

Senator Catherine Ardagh: I thank the Minister of State and I look forward to the support we might receive for the Bill.

Senator Máire Devine: I am very sorry for Senator Ardagh's troubles.

Question put and agreed to.

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

Senator Colm Burke: Next Tuesday at 2:30 p.m.

Acting Chairman (Senator Gerry Horkan): Is that agreed? Agreed.

The Seanad adjourned at 6.05 p.m. until 2.30 p.m. on Tuesday, 4 July 2017.

