



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Business of Seanad	763
Commencement Matters	764
Hospital Waiting Lists	764
Unemployment Data	767
Criminal Legal Aid	771
Early Childhood Care and Education Staff	773
Order of Business	776
Life Saving Equipment Bill 2017: First Stage	791
Household Waste Charges: Statements	791
Central Bank and Financial Services Authority of Ireland (Amendment) Bill 2014: Committee Stage.	803
Declaration of Independence Day Bill 2017: Second Stage	818
Visit of Finnish Delegation.	828
Declaration of Independence Day Bill 2017: Second Stage (Resumed)	828

SEANAD ÉIREANN

Dé Céadaoin, 5 Iúil 2017

Wednesday, 5 July 2017

Chuaigh an Cathaoirleach i gceannas ar 10.40 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

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

The need for the Minister for Health to outline the plans that have been put in place for the continuation of services for scoliosis patients in Tallaght hospital given the recent loss of a consultant orthopaedic surgeon in the hospital, and the plans in place for the recruitment of a replacement consultant orthopaedic surgeon.

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

The need for the Minister for Social Protection to address the findings of the 2017 south-east economic monitor report that Carlow has the third highest rate of unemployment in the country as a result of the absence of IDA-supported jobs, low Enterprise Ireland activity and low higher education capacity.

I have also received notice from Senator John O'Mahony of the following matter:

The need for the Minister for Justice and Equality to outline the criteria for free legal aid and to address the need for reform in this area.

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

The need for the Minister for Children and Youth Affairs to outline the steps she is taking to address the precarious work and low pay prevalent in the child care and early years education sector.

I have also received notice from Senator Gerard P. Craughwell of the following matter:

The need for the Minister for Transport, Tourism and Sport to outline the plans, if any, he has to reinstate fully the Athenry to Claremorris Line which was closed to passenger traf-

fic in 1977, and his views on the use of the line for the development of a greenway if the railway line is to remain closed.

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

The need for the Minister for Health to outline the present position on the review of management structures and other matters at the ambulance service.

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

The need for the Minister for Foreign Affairs and Trade to outline the Government's position on the implementation of a rights-based, stand-alone Irish language Act in the North as agreed at St. Andrews.

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

The need for the Minister for Health to make a statement on the threatened discontinuation of the youth counselling services being provided by Youth Work Ireland Galway due to a lack of funding from the HSE.

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

The need for the Minister for Justice and Equality to outline current Garda recruitment and training plans and the plans in place to address the need for an allocation of additional gardaí to Limerick city.

I regard the matters raised by the Senators as suitable for discussion. I have selected the matters raised by Senators Swanick, Murnane O'Connor, O'Mahony and Gavan and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise.

I welcome our colleague from Monaghan, Councillor Seamas Coyle, to the Chamber.

Commencement Matters

Hospital Waiting Lists

Senator Keith Swanick: I also welcome Councillor Coyle to the Chamber. I thank the Minister for coming to the House to discuss this very important issue. As he is aware, my patients are in fear because the treatment they so badly require could be in jeopardy due to the constant staffing crisis which is crippling our health system.

I have listened with great sadness and shame, as has the Minister of State, to the stories of very young children and adolescents with scoliosis who are waiting inexcusably long times to receive treatment. Today, however, I am raising the issue of adults with scoliosis who are also at the mercy of long waiting lists.

It was brought to my attention by Councillor Walter Lacey that a patient of Mr. Pat Kiely, consultant orthopaedic surgeon in Tallaght hospital, was recently advised that he was no longer working in the hospital and the waiting list would be outsourced to a different hospital under a

different consultant. Unfortunately for some, that is the sum total of the communication they have received.

One woman was diagnosed with scoliosis in 1995. In September 2014, she had a two-part operation carried out under Mr. Kiely and requires further treatment on her spine, specifically an injection and a fusion of the spine. In June 2016, more than one year ago, she was advised she would be seen as a priority case. In January 2017, she was advised by her doctor that Mr. Kiely had moved on and she would now be under the care of a different consultant in a different hospital. She has yet to receive any further update on her case. In the meantime, she struggles on and minds her three children despite her disability. Her GP telephoned the hospital on her behalf to be told not to ring any more. It is frustrating and is not acceptable that a health professional who is advocating for a patient was dismissed in such a fashion. Patients like her are being left in a painful limbo.

As the Minister knows, the management of scoliosis is complex and determined by the severity of the curvature and skeletal maturity, which together predict the likelihood of progression. According to the HSE's action plan for scoliosis treatment, to achieve the target of a four-month waiting list, 447 patients will need to receive treatment before the end of 2017. As the Minister will probably agree, these targets will not be met. Some 447 patients need treatment before the end of 2017. It is a significant ask for the staff of the theatres concerned to facilitate that number of patients. To lose one consultant is a major blow.

I would also like to put on the record of the House my acknowledgement of the work of Mr. Kiely. He does fantastic work in this field. He is the co-founder of Straight Ahead Ireland, which operates on a voluntary basis. Surgeons perform operations on a *pro bono* basis. They change the lives of children who might otherwise have to wait longer for treatment or surgery. They do this selflessly and give up their personal time. The operations are conducted on weekends and Christmas during down times in theatres in Our Lady's Hospital in Crumlin. Mr. Kiely and the Straight Ahead team are fighting a battle against waiting lists which is not theirs to fight.

Does the Minister agree that a new approach is needed in the field of recruitment and that the current recruitment process is not working at the pace or rate which is required? When will Mr. Kiely be replaced? Will his list be addressed in Tallaght hospital or off site in a different hospital? When will the young mother of three to whom I referred be accommodated for her surgery, along with the approximately 70 other patients still on the waiting list?

An Cathaoirleach: The Minister of State, Deputy Jim Daly, is not the line Minister for most of these issues. He may not have all the answers.

Senator Keith Swanick: I would be grateful if the Minister of State could convey my concerns to the Minister.

An Cathaoirleach: I am sure he will. I should not predict the answer.

Minister of State at the Department of Health (Deputy Jim Daly): I thank Senator Swanick for raising this issue and giving me the opportunity to provide an update to the House on the matter. I will address some of the Senator's specific queries with him directly.

Improving access to scoliosis services for patients is a priority for the Minister for Health, the Government and the HSE this year. The Senator will be aware that the HSE, working with

the Children's hospital group and the Department of Health, developed a scoliosis waiting list action plan which was finalised and published in May of this year. In tandem, the HSE is working to develop a long-term sustainable solution for scoliosis and paediatric orthopaedic cases.

The number of patients on each of the waiting list categories is being taken into account in planning future service requirements. The Minister is aware of particular concerns raised in regard to adolescent patients waiting for scoliosis surgery in Tallaght hospital. The HSE has included this cohort of patients in the scoliosis waiting list update and service development plan which sets out a short to medium-term strategy to ensure no patient will have had to wait more than four months for surgery by the end of the year, where that is appropriate clinically.

The HSE has informed the Department of Health that a process is under way for the transition of adolescent scoliosis patients from Tallaght to the Mater hospital. This has commenced, with 16 patients transferred currently. Further patients are being clinically reviewed in Tallaght with a view to transferring to the Mater. It is envisaged that a similar process will be undertaken for OPD patients and that the patients overall will remain in the care of the Mater as part of a longer-term solution for patients with scoliosis.

In respect of spinal services at Tallaght, the hospital is the principal provider of elective orthopaedics in the Dublin Midlands hospital group. The hospital's spinal orthopaedic service provides emergency and elective access for a varying degree of acute degenerative and scoliosis spinal conditions with a tertiary referral base. It is acknowledged that spinal orthopaedic activity levels at Tallaght Hospital have fallen in recent years. There has been a reduction in consultant staffing numbers in this sub-specialty area due to consultant departures and difficulty in recruiting replacements.

However, I understand from the HSE that approval has been given by the Dublin Midlands hospital group for an additional consultant, and a new consultant is due to start following completion of his fellowship in September 2017. While the hospital currently has constraints around in-house activity, approval has also been given by the HSE for an initiative to provide an inpatient and day case spinal service in a private facility with a Tallaght Hospital spinal orthopaedic consultant, as part of its public contract, accessing facilities in the private sector to reduce waiting lists.

In addition, the reconfiguration of theatres at Tallaght hospital is being reviewed to facilitate the creation of a spinal theatre available for spinal procedures. I am confident that this range of actions will improve access to scoliosis services for patients. I will answer some of the Senator's queries in my response.

Senator Keith Swanick: I thank the Minister of State and I appreciate his response. I appreciate the fact that he mentioned the adolescent scoliosis patients being transferred from Tallaght Hospital to the Mater Hospital. My concern today, of course, relates to the adult scoliosis patients. I am glad to hear that approval has been granted for a new consultant to be appointed after September 2017. Will the Minister of State confirm whether the 70 patients who are currently on Mr. Kiely's list will be transferred to the private sector to complete their treatments or if they will be transferred to the new consultant's list after he or she is appointed in September? These people have been waiting far too long and it would be my preference for them to be transferred to the private sector as a priority.

Deputy Jim Daly: I thank the Senator again for raising this issue. It is an issue I had occa-

5 July 2017

sion to raise in the other House numerous times myself, particularly in respect of waiting lists for children. Thankfully significant progress seems to have been made on that front but I would be concerned to see any knock-on effect on the adult patient. I am not sure of the answer to the Senator's question. I will look into it for him in the Department of Health and I can get some answers for him.

On some of the specific issues the Senator raised, I would be concerned about a GP being told not to call back when they are advocating. They are the principal advocates, more so than the Senator or myself are as public representatives. A general practitioner should not be told not to call back. If the Senator would like to give me the details of that case I would be interested in pursuing it as part of my role in the Department of Health. If he sends those details to me I will follow up for him and find out why that happened. Hopefully I can get an assurance that it will not happen again.

I concur with the Senator in paying tribute to Mr. Kiely. I also dealt with him in my capacity as a public representative in the other House when I was trying to make a case for children with scoliosis. I always found him to be a very straight man, a very good man and somebody who was spoken of extremely highly by all of those who dealt with him. I wish him well.

I cannot answer specifically about the 70 patients the Senator referred to but I will find out whether they will remain in the public system under the new consultant or whether it is intended to move them to the private system. I will get that information sent over to the Senator.

An Cathaoirleach: I thank the Minister of State and Senator Swanick. I hope progress can be achieved in that area.

Unemployment Data

Senator Jennifer Murnane O'Connor: I thank the Minister of State. The Minister has seen my Commencement Matter. A very disappointing article was published during the week regarding the South East Economic Monitor, which showed that the south-east region is being left behind. The monitor was compiled at Waterford Institute of Technology by Dr. Cormac O'Keefe, Mr. John Casey and Dr. Ray Griffin and is actually frightening. As someone who lives in Carlow and as a Carlow person, I know that we could all see the signs. I was very disappointed because one comes into the Seanad every week and hears that the recession is over.

The figures and statistics mentioned in the article and the monitor itself are definitely on the ball. The article notes "While there has been a drop in unemployment the south east is the only region not meeting the Government's Action Plan for Jobs target" and that "The region has experienced a large drop in unemployment (from 12.5% in Q1 2016 to 9.3%) with 9,900 net new jobs - the first time unemployment is below 10% in eight years". The unemployment significantly relates to the economic decline. It quotes Dr. Griffin as saying:

The South East is the only region (of the eight) not meeting Government's Action Plan for Jobs target (to have regional unemployment less than 1% of national rate). There is very little variation between the counties in the region.

It also reports that "the government's Action Plan for Jobs commitment to bring every region's unemployment rate to within 1% of the national average has been achieved everywhere

but the South East” and quotes Dr. Griffin as saying that “We cannot see any Government action aimed at closing that gap”.

The article mentions that although “the national policy approach is focused on the crisis being over; the economic crisis is still unfinished business in the South East.”. Businesses in the south east still need to be looked at. It quotes Dr. O’Keefe as saying that “The South East region is home to 10.7% of the national population, yet it is clear there is no plan to turn the regional economy around,” and that “Low income, low skills jobs are driving the employment growth; it is pretty simple, the good jobs lost in the recession are being replaced by poorer jobs”. That is crucial. That is what is happening. The good jobs are being replaced by the poor jobs. The article notes that:

The quality of jobs in the South East is dramatically lower than the national average, and there is no evidence of this improving. This means incomes, disposable income and consumption in the South East is lower than the rest of the country.

I know that in terms of unemployment there are different remits in different areas, but I think it is crucial to bring up the article’s contention that “the agencies charged with economic development, IDA and Enterprise Ireland, are underperforming with regards to the South East”. It notes Mr. Casey as saying:

They now have specific objectives to promote a more regional distribution to their activities, however we do not see any evidence of this in the South East. We can see what these highly effective organisations can do when they put their mind to it. They need to give more support to their regional offices and target this gap in their activities.

Another piece of the report I felt was crucial. The article states that “the South East’s economy will not get back into step with the rest of country while there continues to be a cap on higher education capacity”. Carlow has two excellent third level colleges. Mr. Casey is quoted as saying that “It beggar’s belief that €1.7bn was spent on new university buildings over the past five years, and not one of these State supported investments was made in the South East”. Not one penny was spent there. We have been looking for that constantly because that it part of our employment problem.

The article also notes that:

Despite steady decreases in the Live Register in Carlow (17.1% year-on-year decrease), Census 2016 shows that Carlow had the third highest rate of unemployment in the country. Carlow is home to 1.2% of the population of the State but to 1.6% of those on the Live Register.

To go back to the IDA, it created 51,793 net jobs across the country but we only got 0.9%. Just to finish on a final quote from the article, “There is also evidence of low job quality as the returns for taxes on work (PAYE, USC, and self-employed taxes) in Carlow are 54% of what one would expect based on population share”. That is a massive issue which really needs to be addressed going forward. We in the south east and Carlow are being totally forgotten again.

An Cathaoirleach: I am sure the Senator will not be forgotten.

Senator Jennifer Murnane O’Connor: I will not forget it anyway.

An Cathaoirleach: I call on the Minister of State to respond to that in so far as he can.

Deputy Jim Daly: I thank the Cathaoirleach and I thank the Senator for her attention and care on behalf of the people she represents to ensure that they get their fair share. I commend her on that and thank her for her efforts on their behalf. The Government is conscious of the particular problems facing Carlow and the south-east region more widely. The most recent official figures from the CSO, for the first quarter of 2017, show that the unemployment rate in the south east was 9.3% as compared with the national average of 6.7%. Although official unemployment estimates are not available at the county level, the rate in Carlow is likely to be in line with the regional total, and thus also above the national average.

There is some basis for optimism in the most recent figures, in that unemployment in the south east fell more rapidly than nationally over the last year. Continuation of this trend would see a substantial narrowing of the unemployment gap between Carlow, the south east and the country overall.

Government policy to reduce unemployment, both nationally and regionally is twofold. First we aim, through policies set out in the Action Plan for Jobs, to create an environment in which business can succeed and create jobs; and second, through Pathways to Work, we aim to ensure that as many of the new jobs and other vacancies which arise in our economy are filled by people taken from the live register, including young people.

The Pathways to Work strategies, initiated in 2012, determine the Department of Social Protection's approach to helping unemployed jobseekers return to work. Since the inception of Pathways to Work in 2012, employment and entitlement services have been brought together in "one-stop shop" Intreo centres; new schemes and employment supports have been introduced, while some existing schemes have been expanded; and there has been a transformation of jobseeker services through Intreo, with the scale and frequency of engagement with registered jobseekers being greatly increased. A social contract of rights and responsibilities between jobseekers and the State has been implemented.

In accordance with the Pathways to Work strategy, activation resources are concentrated on those most at risk of long-term unemployment. This in turn leads to a concentration of the Department of Social Protection's resources on areas of high unemployment. Within Carlow, the Department has seven activation case officers together with an activation support team. These officers work closely with other stakeholders including the Carlow and Kilkenny Education and Training Board to identify suitable training and educational opportunities for jobseekers in Carlow. Each month, case officers meet an average of 700 jobseekers to discuss the training and employment opportunities available to them. Case officers also work closely with employers to ensure that suitable people are matched to appropriate vacancies and in promoting the back to work enterprise allowance for those wishing to pursue self-employment. The promotion of the back to work enterprise allowance also involves close co-operation with the local enterprise office.

Locally, the Department maintains close links with a range of stakeholders through its participation on the Carlow local community development committee and the south east regional skills forum. There are almost 370 places available on community employment schemes in Carlow along with a further 160 places on the Tús programme. The deployment of this wide range of resources has seen the number of jobseekers registered at the Department's offices fall by 2,501 or 36% since May 2012 and by 903 or 17% in

11 o'clock

the last 12 months alone.

I am informed by my colleague, the Minister for Jobs, Enterprise and Innovation, that there are significant regional policy responses in respect of IDA and Enterprise Ireland activities. These are now brought together with other relevant support policies in the Action Plan for Jobs for the south east. Among the 194 actions in the plan to be delivered over the period 2015 to 2017 are a 30% increase in the number of start-up SMEs; a 30% to 40% increase in investments by overseas companies in the region by 2019, meaning at least 44 investments in the region over the coming years; a 20% increase in jobs in exporting companies, in particular in manufacturing, agrifood, business services and biopharma-medtech; a strong focus on the advanced manufacturing sector, which has been the traditional strength of the region; an 85% increase in exports over the next ten years through a range of measures in the agrifood sector; building on the success of companies like Eishtec, an industry-led forum for the business and financial services sector in the region, developing a financial service hub; and to promote closer co-operation between employers and training and education bodies continue to progress the development of a technological university for the south east and boost apprenticeships in the region.

The south-east region has 72 IDA Ireland client companies which collectively employ 13,369 people. Seven of these companies, employing 800 people, are in Carlow. The main clusters are in high value manufacturing - pharmaceutical, medical devices and engineering - along with international financial services. IDA Ireland is now targeting a minimum of 30% to 40% increase in the number of investments for each region outside of Dublin. These investments will be a combination of new name investments, expansions from existing overseas companies in Ireland and research and development investments. Advanced technology buildings, ATBs, are an important support for attracting these investments and an ATB is planned for Carlow, to be completed this year.

An Cathaoirleach: We are over the time limit so the Senator should be brief in her reply.

Senator Jennifer Murnane O'Connor: I thank the Minister of State. I am very disappointed by the figures, of which we are aware. It is important. I am very disappointed by IDA Ireland. It made one official visit to Carlow last year. I am not sure if its representatives came down once or twice. Perhaps they had meetings I was not aware of. Its performance in Carlow is very bad.

University status for Carlow and Waterford institutes of technology is crucial. The Institute of Technology Carlow is Carlow's biggest employer. We have over 700 staff in the institute and it provides great employment to Carlow. University status is crucial. The Government should focus on employment in Carlow and creating more jobs.

Deputy Jim Daly: I will give some examples of activities supported by Enterprise Ireland in the recent past in the south east. Enterprise Ireland's competitive regional enterprise development €60 million fund was launched to support all eight regional action plans and provide investment of up to €60 million over the period to 2020 to support collaborative approaches. In 2017, Enterprise Ireland announced an investment in Suir Valley venture fund, a new €20 million venture capital fund located in Waterford. From 2011 to 2016, Enterprise Ireland approved innovative high potential support to 31 companies in the south east. These companies have been approved over €13 million in funding support. In 2016, Waterford Institute of Technology signed a €2.5 million contract with Enterprise Ireland, which will fund a significant expansion

5 July 2017

of the incubation facilities in ArcLabs. The extension will enable the institute to double its capacity to support technology startups in the south east. Regarded as one of Ireland's leading technology gateways, SEAM, located at Waterford Institute of Technology, currently provides assistance to more than 100 companies. Already, EI has 85 client companies based in Carlow, which created 373 new jobs in 2016, bringing total employment by Enterprise Ireland clients in the county to 2,973. Client company Netwatch recently announced the addition of 85 new jobs over the next 12 months to recruit candidates for positions in software development, digital marketing, and sales and engineering as part of a €20 million investment. The recruitment drive will see the company's workforce grow to 250 people.

In summary, there is a wide range of activity in support of growing employment and reducing unemployment in Carlow and in the south east more widely. The Department of Social Protection provides essential supports to the unemployed. Significant effort is being made by the enterprise agencies on job creation and by the educational authorities in the operation of these schemes.

An Cathaoirleach: We will have to speed up or we will not get through all Commencement matters. That matter took 14 minutes and we are allowed eight. I will be slow to choose those who delay again.

Criminal Legal Aid

Senator John O'Mahony: I will be very quick. This Commencement matter is on the need for the Minister for Justice and Equality to outline criteria for free legal aid eligibility and the need for reform. I welcome the Minister of State, Deputy Daly, and congratulate him on his appointment. I am a little disappointed that the Minister for Justice and Equality or the Minister of State at the Department of Justice and Equality is not present. I have raised this issue on numerous occasions in the past and nothing has happened.

Since 2009, €428 million has been spent by the State on free criminal legal aid. It cannot be allowed to continue. I fully understand the argument that everybody deserves a fair trial but criminals who have committed multiple crimes have been granted free legal aid on each occasion even though in some cases they have multiple assets. As far as I am concerned, they should be gone after. They rack up an obscene number of convictions, still end up on the streets committing more crimes and get free legal aid on each occasion. What can be done about it? In states in America, when people get three strikes, they are out. In the UK it is means tested and any assets the accused person has are realised as part of it. People should definitely be asked to contribute some of the legal aid costs.

I was reminded of it recently by two cases. When I mention these two cases I am not talking about whether the cases should have been brought. A Deputy in the House, who is on a salary of €87,000, was granted free legal aid because he is taking the industrial wage. He is not giving the remainder back to the State. The State is paying twice in this case. It should not be allowed. There is no contribution made by the said Deputy to his legal aid costs. It is not acceptable. It needs to be addressed. From what I can see, the money that is not being given back to the State is being given to his party, which organises more protests that lead to situations like the one we saw in Jobstown. I am not commenting on that. It has been tried and the justice system has operated totally independently in that case.

We also had a case in respect of white-collar crime.

An Cathaoirleach: The Senator should be careful not to speak in such a way that the person may be indirectly identified. He will walk us all into hot water so he should be very careful. The principle of what he is saying is fine but I would prefer if he did not identify anyone.

Senator John O'Mahony: I am not commenting on the outcome of the cases.

An Cathaoirleach: Even though the Senator did not mention a name, the person he is referring will be as obvious as the nose on his face to some people.

Senator John O'Mahony: There was a case recently of a white-collar crime and it was reported in the media last week that the legal aid was three times the normal fee allocated. It was in a case involving Anglo Irish Bank. I think everyone will know what I am talking about. If I have mentioned Deputy Paul Murphy, Seán FitzPatrick can also be mentioned.

An Cathaoirleach: I would prefer if the Senator did not mention any names. They are not here to defend themselves, so it is unfair.

Senator John O'Mahony: I withdraw it. I am not commenting on the cases at all. I am merely commenting on the fact the State has so many demands on it. Here we have a situation where, in general terms, criminals are being given free legal aid on multiple occasions. In many of those cases they have assets and there does not seem to be any cap. It is time it was addressed.

Deputy Jim Daly: I thank the Senator for raising this issue. I acknowledge at the outset he is doing his job as a public representative who is raising the air of disquiet that surrounds the issue. I regret that the Minister for Justice and Equality cannot be present. As the Senator will appreciate, the Cabinet is sitting this morning. It was supposed to sit yesterday but was unable to do so. The Minister of State at the Department of Justice and Equality was not available this morning either. I ask the Senator to accept my apologies and to rest assured that I will convey his legitimate concerns directly to the Minister. I am sure he will receive any further follow-up that may arise.

I have been asked by the Minister, Deputy Flanagan, to respond to this matter as he is unable to attend this morning. As the Senator may be aware, under the Criminal Justice (Legal Aid) Act 1962 and a series of regulations made thereunder, free legal aid may be granted by the court in certain circumstances for the defence of any person of insufficient means in criminal proceedings. An applicant for legal aid must establish to the satisfaction of the court that his or her means are insufficient to enable him or her to pay for legal aid. The court must also be satisfied that by reason of the gravity of the charge or exceptional circumstances, it is essential in the interests of justice that the applicant should have legal aid. Under the 1962 Act, the courts, through the Judiciary, are responsible for the granting of legal aid. The Minister has no function in these matters as they are determined by the Judiciary, which is independent in the exercise of its functions.

The provision of an effective criminal legal aid service to persons facing serious charges that could result in the loss of their liberty is of fundamental importance. The Supreme Court ruling in the case of *State (Healy) v. Donoghue* 1976, I.R. 325, effectively determined that the right to criminal legal aid is, in circumstances which are quite wide in practice, a constitutional right. An accused person who faces serious charges and who cannot afford to pay for legal

5 July 2017

representation has a constitutional right to legal aid. In addition, Article 6(3)(c) of the European Convention on Human Rights provides that every person charged with a criminal offence is entitled to defend themselves in person or through legal assistance of their choosing or, if they have insufficient means to pay for legal assistance, to be given it free when the interests of justice so require.

The Minister's Department is preparing a draft general scheme of the criminal justice (legal aid) Bill 2017. The key purpose of the draft legislation, subject to Government approval, is to transfer the administration of the criminal legal aid scheme from the Department to the Legal Aid Board, with the purpose of ensuring that best practice, financial management and control are exercised and to give effect to Government programme commitments on criminal legal aid. The following commitments contained in the programme for Government will be addressed in the general scheme, namely, to transfer responsibility for the operation of criminal legal aid from the Department to the Legal Aid Board, to introduce a contribution system, to introduce more rigorous and effective means testing and to provide for increased sanctions for false declarations.

Senator John O'Mahony: I thank the Minister of State. I welcome the last part of his answer, which states that the new Bill will address the contribution system. This is a matter I have raised, along with means testing and increased sanctions for false declarations. By all means, it should be given if the accused is totally penniless or whatever. However, it should not be given in many cases. I look forward to the publication of the general scheme.

Deputy Jim Daly: I thank the Senator. I have listened carefully to what he has said. The criminal legal aid scheme has been in operation for just over 50 years and is instrumental in enabling the State to meet its legal obligations including rights-based requirements under the European Convention on Human Rights, ECHR, to ensure access to justice and fair hearings and trials. The State dedicates significant resources to detecting crime and in prosecutions. We must be conscious also of the need to ensure the right to a defence. The proposed legislation is intended to uphold that right.

The long-standing criteria set in law, which are also reflected in international criminal justice systems and conventions, will be retained in the reforms, namely, the granting of criminal legal aid on grounds of the interests of justice and the financial circumstances of the applicant. Issues of control and eligibility need to be addressed in the general context of criminal legal aid governance. These concerns are reflected in the Government programme and it is proposed that the legislation will provide for more rigorous assessment of eligibility, contributions by those who can afford them and a system to allow a review of the financial circumstances of those who have received aid. The objective is to reduce the scope for any abuse and ensure that funds under the criminal legal aid scheme are directed towards those who need them. The scheme will also provide for increased sanctions for false declarations and other abuses. The Minister intends to bring the matter to the Government for its approval later this year.

Early Childhood Care and Education Staff

Senator Paul Gavan: I welcome the Minister of State, although I am disappointed that the Minister for Children and Youth Affairs could not be here this morning. This week is very significant for child care workers and early years educators throughout Ireland. It is the week in which they go in their thousands to sign on for the dole for the summer. Under the early

childhood education and care programme, early years educators are employed on fixed-term contracts of 38 weeks per year, under which they typically work part time for 15 hours per week. Once the 38 weeks are over, educators go on the dole for the summer, after which period they may or may not receive another 38-week contract. There are no employment benefits such as pension, maternity pay or sick pay.

What a telling indictment of the current child care model this is. We cannot even provide full-time positions to the thousands of highly qualified child care professionals who raise our children. The precarious nature of the child care sector is policy driven as a lot of the providers are dependent on State funding which, frankly, is inadequate. Community not-for-profit providers were traditionally funded by the community child care subvention scheme, which provided for full-time, permanent positions with much higher rates of pay. This latter model shows that Government policy can be used in a positive way to drive employment practices.

I am afraid the facts about current pay and conditions in this sector speak for themselves. The average rate of pay is €10.27 per hour. To put that in context, one can get better pay making sandwiches in Centra. What does this tell us about the value we put on child care? Research carried out by Early Childhood Ireland at the end of March 2017 demonstrated the depth of the staffing crisis, as 86% of facilities expressed concern that problems recruiting staff will impact on the viability of their service. Moreover, 36% of those who tried to recruit staff in the last 12 months were unable to find anyone suitable. Of those who have had staff leave in the last 12 months, nearly 60% cited as a reason that working in the sector was not financially viable. It is no wonder, therefore, that the sector had a staff turnover rate of 28.4% in the last 12 months.

I ask the Minister of State to imagine the impact this must have on the quality and continuity of care for the children. Child care professionals are voting with their feet and leaving the sector. In many cases, they are also leaving the country. These statistics show what we already know, namely, that the sector is in crisis. To be fair, I acknowledge that the crisis is not of the Minister, Deputy Zappone's making. She has inherited the, situation which is the result of decades of Government neglect. However, it is fair to ask what steps she is taking to address the situation in terms of pay and conditions for workers in the sector.

SIPTU's Big Start campaign gives the Minister a roadmap to a better future of regulated early years education in which standards are underpinned by a sectoral employment order. I raised the issue of child care 12 months ago and nothing has changed since then. In 12 months' time, will we still have thousands of child care workers signing on for the dole? Will they still be working for one euro less than a living wage? It is not good enough and I hope the Minister of State will have something positive and concrete to say.

Deputy Jim Daly: On behalf of the Minister, Deputy Zappone, I thank Senator Gavan for raising this important issue today, as it touches on a key area of consideration for the early years sector. Practitioners in the early years care and education sector play a critical role in delivering high-quality services for children and families and they deserve to be recognised, valued and respected for this. It is proven by the European Commission and others that for children to receive high-quality services, certain factors must be present. For example, a good curriculum and a good monitoring and inspection regime are essential but so too is a valued and respected workforce that is appropriately remunerated.

It is acknowledged that pay and conditions are major issues being experienced by the child care sector in Ireland at present and that these conditions lead to difficulties in recruiting and re-

taining staff. Alongside addressing affordability for parents, this needs to be addressed. There have been calls for a nationally agreed pay scale for the child care workforce. The State is not the employer and we must leave the negotiation of a pay scale to the Workplace Relations Commission, the Labour Court and the sector itself, both employers and employees.

An obvious mechanism to be considered is a sectoral employment order, SEO. Under an SEO process, organisations substantially representative of employers and employees come together to agree a way forward and submissions are sought from key stakeholders. As a significant funder, and with policy responsibility for quality, the Department of Children and Youth Affairs would be well placed to make a submission to this process. The Minister, Deputy Zappone, is aware that the trade unions are active in seeking to achieve a critical mass of representation on the employees' side to pursue an SEO. The Minister welcomes discussions in the sector to identify an organisation substantially representative of employers.

The Government continues to invest in the early years sector. Budget 2017 saw a 35% increase in child care funding, which was on top of a similar increase in the 2016 budget. These increases reflect the emphasis being placed on developing a quality service with appropriately supported staff. To go some way towards addressing cost pressures faced by providers in the sector, €14.5 million was secured in 2017 to enable providers to be paid for non-contact time. For the average early childhood care and education, ECCE, service with 25 children, this will mean an additional payment of approximately €2,400 per annum. The Minister, Deputy Zappone, is pleased to inform the Senator that this payment will be issuing over the coming weeks. Only recently the Minister announced that an extra €3.5 million will be made available to child care providers in the form of a non-contact time payment. This will benefit child care providers participating in the community child care subvention and the training and employment child care programmes. All services signed up to deliver these schemes from September will be invited to apply.

The programme for Government also commits to carrying out an independent review of the cost of providing quality child care. This commitment aligns closely with work on the design and development of a new single affordable child care scheme, and the Minister and her officials are progressing this work in that context. The review will feed into future policy development, including with regard to levels of payments to services. In conclusion, the Department of Children and Youth Affairs is grateful to the child care sector for the way in which it has engaged with the Department to seek to address quality, access and affordability issues. The attendance of child care providers and practitioners at recent information events around the country, their representation on the early years forum which the Minister established last year and their work on various working groups are greatly appreciated and are assisting in finding solutions to the many challenges. The Minister, Deputy Zappone, also wishes to acknowledge that while important first steps have been taken to seek to address key challenges for the child care sector, much work remains to be done. The Minister is committed to working with her colleagues in the Government to deliver on the many commitments in the programme for a partnership Government.

An Cathaoirleach: I ask Senator Gavan to be brief, bearing in mind that the Minister of State, Deputy Jim Daly, is not the line Minister.

Senator Paul Gavan: That is a fair point. I thank the Minister of State for the reply. This is the first time I have been given a reply that makes a positive mention of a sectoral employment order, which I welcome. I hope there is the political will to make that happen, because it

is not good enough simply to say that it is up to the employers. The Department has a positive role to play in making it happen. It has happened in other sectors such as cleaning and security and with political will it can happen in this one.

The Minister, Deputy Zappone, inherited a model of child care that I do not believe she would have designed. Does the Minister of State believe that the current model, based on precarious work and low pay, is sustainable? If it is not, and I do not believe it is, are the Minister and the Department prepared to work with key stakeholders, such as Early Childhood Ireland and SIPTU, to develop a new model?

Deputy Jim Daly: I cannot speak for the Minister but I will pass the Senator's questions to her and ask her to reply directly to him. The Department is not the employer in this case but I accept that it has a policy role to play to ensure there is sustainability in the sector into the future. I will convey the Senator's concerns and comments to the Minister.

Sitting suspended at 11.23 a.m. and resumed at 11.30 a.m.

Order of Business

Senator Catherine Noone: The Order of Business is No. 1, statements on household waste charges, to be taken at 12.45 p.m. and to conclude no later than 2.15 p.m., with the contributions of group spokespersons not to exceed six minutes and all other Senators not to exceed four minutes and the Minister to be given four minutes to reply; No. 2, Central Bank and Financial Services Authority of Ireland (Amendment) Bill 2014 – Committee Stage, to be taken at 3.30 p.m. and to be adjourned no later than 4.30 p.m. if not previously concluded; and No. 3, Private Members' business, Declaration of Independence Day Bill 2017 – Second Stage, to be taken on conclusion of No. 2 and with the debate not to exceed two hours.

Senator Keith Swanick: I welcome the news this morning that the Cabinet is to consider a new €2 billion cancer strategy programme. The plan, which will see between €1.5 billion and €2 billion spent on improved services and medicines over the next decade, comes with a warning that the number of cancer cases will almost double over the next 20 years. This is not news. We have known that an increase in patients presenting with cancer would be inevitable with our ageing population. Over the next 30 years, the number of people in Ireland over the age of 65 will double and the number over the age of 85 will quadruple. The percentage of deaths attributable to cancer has risen from 20% in the 1980s to over 30%. This percentage will continue to rise. The plan also stresses that as much as 40% of cancers are avoidable. That fact is important.

I have raised this matter in the House previously in the context of legislation relating to tobacco. Tobacco use is the leading cause of preventable death in Ireland and is linked to approximately 6,000 deaths per year. The estimated cost to the health care system of smoking is more than €500 million per annum yet there are still organisations under the remit of Departments that facilitate tobacco company investments. It beggars belief and flies in the face of the aim of a tobacco-free Ireland by 2025. I uncovered the fact that the Courts Service has invested more than €6 million of a trust of €1.6 billion in the tobacco industry. This includes moneys relating to wards of court and moneys awarded by the HSE to children due to medical misadventure. This needs to stop and the Courts Service needs to divest itself of these investments as a priority. I ask the Government to introduce legislation on this matter.

5 July 2017

I move that leave be granted to introduce the Life Saving Equipment Bill, No. 11 on the Order Paper. This is a Bill to provide for a specific offence of interfering with life-saving equipment such as defibrillators and lifebuoys. I welcome Deputy Casey, who helped me draft this legislation, to the House. I will hold a briefing in the audio-visual room at 12.30 p.m. with members of the Community First Responders Network and Irish Water Safety. They will explain the role their organisations play in fund-raising, installation and training in the use of these vital pieces of equipment and, in particular, the knock-on effect of acts of vandalism and theft. I hope to see many Senators attending the briefing and I would be grateful for cross-party support on this issue.

Senator Gerry Horkan: Can I formally second that proposal?

An Cathaoirleach: The Senator cannot speak out of turn, we will let him in later. Is the Senator moving an amendment to the Order of Business that No. 11 be taken before No. 1?

Senator Keith Swanick: Yes.

An Cathaoirleach: That can be seconded in due course. I would create a dangerous precedent if I allowed Senator Horkan speak out of turn. It would cause problems.

Senator Gerry Horkan: I am only formally seconding the proposal.

An Cathaoirleach: I also acknowledge the presence of Deputy Casey. We always like to see Deputies pay homage and offer due respect to us in this House.

Senator Catherine Noone: I am not sure he is paying homage. He is just sitting there.

Senator Keith Swanick: It is the Upper House.

Senator Billy Lawless: As it is my first opportunity to do so, I thank the Minister of State, Deputy McHugh, for all the great work he did as Minister of State with responsibility for the diaspora. I welcome the new Minister of State, Deputy Cannon, to the role. I am certain he will continue his predecessor's great success. I also warmly welcome the appointment of Deputy Deasy as special envoy to the United States Congress to highlight also the plight of the undocumented Irish. This appointment of an envoy is very significant and will be of immense value to those of us who are lobbying and fighting every day for immigration reform in the United States.

Having spent the past few days at meetings in Washington DC and at meetings with other Irish groups in Philadelphia, as well as in my own city of Chicago, I am aware of a lot of fear in the Irish community at how President Trump's immigration policies could affect them and their families. This is understandable given what they see and read every day in the newspapers. Despite recent high-profile press reports and having spoken with a wide range of groups, so far in 2017 I can count on one hand the number of deportations and pending deportations of Irish nationals that do not involve substantial criminal charges. This does not, however, mean that we can become complacent. Immigration enforcement authorities have been given a clear message by President Trump. There is an intention to deliver on that message, but that does not mean that such authorities are not sympathetic to cases of those who had been there for 20 years, are married and have American-born children, are gainfully employed and pay their taxes. Sympathy can only go so far, however, as the law must be implemented, and it is up to us as legislators and representatives of Ireland to shift the sands of our campaign in order that

families of the type I describe are not fearful that at any moment, even if they got a speeding or parking ticket, they could suddenly find themselves subject to deportation hearings.

The prospect of comprehensive immigration reform passing through both Houses of Congress in 2017 or even 2018, is extremely low given the current political climate. In the meantime, in our diplomatic and lobbying effort, we need to focus on what binds our two great countries together. We often talk about the one in four jobs that are created by US multinationals based in Ireland, but often lost is the figure of \$35 billion in economic output that Irish companies based in the US generate for the US economy. Irish firms in the US employ almost as many people as US firms employ in Ireland. In California alone, over 25,000 jobs have been created by Irish companies. There are over 200 Irish companies in each of the 50 states in the US at more than 2,600 locations and Ireland is the 13th largest supplier to the US.

What we need to do is to promote the economic relationship between our countries in our immigration debate. We cannot separate the two. It is here where the greatest goodwill between our countries lies and where perhaps the greatest influence can be brought to bear. It is my hope that through dialogue, both on St. Patrick's Day between our new Taoiseach and President Trump and in our ongoing efforts, we can appeal to the unique relationship between Ireland and the US in persuading those charged with both directing law enforcement authorities and creating their policy approach that a special case can be made and communicated. This case would be made to ensure that families who have built indelible ties to their communities and have raised families do not have to live in fear every day that someone might come knocking on their door and split up their family. I look forward to working with Minister for Foreign Affairs and Trade, Deputy Coveney, Minister of State at the Department of Foreign Affairs and Trade, Deputy Cannon and Deputy Deasy in advancing this cause.

Senator Rose Conway-Walsh: We are very dissatisfied that a deal has not been done to get the assembly up and running in the North. I thank the Sinn Féin negotiating team for doing everything humanly possible to get a deal, and indeed others in wider civic society for the hugely positive role they have played in trying to get the Executive and assembly up and running.

The fact that we do not have a deal rests squarely on the shoulders of Theresa May and her Tory Government. This is a monumental failure by her Government, which, after all is supposed to be a co-guarantor of the Good Friday Agreement. To hear a leading DUP voice this morning saying that the Irish Government should keep its nose out shows exactly, to right minded people, what we have been up against. He cited that Ireland doesn't tell other countries to operate a rights-based society. What kind of nonsense is this? It is obvious that he and his party fail to acknowledge the legal responsibility of the Irish Government under the Good Friday Agreement. The fact that the Minister for Foreign Affairs and Trade, Deputy Coveney, said he was in favour of *Acht na Gaeilge* sent them into a frenzy of hostility. What part of the right of any person living on this island to his or her Irishness or Britishness do they not understand? The entitlement of any of us to our Irishness or Britishness surely should never be offensive to anybody. Why are they so frightened by the prospect of two people who love each other expressing that love in a lifelong commitment of marriage? Why are families denied inquests decades after their loved ones have been killed? Why is it, when more than 15,000 republican men and women have served more than 100,000 years in jail, that the British Government refuses to open the files that show the extent of the collusion between its security forces and loyalist paramilitaries? The fact is that the DUP have not addressed the equality and rights issues that caused the collapse of the political institutions. Nineteen years after the Good Friday Agreement and ten years on from the St. Andrews Agreement, the DUP have blocked an *Acht*

na Gaeilge, a bill of rights, marriage equality, respect, anti-sectarian measures and progress on legacy issues.

It is clear that a restored assembly and Executive is only sustainable and tenable if it is based on fairness, respect and equality. To agree to the restoration on any other basis would be to facilitate the denial of basic rights that are protected in England, Scotland, Wales and the rest of Ireland. This would facilitate cruel discrimination against hundreds of thousands of people on our island. It is something that we in Sinn Féin refuse to do. Sinn Féin will not consent to be governed by the DUP on their terms, just as we would not expect the DUP electorate to consent to be governed by us on Sinn Féin terms. I ask that the Minister for Foreign Affairs and Trade, Deputy Coveney, come into this House to debate how the Government plans to ensure that the rights of people living on this island are upheld and implemented and how he, working with the Government, intends to play his part as co-guarantor of the Good Friday Agreement.

As a party, we completely support Senator Swanick's Bill and wish him well with getting it through the Houses as speedily as possible.

Senator Frances Black: Yesterday evening I had the pleasure as the chair of the cross-party Oireachtas Friends of Palestine committee to be present in the audiovisual room to watch one of the most powerful and upsetting films I have ever seen, entitled "This is Palestine". Directors John and Gerry McColgan, working alongside Trócaire, have produced a great piece of work showing the everyday lives of the Palestinian people in the occupied territories and the apartheid nature of the Israeli state. The horrific conditions of life in the Gaza Strip were seen through the eyes of people living there. The interview with the couple who lost all their young children when their home was bombed by Israeli forces in the 2014 war was possibly the most upsetting thing I have ever seen. The parents of those children were still traumatised. They spoke about their children's heads being blown off; it was horrendous.

The hopelessness felt by the Palestinian people must be addressed. The occupation of lands and the internal displacement of Palestinians in the occupied territories is in contravention of international law. While most countries pay lip service to the idea of a two-state solution, it is now time for the formal recognition of Palestine as a state. This can be enacted by the Minister for Foreign Affairs and Trade. I would like to know when that is going to happen.

I urge everybody to view this film, as to plead ignorance of the injustice being inflicted on the Palestinian people is no defence. As was once said, the only thing necessary for the triumph of evil is for good people to do nothing. I urge all Senators and Deputies to watch this excellent film and to speak out about the injustices being inflicted on the Palestinian people. I intend to send out this film through a link to everybody in the House and I encourage people to watch it to see what is going on over there and the horrendous conditions in which people are living.

Senator Ivana Bacik: I commend Senator Black on showing the film last night. I am sorry that I could not go as I was here in the Chamber for the debate on the Domestic Violence Bill. I agree with her on the need to ensure we have that declaration from the Government. I have long supported that principle, as indeed has the Labour Party.

I ask the Leader for a debate on women in politics, and in particular on gender balance in Cabinet. I very much welcomed, as we all did, the visit to Ireland of Mr. Justin Trudeau, the Prime Minister of Canada. It was good to see the Canadian Premier visiting here, particularly given the long-standing ties and relationship between Ireland and Canada. While the Taoiseach,

Deputy Varadkar, was paying tribute to Canada by wearing Canadian-themed socks, perhaps a better tribute would have been had he tried to emulate the Canadian Prime Minister's commitment to gender equality in having a gender-balanced Cabinet and in upholding gender parity as a principle in practice, as well as in theory. I was very disappointed to hear the Taoiseach say that while he is a feminist - although he went on to qualify that definition - he will seek to move towards a gender-balanced Cabinet over the next few years. That is simply not good enough when one can see in the governments of Emmanuel Macron in France and Justin Trudeau in Canada that a gender-balanced cabinet is very easy to achieve without delay.

I also call for a debate on inward migration. In particular, I ask for the Minister for Justice and Equality to come to the House to update us on the Irish programme for the settlement of refugees coming into Europe through Italy and Greece. We heard this morning a very heartfelt plea from the Italian ambassador who said his country has done a great deal to welcome refugees who have made the dangerous journey across the Mediterranean and that other European countries must do their share too. This is an area in which we can learn from Canada, which has a long and proud history of welcoming inward migration. I ask for a debate on that early in the next term if we do not have time for it in this one.

I also ask for a debate on cycling safety with the Minister for Transport, Tourism and Sport, Deputy Ross. Very disturbing figures were released earlier which indicate that over 100 cyclists are seriously hurt in collisions each year. That is based on Road Safety Authority, RSA, figures. In the first six months of this year alone, ten cyclists have been killed. There is really serious concern about the safety of cyclists, particularly in the context of the Luas works. I am aware of the issue personally because I cycle through the city centre every day. It is very dangerous for cyclists to come into contact with Luas tracks. When will we see progress on the Bill tabled by Deputies Cannon and Regina Doherty on minimum passing distances, which is a crucial cycling safety measure?

Senator Maria Byrne: I welcome the fact that the national cancer strategy has been launched in the last few minutes following its approval by Cabinet. A great deal of money has been granted for the expansion of services. As Senator Swanick said, it is a proven fact that cancer is on the increase. While I welcome the fact that the age threshold for bowel screening has been brought down, I ask the Acting Leader to raise with the Minister the fact that screening under BreastCheck still commences at age 50. Previously, I called for the reduction of the age threshold relating to BreastCheck on a Commencement debate. I repeat that call now.

I attended the launch of the Retail Excellence Ireland pre-budget submission earlier and it was great to meet many new retailers who have opened businesses. I met one who has opened a shop in Limerick in the past couple of weeks. Retailers called today for a 3% reduction in VAT and I support them in that regard.

Senator Gerry Horkan: I formally second Senator Swanick's motion on life-saving equipment and damage to it and thank other Senators for their support for the Bill.

As Vice Chairman of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, I welcome the ongoing investigation into motor insurance. It was announced yesterday that there was an investigation by the Competition and Consumer Protection Commission to examine what is going on in insurance companies. As we all know, anyone with a car has experienced huge increases in motor insurance premiums in the past number of years. While there have been increases of 60% and 70% in the past two to three years for most users, there

have been much greater increases for some users, particularly returning emigrants, people in the freight transport industry, younger and older drivers and people driving older cars. I welcome the investigation, though it may turn out that it is not the issue. If that is the case, it will be good to know. If it is the issue, that has very serious implications for the motor insurance industry. We need more competition and greater transparency in the motor insurance sector. Ultimately, we must try to reduce the cost of premiums by reducing the cost and number of claims. Perhaps the Acting Leader may be able to get the new Minister of State with responsibility for motor insurance in the Department of Finance to come to the House to discuss this matter.

Senator Máire Devine: I wish to refer to the INMO's release yesterday of figures on overcrowding in our hospitals. The figure for the period between January and June shows record levels of overcrowding, with 52,000 admitted patients on trollies, in overcrowded wards or on plastic chairs. My own hospital in Dublin South Central, St. James's, is the largest in the country. The figures for the hospital have almost doubled in the first six months of 2017 when compared with last year. The trolley issue is beyond a crisis. The health service is not fit for purpose. We have major capacity issues with beds, recruitment and retention of staff, funding cuts and the legacy of embargoes. We have put forward - in the future health care plan - a single integration management system which outlines how to deal with capacity issues and the shift to primary community care, a matter about which we talk so much in the Chamber. Will the Acting Leader ask the Minister for Health to come before the House to set out the process of implementation of the future of health care plan and what emergency measures, if any, he brought to the accident and emergency task force in the context of dealing with overcrowding?

Senator Tim Lombard: I wish to raise the issue of the fires in Cork. There was a major fire at one of our unique buildings in Cork last night which is very troubling to everyone involved. Our Lady's Hospital in Cork is one of the most marvellous structures on the western side of the city and it was badly damaged by fire. It brings into question how we are going to deal with buildings and structures with such history and character. This is one of the longest buildings in Ireland. It has a great name and great architecture but it has been very badly damaged by fire. The building has been empty for many years. The local authority must take ownership of a lot of these structures. Vernon Mount, another heritage house, this time on the south side of the city, was burned last year. These structures must be protected. They are part of our history and our legacy going forward. Their architectural significance is well documented and how we protect them is key. Local authorities must use the powers they have to make compulsory purchase orders to ensure these structures can be kept. I ask for the Minister of State with responsibility for local government to come to the House at some stage to discuss how he hopes to ensure that these structures will be protected in the long term in order that the heritage of these unique buildings will be retained for future generations.

Senator Kevin Humphreys: I wish to ask one simple question. What has Dublin done to this Fine Gael Government? In the past year, there has been a total lack of understanding of the issues affecting Dublin. Dublin makes a huge contribution - socially, economically and culturally - to the country but fails to get a fair deal in the context of investment. Dublin needs a loud and clear voice. I have supported a directly-elected mayor for many years. Fianna Fáil has tabled a Private Members' Bill on this in the Dáil, as has the Green Party. I have raised the issue in the House on many occasions. On the most recent of these occasions, the Minister gave a commitment to come back on a directly-elected mayor in June. It is now July but we have had no word. What we had was the Minister of State at the Department of Housing, Planning, Community and Local Government, Deputy Phelan, having a laugh by suggesting three mayors

for Dublin. It is purely a laugh. No one has considered that option.

The Taoiseach is on record as saying that Dublin needs a directly elected mayor and Fianna Fáil and the Green Party support that stance. I am not sure of the position of Sinn Féin. It is totally logical that a city of this size should have a directly elected mayor and that its citizens should have a voice. If the Government is going to have a laugh at the expense of the city, it will cost the country economically. We need that critical investment in the infrastructure of the city but it is not happening. I want to see the Minister of State, Deputy Phelan, or the Minister, Deputy Eoghan Murphy, come to the House to answer on their commitments to the capital city because those commitments are not being honoured. The city is being ignored and I, for one, will not stand for it any more.

Senator Victor Boyhan: I echo what the previous Senator has said about inviting the Minister of State with responsibility for local government and electoral reform, Deputy Phelan, into the House. However, I do not see any point in having him here until we have
12 o'clock confirmation of his devolved functions as set down by his principal line Minister. It is my understanding that they have not yet been issued. There is no point in having him here until his specific statutory responsibilities and obligations to the Department as well as his own, stand-alone functions are clear. We need to know whether we are talking to somebody with devolved power. If he does not have this, we should have the Minister himself come to the House instead. One area I would like the Department to consider is the proposals regarding the rumoured changes to local council boundaries for the next local elections. I understand that a commission is about to sit or that terms of references are to be drawn up for one. I would like to hear more about that.

I would also like to hear some explanation as to why the payment promised by the previous Minister, Deputy Coveney, namely, the €1,000 allowance to councils outside of Dublin, Cork city and Galway city, was refused. A circular was issued by the Department in which the Minister undertook to pay these councils on 1 July. That date has come and gone and I understand nothing is happening. I appeal to the new Minister to look at the whole issue of county councils being treated equally and having the same terms and conditions in respect of allowances. I ask the Acting Leader if we could have either the Minister or the Minister of State, if he is given the relevant devolved functions - of which I would like to have sight of a copy - come to the House for a meaningful debate.

Senator Michelle Mulherin: I join in expressing concerns in respect of the announcement by the UK's Secretary of State for Environment, Food and Rural Affairs at the weekend that the UK would unilaterally withdraw from the London agreement on fisheries without any consultation. Aside from the substance of the London agreement, it does not bode very well for the UK's attitude to fisheries, which in turn does not bode well for Irish fishermen. One can put it in context by noting that the UK's exclusive fishery zone - if it succeeds in leaving and in retaining its territorial waters - would comprise 33% of the north-east Atlantic waters, while 36% of fish landed by Irish fishermen are from UK waters. This is grave and serious. We are not only talking about Irish fishermen being blocked from going fishing but also, potentially, about them competing with fishermen who will no longer be regulated by the EU or be operating under various environmental and sustainability criteria but who potentially basically can fish at will. I can well understand why fishermen are very concerned.

The Minister should come in here to debate the issue as a matter of urgency. It is a tangible and real problem. We are trying to gauge where the issues are going to arise, what will run

smoothly and what will not. There is a clearly a problem here. The flag has been raised. It seems that the British approach to Brexit is that if they do not get everything they want, they are not for it. There needs to be a bit of a reality check. When we are negotiating other matters and giving concessions to the British, the case for the Irish fishermen should be brought to the fore. Fishermen have been trying to raise this matter for some time and now there is some focus on it.

Senator Aidan Davitt: I wish to raise the same issue raised by Senator Byrne. She made the point quite well. We had a submission this morning from Retail Excellence Ireland on VAT. Irish retailers operate 45,000 business nationwide, employing 300,000 people directly in retail. That is the largest private industry employer in the country. As a consequence, €4 billion of VAT and €1.7 billion of PAYE payments are made to the Exchequer annually. Those are quite large figures in the context of our budget. The current UK VAT rate is 20%, which means there is a differential of 3% between that and the current Irish rate. This is an extreme impediment to business. I call on the Minister to immediately react by reducing our VAT rate to 20%, and not to do so gradually. Irish businesses need to know, particularly now that Brexit is at the door, that they are at least on an even footing.

I ask the Acting Leader to pass on the message to the Minister. It is something he should address immediately. Retailers have had a hard time, as we are all aware, although the ship has steadied over the last while. I would certainly appreciate it were the Acting Leader to discuss this with the Minister and I call for a debate on the matter in this House.

Senator Paul Gavan: I commend Senator Black on organising the screening of the film “This is Palestine” by John and Gerry McColgan and on her words today. It is a powerful film and is free to download from the Trócaire website. All of us should try to share the film. What it shows of the Palestinian people’s suffering is truly shocking. I particularly welcome Senator Noone’s attendance for some of the screening yesterday. In what I hope is a non-party political way, I ask for everyone’s co-operation in asking the Minister for Foreign Affairs and Trade to recognise the state of Palestine. The vote has already taken place and there is widespread support for this. Every day that the Minister refuses to formally recognise Palestine is a day on which he is implicitly supporting an apartheid state. No one in this Chamber should be prepared to stand over that. I ask for the Acting Leader’s co-operation in that regard.

There was a very disturbing meeting of the jobs committee yesterday and there was cross-party agreement on the need for an urgent examination of practices within the fishing industry. I will not go into detail in the short time I have. One particularly disturbing point was that the Migrant Rights Centre Ireland, MRCI, has repeatedly requested a meeting with the Minister for Agriculture, Food and the Marine but he has refused to do so. I ask that the Minister come to the Chamber to debate the practices in the fishing industry. There was cross-party agreement that those practices are shocking. I ask also for a commitment from the Minister to meet the MRCI as a matter of urgency.

Senator David Norris: As I had a hospital appointment yesterday morning, I missed the Order of Business and therefore did not have an opportunity to congratulate our colleague, Senator Buttimer, on his engagement. I would like to take this opportunity to wish him and his spouse every happiness in the future.

An Cathaoirleach: I thank the Senator for his brevity. I call Senator Murnane O’Connor.

Senator Jennifer Murnane O’Connor: I wish to highlight again the housing crisis. The

new Minister, Deputy Eoghan Murphy, has said that the new Rebuilding Ireland plans for 2020 will not be met. I have just come from a housing meeting. I am calling again for the Government to legislate in respect of credit unions. We have been having meetings with them. They are willing to work with the Government. They have between €173 million and €520 million that they could use to build social housing to help with the housing crisis. I call on the Minister, Deputy Eoghan Murphy to bring in new legislation. This needs to be done urgently.

I was taken aback by the Taoiseach's announcement that he will consider introducing steep rises in property tax on vacant properties to help fund efforts to increase the housing supply. Property tax in rent pressure zones may also be increased. People are only surviving. While I understand that a vacant property has to be kept painted and clean, a lot of people and places are still in recession. The Government needs to bring in new legislation to allow the credit union sector to build social housing. Steep increases in property tax on vacant properties are unacceptable.

Senator Pádraig Mac Lochlainn: The decision of the British Government to withdraw from the London Fisheries Convention has been raised. I urge the Acting Leader to invite the Minister for Agriculture, Food and the Marine to the Seanad as soon as possible to address this matter of immense importance to our fishing community around the coast. Some 100,000 tonnes are caught in those waters by our fleet every year, so it is an extremely serious issue. One component of it that has not been raised yet is Lough Foyle. British Governments claim the entire area of Lough Foyle which is beside the Inishowen Peninsula, where I am from. The current Secretary of State, Mr. James Brokenshire, made a clear statement that his government claims Lough Foyle in its entirety. That is an arrogant and repugnant statement and our Government needs to do more about it.

Senator Paul Gavan: Hear, hear.

Senator Pádraig Mac Lochlainn: The difficulty is that due to our failure to confront the British Government, its statement on withdrawing from the London Fisheries Convention means, in practice, that it is claiming the fishing rights of Lough Foyle. We must have urgent clarification from the Minister that the Irish Government will defend the rights of fishermen living on the Inishowen Peninsula to continue their livelihoods. A clear statement must be made that their livelihoods will be protected. I seek urgent clarification on this issue and on whether the Minister has made contact with his counterpart in the British Government to deal with it. I ask the Acting Leader to invite the Minister to the House at the earliest opportunity to make a statement to clarify, first, our position in respect of the London Fisheries Convention and how we intend to engage with the British Government on it and, second, the status of Lough Foyle and what the Government is doing to challenge the British Government on its arrogance in this matter.

Senator Brian Ó Domhnaill: I wholeheartedly support everything Senator Mac Lochlainn said about Lough Foyle. I also wish to mention briefly the situation in the North and the lack of power-sharing, which will lead to a political vacuum when Brexit is on the agenda. People in the North deserve a channel or a voice through their Assembly. That is lacking now, so there can be no broad debate by the communities' representatives in Stormont. That is an indictment of the political process and is definitely an indictment of Theresa May's government. There is a need for the Taoiseach and the British Prime Minister to discuss this issue. It is crucial to all citizens in the North that Stormont is up and running again, particularly in light of Brexit.

5 July 2017

I was taken aback by the recent Constituency Commission report which showed the city of Derry as Londonderry on its map. This was done by a Government agency here.

Senator Aidan Davitt: Scandalous.

Senator Brian Ó Domhnaill: It identifies Derry city, Doire Cholmcille, where I went to university, as Londonderry. That should be addressed and should never, ever be allowed to happen again, when it is paid for by the Irish taxpayer.

Senator Trevor Ó Clochartaigh: Hear, hear.

Senator Brian Ó Domhnaill: The final issue I wish to mention is the pay of Defence Forces personnel. The Defence Forces are under huge pressure. There have been marches by wives and partners throughout the country. They are totally under-resourced. The Government is sitting back on this issue but it must be addressed. Defence Forces personnel have to go to the Money Advice & Budgeting Service, MABS, and other places to deal with their financial stresses and burdens. They deserve to be paid adequately for the work they do on behalf of the Irish State.

Senator Trevor Ó Clochartaigh: Ba mhaith liom tagairt a dhéanamh don chuairt a thug an Príomh Aire Trudeau ar an tír seo. Ba mhaith ann é agus is maith an rud é go bhfuilimid ag ceiliúradh an nascadh idir muid fhéin agus Ceanada. I welcome the visit by Prime Minister Trudeau to Ireland. We were also lucky to have a number of parliamentarians from Canada in the Houses earlier and we had a meeting with them. The links between Ireland and Canada are incredibly strong. Over 4.5 million people in Canada are of Irish descent. It was clear from the meeting this morning that there are incredible links across sporting, cultural, language, education, business and other spheres. Unfortunately, there appeared to be more focus on socks and walks in the park from the media, rather than on the substantive nature of our relationship with Canada. Organisations such as the Irish Canadian Immigration Centre are doing incredible work with the Irish in Canada, particularly those who are trying to set themselves up in new lives as well as those who are trying to return. In addition, the Ireland Canada University Foundation is creating great linkages between the universities and academics on both sides of the pond. Perhaps we could have a focused and substantive debate on relations between Ireland and Canada in the Seanad. It would be important. It is also important to acknowledge the role that Canada has played over the years in forging the Good Friday Agreement, in the peace process, supporting the Ireland funds and so forth. We might need a little more support from it in the current impasse with the talks in the North and the re-setting of the Assembly. I seek a specific debate on Irish-Canadian relations.

That leads me to suggest a debate on the Irish diaspora. There is a newly appointed Minister of State with responsibility for the diaspora and there are concerns that the promises made previously, particularly regarding voting rights in presidential elections, might not be as high on the agenda of the current Taoiseach as they were for the previous Taoiseach, and they were not high enough on his agenda either. Any slippage on that issue would be a concern. A debate on the diaspora and particularly on where we stand on granting voting rights in presidential elections to the Irish abroad would be very welcome. Perhaps the Acting Leader would invite the Minister to the House to discuss it. It would be a good debate.

Senator Billy Lawless: Hear, hear.

An Cathaoirleach: I remind Members that yesterday the Order of Business went on for

12 minutes longer than scheduled and a Minister was left waiting outside. We should be more mindful of these matters.

Senator Kieran O'Donnell: I thank the Cathaoirleach for his indulgence. Perhaps we could have a debate in the not too distant future on anti-social behaviour. Criminality is a problem but, at present, we have anti-social behaviour that is being tested in terms of the age profile of the people doing it and of how the laws apply. There were incidents in the Old Cratloe Road and Caherdavin area of Limerick in which young people going about their business were attacked by youths. Another student was attacked outside Limerick Institute of Technology in the past 12 hours. Perhaps we could have a structured debate on how the anti-social behaviour orders, ASBOs, are working and whether they are fit for purpose. There is a small element engaging in unruly, anti-social behaviour of a severe nature. It is not a case of normal youths engaged in mischief. Perhaps we could invite the Minister for Justice and Equality, Deputy Charles Flanagan, to the House to discuss whether the current system for dealing with anti-social behaviour is fit for purpose.

Senator Joe O'Reilly: Will the Acting Leader invite the Minister for Foreign Affairs and Trade, Deputy Coveney, to the House to discuss Brexit, specifically in the context of yesterday's comprehensive report on Brexit and, more particularly, in the context of its impact on the Border areas and on communities in Cavan, Monaghan, Louth, Donegal and Sligo? The counties along the Border are likely to be hit in a particular way. There are 30,000 journeys across the Border every day and a great deal of sourcing of agricultural product for processing on both sides of the Border. There is also much trade across the Border. Tourism is a major issue and the fluctuation in the value of sterling is affecting it. There is also the connection of kinship and people crossing the Border for education, health care, summer courses and so forth. There is huge interaction and trading across the Border and the Border counties are liable to be impacted hugely by Brexit. We must have a special debate on that facet of Brexit and I ask the Acting Leader to prioritise it. Agriculture is the major contributor to exports to the UK. Food processing and farming in counties like Cavan and Monaghan are huge and stand to be badly affected.

An Cathaoirleach: I called what was to have been the last speaker about ten minutes ago. Three others came in and somebody else who wants to speak has come in. I call Senator Colm Burke, as the final speaker, and ask him to be brief.

Senator Colm Burke: I apologise for being late; I was at a meeting of the Joint Committee on Health.

I refer to the serious fire at premises in Cork, which was also raised by my colleague, Senator Lombard. It is extremely important that the issue is dealt with. It is a substantial building on a large site. It is owned by a State authority and has been lying idle for 15 years. We now need the Minister to get the HSE to outline all the vacant premises it has which are excess to its requirements. It is outrageous that a building like this has been allowed to be burned down instead of being used in some way over the past 15 years. I ask the Acting Leader to get the Minister to come to the House to tell us how many other State agencies under his control - whether HSE or otherwise - have vacant properties being left idle when we could use them to provide services for the community.

An Cathaoirleach: Apparently it was not secure against trespassers as it should have been. However, sin scéal eile.

Senator Catherine Noone: I thank the 22 Senators who raised issues today. I will do my best to respond to all of them. Senator Swanick spoke about today's launch of the cancer strategy and I welcome his positive comments in that regard. I also agree with him on tobacco legislation. We have to be prepared to stand up to the tobacco lobby at European and Irish levels. While it might not be entirely realistic to have a tobacco-free Ireland by 2025, we should strive for it. The Senator's point about the core services is well made. I commend him on arranging the presentation in the AV room today and on his work in the area. I encourage colleagues to attend. I am agreeable to taking No. 11, the Life Saving Equipment Bill 2017. I commend and encourage the Senator's work in that area.

I thank Senator Lawless for his comments on the diaspora and his continued work in the area, on which he has to be strongly commended. He acknowledged the special envoy who has been put in place as well as the new Minister of State with responsibility for the diaspora. This will give it new impetus. I also acknowledge the work of the previous Minister of State in the area.

The Senator's comments on the economic ties are well made. Considering our size it is very significant that Ireland is the 13th largest supplier to the United States. We punch well above our weight when it comes to our reputation abroad. Our citizens tend to end up in very high positions throughout the world and especially in the United States. We need to work on it continually.

Senator Ó Clochartaigh suggested that the new Taoiseach does not seem to have this issue at the top of his agenda. However, already in so far as he can at this stage in his career as Taoiseach, he has appointed a special envoy and reinstated a Minister of State with responsibility for the diaspora. It remains to be seen. It would be good to have a debate with the new Minister of State with responsibility for the diaspora at a time that is convenient for the Senator early in the new term.

Senator Conway-Walsh raised the issue in the North. I understand her frustration and agree with much of what she said. The Minister, Deputy Coveney, has been in the North for a number of weeks - I have hardly seen him in the House. In fairness, he has played his part. It is a very difficult situation. As Senator Ó Domhnaill said, it does not do the Brexit situation any favours not to have a clear leadership in the North. I share Sinn Féin's frustration on the issue. That is as much as I am willing to say on it on the Order of Business. The Senator suggested having a discussion on the rights of people living on this island. It would be a very interesting debate to have in due course, perhaps in the new term.

I commend Senator Black on showing the film, which was very well made. I only got to see about 15 or 20 minutes of it. Yesterday I asked if it could be circulated to Members. I encourage colleagues to watch it. It is a very difficult conflict and my heart goes out to all families that have been affected by the issue. It would be welcome to have a debate in the House on the conflict in the Middle East. We could possibly arrange something in that regard in the new term.

Senator Bacik raised three issues. I obviously support anything we can do to encourage more women to come into politics. Women for Election had a very interesting campaign in recent days and I commend those involved. It raised a lot of money. I do not know how that will be given to individual candidates or what will be done with the money. I wish the organisation well in its work in trying to encourage women. Whatever about getting women into Cabinet, if we do not have enough women in politics generally, there will be no women to put into Cabinet.

Appointments are made for the most part, I would hope, on the basis of talent. That is not to say that particular women do not deserve promotion. I would certainly encourage more women into politics generally and I wish Women for Election well in that regard.

The Senator also asked for a debate on immigration, which would be timely considering the migrants settling in the country. That should be, as the Senator requested, early in the new term. Most of the issues raised this morning will be addressed in the new term, bar one or two regarding fisheries. Cycling safety is very topical. The Luas works have affected cyclists around Dublin city. It is unacceptable that cyclists are dying while just going about their business. The Government has done considerable work in this area and Dublin City Council has many positive suggestions when it comes to safety for cyclists. That work needs to be continued.

Senator Byrne also raised the national cancer strategy and the expansion of services. I agree with her comments on BreastCheck starting for people at the age of 50. It would be ideal if the age at which one could avail of that service could be reduced. It seems to be a no-brainer if and when the funds allow, that a budget be made available. A debate in the House on health generally with a focus on cancer services would be welcome. I acknowledge what the Senator said about the VAT rate being reduced by 3%. In the context of Brexit retailers are seeking such a reduction. It is certainly something I could support, but with the caveat that if it is possible we would want that not to be at the expense of something else that would negatively impact retailers.

Senator Horkan raised the very important issue of motor insurance investigations. I believe the Commission has indicated that certain companies may have engaged in anti-competitive practices. As an investigation is ongoing, I will not comment further on that. The Minister of State, Deputy D'Arcy, who has been given responsibility for this issue, should definitely come to the House to tell us more about that in due course when he is free to talk about it.

Senator Devine spoke about the INMO figures on overcrowding. It is very distressing for patients, their families and staff. The numbers of people on trolleys had decreased until May and have increased since May based on emergency department attendances, admissions and elective activity having increased. However, that does not mean it is acceptable. The Senator made the very positive suggestion to ask the Minister to outline the measures he has put or is putting in place to deal with this. I would be pleased to arrange such a debate in the House. I will speak to the Leader about that. Senator Lombard raised the issue of the fire in Cork, which is terrible. He has asked for the Minister of State, Deputy John Paul Phelan, to come before the House to discuss this. In the context of what happened in London recently, it would be very useful to have a debate along these lines in the House. Senator Colm Burke also raised this issue and the idea that it would be a very useful exercise were the Minister, Deputy Murphy, to commission an investigation among his State agencies to discover how many other buildings lie vacant and in a vulnerable state like the building that caught fire in Cork.

Senator Humphreys raised the issue of a directly elected Mayor for Dublin, which is a suggestion I support. There would be no point in having a directly elected Mayor unless he or she had powers and responsibilities in respect of how the city functions. I think the Minister would be welcome to the House to discuss this issue in the near future - obviously, probably in September or October.

Senator Boyhan raised the issue of devolved functions, local boundaries and the payment to councillors, which I understand concerns vouched expenses. Perhaps there is some explanation

5 July 2017

for this, although I am not entirely clear. However, I will seek clarification and try to facilitate the debate the Senator requested.

Senators Mulherin, Gavan and Mac Lochlainn raised the UK's withdrawal from the fisheries agreement. This is very unwelcome. It forms part of the UK's approach to the broader exit negotiations and does not bode well for those negotiations, as far as I am concerned. It is important to say the matter will have no immediate effect, which gives us a bit of time to deal with, as Senator Mac Lochlainn said, the fact that families are reliant on the income they obtain from their work in this area. Last Thursday, the Minister, Deputy Creed, had a session hosted with the Irish industry at SeaFest, which is part of the ongoing dialogue on this issue. To answer Senator Mac Lochlainn's question directly, Deputy Creed has spoken, or is to speak in the coming days, with the British Secretary of State, Michael Gove, with a view to meeting on this very important issue. However, the issue warrants a debate before we finish for the summer, so I will speak to the Leader about trying to facilitate this in the next two weeks.

Senator Davitt raised the issue of VAT. As he said, with Brexit at the door, it would be good to be able to help retailers by reducing VAT but, obviously, only if it is possible in the budget. We will have pre-budget discussions in the House and it would make the most sense to discuss the matter in that scenario so I will suggest that as well.

Senator Gavan raised the issue of Palestine, with which I have dealt, and the fishing industry. The Minister, Deputy Creed, is acutely aware of the latter, his work is ongoing and it is hoped he will have some success in easing the minds of the individuals involved in the industry.

Senator Norris congratulated Senator Buttimer, as everyone did yesterday on the Order of Business. We are delighted for him and wish him well during this exciting time for him on a personal level.

Senator Murnane O'Connor raised the issue of housing. The new Minister has been charged with carrying out a review of the Rebuilding Ireland action plan within three months, so it would be timely to have a debate on this in the new term. We will have a fairly long list of debates lined up for the new term by the time I am finished responding to the Order of Business, but housing is certainly an issue we need to have constantly reviewed in the House. In fairness, the Minister has been making great efforts in the short time he has been in the position. He is making great strides, as far as I can see.

I have dealt with the fisheries issue Senator Mac Lochlainn raised. Lough Foyle has been an issue since 1922 and has not gone away. We are still asserting our rights in respect of the matter but I understand the Senator's frustration, especially given the lough's proximity to him. Perhaps this could be discussed with the Minister when he comes before the House. It is a very important issue for those living locally and on the Inishowen Peninsula.

I have alluded already to Senator Ó Domhnaill's comments regarding Northern Ireland, and the Taoiseach and the Prime Minister should definitely meet if this impasse continues. I note the Senator's comments regarding Derry city. Perhaps he could raise this with the Minister in due course when he comes before the House. I will not go into the matter.

Senator Ó Clochartaigh made very positive comments about Canada-Ireland relations, and I agree with him. These links need to be encouraged. The idea of Prime Minister Trudeau and our Taoiseach running in the Phoenix Park and showing their socks has a bit of entertainment value but the fact that they seem to get on very well on a personal level also makes it much more

interesting to people. I do not think there is anything wrong with this. It makes their meeting more memorable. More than anything, to have done something like this makes them very good role models for our young people. Senator Norris can laugh all he likes-----

Senator David Norris: I will.

Senator Catherine Noone: -----and he always does-----

Senator David Norris: I will laugh like a drain.

Senator Diarmuid Wilson: Show us your socks.

Senator Catherine Noone: -----but in a country in which we have a very serious obesity crisis, notwithstanding the fact that we are making some progress on the food aspect of it-----

Senator David Norris: A bit of a socks-up will help, will it?

Senator Brian Ó Domhnaill: Senator Norris is annoyed he was not invited.

Senator Catherine Noone: I am not talking about the socks; I am talking about running in the park.

An Cathaoirleach: Let us return to the Order of Business.

Senator Catherine Noone: I should not be talking directly to anyone but I think it is a positive thing. Good relations between our two Prime Ministers is not a bad thing, regardless of how it manifests itself. Senator Ó Clochartaigh also raised the issue of the Irish diaspora, and I have dealt with that.

Senator Kieran O'Donnell raised his desire for a debate on anti-social behaviour in the context of happenings in Limerick as recently as today. This is obviously completely unacceptable, and the debate he suggests would be a very good one to have because the issue is not unique to Limerick. It is happening in Dublin and other cities and towns throughout the country every day of the week. It is a very good suggestion and we will try to do something about it in the new term.

Senator O'Reilly raised the issue of Brexit, especially when it comes to Border counties. We are all very aware that Border counties are more vulnerable. There is much connectivity and interaction between the North and the Border counties, so that would be an important debate. I commend Senator Richmond and all Senators on the Brexit committee for their work. It was a very useful exercise. The matter certainly needs to be debated in the House.

To respond to Senator Burke, I have already mentioned the issue regarding the Minister, Deputy Murphy. I agree with the Senator, and we will try to facilitate the debate.

An Cathaoirleach: Senator Keith Swanick has proposed an amendment to the Order of Business: "That No. 11 be taken before No. 1." The Acting Leader has indicated she is prepared to accept the amendment. Is the amendment agreed? Agreed.

Order of Business, as amended, agreed to.

5 July 2017

Senator Keith Swanick: I move:

That leave be granted to introduce a Bill entitled an Act to provide for a specific offence of interfering with Life Saving Equipment and to provide for related matters.

An Cathaoirleach: Is there a seconder?

Senator Gerry Horkan: I second the proposal.

Question put and agreed to.

An Cathaoirleach: When is it proposed to take Second Stage?

Senator Keith Swanick: Next Tuesday.

An Cathaoirleach: Is that agreed? Agreed.

Second Stage ordered for Tuesday, 11 July 2017.

Sitting suspended at 12.40 p.m. and resumed at 12.45 p.m.

Household Waste Charges: Statements

An Leas-Chathaoirleach: I have the pleasure of calling on the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, to commence the debate.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I am delighted to be here to make this statement about household waste charges. I think everyone in this House can agree that we must act now to prevent a return to an over-dependence on landfill. As Minister, it would be inexcusable for me to do nothing and to allow a situation to develop whereby household bins would go uncollected on our streets because there is nowhere to bring waste. This is the motivation behind the proposals I have made and why I have listened carefully to those who want to contribute constructively to the debate. I include in that regard the constructive suggestions I received from Senator Ardagh regarding the legislation on litter. For this reason and to acknowledge the concerns of some households, I will establish a pricing watchdog monitoring unit that will provide monthly reports on pricing developments. I will also ask the Competition and Consumer Protection Commission, CCPC, to report on the operation of the household waste collection market. This will inform the future development of national waste management policy before year end, which will in turn provide an evidence base to establish a regulator in order to prevent price gouging. This unit will comprise representatives from the CCPC, my Department, a consumer representative from an organisation such as St. Vincent de Paul and an external economic expert with market knowledge. I have been saying clearly for some time that I am not introducing a mandatory pay-per-kilo model. Such a model would be too restrictive and would not be the most appropriate for certain households. Indeed, I have expressed my own concerns in respect of those with lifelong or long-term medical incontinence.

More than half of households currently subject to a kerb-side waste collection regime are already on an incentivised pricing option and are happy to continue with this model. In fact,

and this is a point that has not been sufficiently emphasised, there will be no change in their situation as a result of the measures I am introducing, with the exception of those with medical incontinence who will now see an annual reduction of €75 on their bin charges.

Over the past 12 months, my Department and I have engaged with a wide variety of different stakeholders. As a result, the Government made a decision last week on the future of the household waste collection market. As I intimated at the outset, there is not sufficient capacity to deal with household waste unless we make some changes. Either we change the amount of waste being presented by householders or we build additional facilities to deal with the waste. The choice we face is stark. We have moved from having landfill facilities in each local authority area to a situation whereby there are only four landfills accepting household municipal waste at present. None of us wishes to go back to the position that obtained previously and difficult decisions are necessary as a result.

Flat-rate fees are not a good option for encouraging behaviour changes because it does not matter how often the household presents bins or how much waste is in the bin presented. This is why flat-rate fees are being phased out over the next 15 months. The second change facilitated under last week's announcement is the roll-out of the organic brown bin to households in communities with a population greater than 500. That will encourage households to minimise the amount of waste they generate and segregate the remaining waste. That is to ensure the minimum waste possible is presented in the residual black bin. In March of this year we ran a month-long campaign encouraging people to use brown bins for food waste and asking them to look at what food they were throwing out and to shop more wisely on foot of that. On average, families are throwing out €700 worth of food every single year. A small change in how people purchase food can have a big impact on the amount of food waste that is generated and the cost of the food waste. We also want to encourage people not to put food waste into the black bin, as many are doing at the moment, but to put it into the brown bin.

The final change is to provide a Government support of €75 per year to assist persons with medical incontinence. That is based on the average cost of disposal of 650 kg of incontinence products and was developed in consultation with industry and patient stakeholder groups.

The measures are part of a range of initiatives I am continuing to work on to reduce Ireland's waste, including the roll-out of food-organic brown bins to all communities, as I outlined; an anti-dumping initiative to support the clean-up of dumping blackspots and to target those who engage in that illegal practice through appropriate enforcement actions and the use of overt and covert surveillance equipment, drone technology and other enforcement tools, with 85 projects approved to date this year and a total available allocation of €1.3 million; the provision of €9 million this year to support waste enforcement by local authorities, the expansion of the Environmental Protection Agency's stop food waste campaign, as well as the launch of a food waste charter in March 2017 and an action group on wasted food in the retail sector; the student-led green schools programme, which promotes long-term, whole-school action for the environment with involvement from the wider community which has resulted in the diversion of 4,700 tonnes of waste from landfill in a single academic year; the Repak recycle and change for the better schools programme, launched in the previous school term, which educates future generations about the benefits of best recycling practices, changing behaviours towards recycling and ultimately reducing the amount of waste going to landfill and the level of recycling bin contamination; the introduction of a new scheme to manage end-of-life vehicles to stop the dumping of vehicles; the imminent launch of a new scheme to manage waste tyres to tackle the widespread dumping of tyres in rural areas; and the ongoing awareness and education campaign

by the regional waste management planning offices to assist householders in reducing their waste and recycling more effectively.

Emergency measures were needed twice last year to deal with the capacity crisis which was taking place. If emergency measures had not been taken, it would not have been possible to have bins collected. This is an ongoing issue. We need to deal with the problem or we will be in a situation by 2020 where we will have no facilities available to deal with two months of waste collection. Surely no one is suggesting that for the months of July and August we should not collect bins. Rhetoric and grandstanding will not change that. Decisions are required. We are facing challenging EU targets and we need to incentivise households to do the right thing and reduce the amount of residual waste we generate. Failure to meet an existing or future target leaves the State open to infringement proceedings and potentially punitive fines.

The changes the Government is making to the proposed mandatory per kilo charging system means there is the potential for more competition in the market. Rather than only being able to offer a per kilo rate, companies can now offer a range of incentivised pricing options. Examples of these include the per kilo charge, a lift fee and per kilo charge, weight band charging and, weight allowance plus per kilo surcharge for excess weights.

What I have announced means no change for half of the households in the market using a kerbside collector, and for the other half the operators can offer a variety of plans as long as they incentivise waste reduction and segregation. If a company is not offering what the market wants, it is open to a competitor to offer a different plan which does meet market demand. That is what drives down prices, namely, open competition and pricing options.

The basic message to households is to think about the waste they produce. When price plans are offered to the less than half of the market not currently on an incentivised plan from autumn this year to autumn next year, it will make some demands on households. To control waste costs it will be necessary for households to minimise the waste they generate and to segregate the remaining waste properly.

We have to make changes and it is only right that the more waste one produces, the more one should pay. Unless people want to see the re-emergence of landfills in every local authority area, we need collectively to make the transition from taking little notice of what goes into the black bin to being conscious of what we are dumping. What we are doing is most certainly not about imposing financial hardship on families. Using our bins properly will not only make a difference to our waste costs, it will also make an enormous difference to our environment and to our future.

Senator Terry Leyden: I welcome the Minister, Deputy Naughten, and his officials to the House. His portfolio seems to be expanding regularly with different responsibilities being added to communications, natural resources and all sorts of other commitments.

Last year the Government tried to rush pay-by-weight bin charges through the Houses. Fianna Fáil called on the then Minister, Deputy Coveney, to suspend the new charges regime until we established why families were experiencing a massive increase in their bills. To do so, the then Minister promised a public awareness campaign which did not transpire and the introduction of dual pricing in order that people could compare the cost of pay-by-weight with a fixed-charge system, something which also did not transpire. This year, the Minister went barrelling into the repetition of the same mistake by announcing these changes to the charging

regime without making the slightest effort to prevent price gouging.

We cannot sacrifice the rights of the consumer in an effort to protect the environment and so Fianna Fáil believes that a regulator to monitor the waste collection industry and prevent price gouging must be established. We are committed to seeing that through. We are not opposed to the Government's counter-motion which will see the Government pave the way for a price regulator. In the unlikely event that the Government's analysis does not provide for a regulator, we will introduce our own Bill on the matter. In the interim, to prevent proactive price rises by waste collectors, a price watchdog will be put in place immediately. This is a temporary measure until the regulator is established. The most important thing is that Fianna Fáil has successfully ensured a regulator for the waste industry will be established. We will continue to hold the Government to account on the waste collection system as well as related issues, such as fly-tipping and waste reduction. I welcome that the Minister has listened to the views put forward by an extremely experienced and responsible party which always has the national interest at heart.

This motion is also underpinned by Fianna Fáil's desire to improve Ireland's protection of the environment. Fianna Fáil also believes we need to get serious as a society about waste reduction. By and large, consumers, have no control over the packaging of groceries, household items or consumer goods. Fianna Fáil supports the establishment of a waste reduction task force to identify opportunities to reduce waste.

As a Deputy in Roscommon, the Minister has experience of how we endeavoured to close the Killarney waste disposal location which was a terrible blight on the area. It is now successfully closed and a recycling plant is there at the moment. There was an increase in waste disposal sites and every time there were major objections. It is in all our interests to ensure landfill sites are reduced because there is no doubt they are a problem.

I welcome the Minister's decision to work with the Fianna Fáil Party on this. Fianna Fáil wholly supports the environmental underpinning of this new payment structure. Putting waste in incinerators or landfill has huge environmental costs and it is important that we incentivise recycling and composting to reduce our dependence on landfills and incineration.

While in government, Fianna Fáil doubled the percentage of municipal waste that was recycled, from 20% in 2002 to 40% in 2011, but the State cannot shift huge environmental costs onto struggling families around Ireland, such as will happen if the Minister continues with his shambolic plans. To this end, we have also pressed the Government to introduce supports for families experiencing hardship. In certain areas, particularly in rural areas, there is no competition among providers. Even where there are multiple operators, it is extremely difficult to compare the prices charged by different providers given the opacity of many service providers' websites. Now that waste collectors will have multiple options such as paying by lift or paying by weight, this may even get worse. However, a waste regulator will ensure that there is fair practice within the waste sector and will reward operators who behave in an efficient and consumer-friendly manner. It will prevent sudden price gouging and will promote competition, ensuring that both customers and the environment are protected.

The only company I see servicing the Castlecoote area is Barna Recycling, which charges €350 per year without any other options, although options may be now coming in. We were anxious to have a regulator to ensure companies justified any increase and that we could monitor the situation. I welcome the incentive for people with incontinence. There will be hardship

and large families will be most affected. Smaller families and grown-up families will have the same regime but there is no support for low-income families who have to provide payment for a service.

In 2011 there was a tax incentive for those who were compliant and this was a great way of carrying out surveillance. There was a 20% tax claim, worth approximately €70 if the charge went up to €400. I am not saying this is Fianna Fáil's policy but it was there in 2011. It ensured people knew who was paying and was an incentive to become a member and join the companies giving the service. This is a budgetary matter and as the Minister said he was open to ideas, he should give it some consideration for those who are compliant and willing to contribute and co-operate.

An Leas-Chathaoirleach: Senator Lombard has six minutes.

Senator Tim Lombard: I welcome the Minister and acknowledge the issue he has brought to the House. It is an important and thorny issue for society and one we have to deal with. When rolled out, the policy will have an impact on some areas but in Cork, with 80,000 households, it will have no impact whatsoever. We are in this process at the moment and have been involved in pay by weight since the mid-2000s. It has been very effective and there has been a reduction in the figures, which is very important. The reduce, reuse and recycle model has been proven to work. Today, we are trying to embrace this with a countrywide model and this is positive. If we fail to embrace it we will go back to landfills in every county. There have been many campaigns on where landfills are located and how communities are affected so we need to move to a different model. The Minister is moving the brown bin into towns with populations of 500 or more, which is a reduction from the previous population limit of 1,500. This is positive because it affects people and we need to work on the momentum created by this. We need to change our psyche.

The Minister has been promoting the issue of food waste and he has championed the cause. This is a serious issue for every household and involves a change in mentality. The €700 that failing to manage our food costs every household will be a key issue for us and we need to make progress on it. In my part of the world, people are of the view that the rest of the country is catching up with us. The 80,000 households in Cork to which I referred have moved on and embraced this. As these proposals will be positive for the nation, we look forward to seeing them rolled out. They are the way forward, as has been proven in other parts of the country. If we can have major movement we will not have the reliance on landfill which we currently have. Some 15 years ago we were looking at building new waste centres, one of which was to be at Bottlehill in Cork, involving a massive €48 million spend by the local authority, but this is not now needed as we have moved away from the model.

An issue was raised regarding a regulator for price but we have such a regulator. Competition in the market is key and that should mean the regulator will not be much needed. Competition will dictate the market price. This issue has to be discussed. We cannot afford to score political points. We need to do the right thing for the country and the environment. Fifteen years ago, the environment was not a topical issue but it is now, in every household. We have to move with that and that has to be part of the message. I will conclude by acknowledging the Minister.

Senator Rose Conway-Walsh: I wish to highlight the amendment brought forward by my Sinn Féin colleagues in the Dáil last night, in which our key priorities relating to waste charges were laid out. We are opposed to pay-by-weight charges and do not want an independent regu-

lator. Fianna Fáil introduced a motion that would not block the new charges but would regulate them. This is a classic case of Fianna Fáil not providing real opposition to the Government. Sinn Féin is able to advance a clear policy on this issue and we did not have to ask the permission of others or to look over our shoulders.

The issue of privatisation, while dated, cannot be overlooked in this debate. In my native county of County Mayo, there has been a fundamental flaw in privatisation of waste services. Fianna Fáil and Fine Gael got together in 2001 to privatise the waste services but there was nothing wrong with local authorities delivering this essential service for households. It could have been done efficiently and effectively under the local authorities but it was one of the core functions that was dragged away from local authorities to line the pockets of private providers.

Senator David Norris: Hear, hear.

Senator Rose Conway-Walsh: That was a fundamental mistake and should be reversed. The Government is selling this new regime while championing the idea that competition will ensure prices are kept low and there are no sudden spikes. That is not going to happen. We have a lot of unlimited companies - are we going to be depending on them to keep prices low and create competition? It has not happened in the insurance industry or many other industries. The approach has been that if we leave everything to the market, the market will take care of it but we have seen time and time again that it will not do so. We should not mess around with essential services under the pretext that if we leave everything to the market, it will be okay.

There are counties where a pay-by-weight system operates but where there is only one waste operator. How does the Minister explain that in terms of the competition regulating the market? In theory, the customers of this company are at the mercy of the CEO as to whether charges are increased. There have also been suggestions that an independent regulator will be established to regulate the industry. As I said, we already have the Department and the EPA to do this job. There is no need to establish a separate quango to do it. We need only consider the debacle regarding car insurance premiums to know that if there are too many bodies supposedly regulating the industry, nobody knows where the buck stops. There should be increased regulatory control as part of the State's overall waste reduction strategy without the establishment of an independent regulator.

The latest Government initiative is aimed at the wrong people. If the Government wants to follow the principle of the polluter pays, the biggest polluters are companies which, at a wholesale level, churn out more plastic and cardboard packaging year after year. There has been nothing from the Minister to penalise companies that flood the Irish market with excessive packaging or to incentivise them to not to use as much packaging. The polluter pays principle in the EU waste directive says that the cost of waste management shall be borne by the original waste producer or the current or previous waste holders. The directive also explicitly allows states to levy charges or fines on those who introduce excessive waste into the market. Will the Minister tell us if fines have been levied on companies that were deemed to have introduced excessive waste into the market?

Member states may decide that the cost of waste management is to be borne partly or wholly by the producer of the product from which the waste came and that the distributors of such product may share these costs. This is explicitly outlined in the directive. The Government's contention that these measures are needed because there is a waste crisis does not add up. We are one of the top recycling societies in Europe. We are in fourth place. Will the Minister con-

firm that? We are on target for our EU requirements on household waste recycling. The figure in this regard currently stands at 45% and we have an objective to reach 50% by 2020. It is clear from this that citizens, whom the Minister is now seeking to target, are fulfilling their role in the context of reducing, reusing and recycling. Along with not addressing waste reduction, the Minister is placing the burden on the householder. We are asking him to put in place a waiver system for low-income workers and households. The current proposal of a €75 reduction in respect of incontinence waste is totally inadequate. I am glad the Minister mentioned the Society of St. Vincent de Paul and his collaborations with it because it ends up paying the bills of many householders who cannot afford to pay the excessive charges imposed by many of these private companies.

The Minister needs to immediately withdraw the proposed changes on pricing, put in place a proper waiver scheme, commission a feasibility study on bringing the service back under local authority control and ensure that local councils will have sufficient powers and funding to stop illegal dumping. We cannot continue like this. There are many people in rural areas who cannot afford to pay. There are individuals who do not pay but there are also those who absolutely cannot afford to pay. If a waiver system were in place or if it was affordable for people to have their bins picked up, it would improve the situation. The reality is that many people cannot afford to have their bins picked up because they are unable to afford what is being charged. They will certainly be unable to pay under this new system.

Senator Grace O’Sullivan: I welcome the Minister. I will not do what my party leader, Deputy Eamon Ryan, just did in the Dáil Chamber and pull out a bag of plastic to show the Minister the types of plastic we are finding in our environment and which are contributing to waste. To put it in context, the world created and used 480 billion plastic bottles last year. If we think about it, that is a staggering number. If we were to stack those bottles on top of each other, they would reach half way from the earth to the sun. All of the plastic waste that finds itself loose in the environment and in our lakes and seas contributes hugely to the global problem of marine plastic pollution.

The Green Party has something that it feels will contribute to the solution of waste reduction. I refer to the Waste Reduction Bill 2017. I appeal to my colleagues in the Seanad to consider this legislation. It is a very good Bill which is ready to be taken by some party or Independent and used in their Private Members’ time. We do not have the opportunity to introduce the legislation but we have it ready. We would be very happy for another party to take this on and table it with our full support. There are two components of the Bill, which is fairly straightforward in nature. The first component involves a ban on disposable non-combustible tableware, that is, the plastic cups, glasses and plates that we find in the canteens here in Leinster House and in shops. We are asking that this type of plastic be banned from 1 January 2020. The other component is a deposit-and-return scheme, about which people are excited. I lived in the Netherlands for years. When we bought plastic bottles of drinks and, when they were empty, we returned them to the supermarket. There was a conveyor belt system outside the shop. We put our bottles onto the conveyor belt and went in to do our shopping. When we came to the checkout we had a voucher to subtract money from the cost of the shopping. This is a very creative way of dealing with waste. It puts the onus on companies that are producing packaging to reduce the impact of waste. We will support any party or Independent who would like to take this Bill forward on our behalf.

It is lovely to hear Senator Lombard talk about the environment being discussed in every household. Over a 20-year period, we have seen concern grow about the impact of waste and

the importance of all aspects of a clean environment for our health and well-being, for communities and for our tourism offering. We have been working over the years with Green-Schools, Tidy Towns and many others to reduce, reuse and recycle.

The Minister talked about brown bins. Some years ago, county councils gave out compost bins. Many Senators probably have these in their back gardens - they are brilliant. I have one that I have been using for the past ten years. It eats waste. One puts in all one's peels and it even takes a bit of meat or fish waste. One can put the waste into one's bin in the back garden - if one is lucky enough to have that space - and it breaks down and can be used in a vegetable patch. It is all part of the circular economy. We are trying to teach people that if waste is dealt with properly, it can have an added advantage. I echo what Senator Conway-Walsh said. I wish the waste services were back in the hands of local authorities. I have concerns about private operators because they are profit-oriented.

The Minister has spoken about the brown bin. Some years ago, county councils were giving out a compost facility. That is the bottom line. Of course they are providing a service, but their bottom line is profit. With that, I would like to see the service returning to the local authorities and local authorities taking responsibility on behalf of the State and on behalf of communities. Generally, this whole issue which the Minister is raising is something which, if treated properly and if we get it right, can be a win-win for everyone in the community.

Senator David Norris: I thank the Leas-Chathaoirleach. I also welcome the Minister to the House. He says that there is nowhere to bring waste. In that case, I wonder why there was such fuss about the incinerator. Surely the incinerator is a place which has been added into the regime where one can bring waste. I am glad the Minister is introducing a pricing watchdog but it is, to a certain extent, a fig leaf. As I said, what about the incinerator? What about packaging? I could see nothing in the Minister's speech about packaging and addressing the question of excessive packaging.

Deputy Denis Naughten: It is there.

Senator David Norris: It is. I apologise to the Minister. There are approximately half a dozen firms in my area. They are up and down the street at all hours of the day and night regardless of whether people are trying to sleep. Some of these firms are crooks. Does the Minister remember when there was gang warfare? It was like the mafia. They were burning our each other's lorries in car parks. These are the kind of people to whom we are handing over our waste collection. I agree with Senator Grace O'Sullivan and others who have said that privatisation was a huge mistake. Rubbish collection is part of the utilities system. Utilities should never be privatised. What about these companies? I have not been following them recently but in the old days they were based outside this country financially and they returned their profits outside the jurisdiction.

If half a dozen private companies can make a profit from waste collection, why in the name of God can the local authorities not make a profit as well? I speak up for the Dublin binmen because they were the ones I knew. They were very decent people. They made sure that rubbish was not scattered all around and all over the roads. Now, because of the pricing, what do we have all over the city? We have fly-tipping. Nice decent middle-income people from the suburbs drive in in their motorcars and fire out plastic bags onto my doorstep. It is all over the street. There is a very small number of companies as it is now largely a residential street but there are some which do not tie up the bags, which allows the waste to go out all over the street.

As for the bags - my God - the green bag is so utterly flimsy that if one puts an envelope into it, it bursts. It is a complete and utter waste of money and a waste of time.

Why should we pay for the bins? We have property tax. What is the property tax supposed to do? I do not know why on earth we have property tax. I will come back to that in a minute. The roads are paid for by car tax, the water is paid for by water rates and the bins are covered by bin charges so what is there left for the local authorities to charge for? Property tax is utterly inequitable. I am amazed that people did not take it on when they were taking on the water charges. Water charges at least had some functional reason behind it because the treatment and delivery of the water must be paid for. That is obvious. One gets sweet damn-all for one's property tax. The charges are paid for out of other income. It goes back to the 19th century and the rack-renting of landlords when, if a decent tenant farmer dared to increase the value and improve his or her property, the landlord immediately increased the rent. This is what is happening with property tax. There should be a rebellion in this country against it because property tax increases automatically with the values of one's house. If the Luas goes past one's front door, the tax automatically increases. The owner has done nothing. He or she has no extra income, but he or she is squeezed again. It is rack-renting. On the back of the bin charges, I believe we should raise a protest against the property tax. We pay twice or three times for everything in this country.

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire. Tá sé ar nós *déjà vu* nó groundhog day. Bhí muid ag plé na ceiste seo an t-am seo den bhliain seo caite. It was a different Minister but a similar debate this time last year. The Minister has certainly been given a bit of a hospital pass with this can which has been kicked down the road. It came from the regime of Deputy Alan Kelly and was passed on to Deputy Simon Coveney who last year, while under pressure from parliamentarians, decided to put this to a committee of the Oireachtas for discussion. I do not know whether that has happened at all. That was the agreement which was made last year when this issue was brought up. That was certainly what Fianna Fáil was pressing for then. I am not sure whether they are still pressing for that now, because it would be good to have it discussed at an Oireachtas committee and to look at all the different questions which have been raised here today and particularly to bring in some of these companies and ask them about the types of profits they are making, how their money is being spent and so on. Sinn Féin is opposed to the introduction of these new charges as the Minister well knows. We tried to block them by bringing forward a motion because we are opposed to the pay-by-weight charges which the Minister is proposing. Fianna Fáil and the Minister's party have obviously colluded to bring in this new model of seeking to regulate the companies, which only shows that we can not trust Fianna Fáil on this issue-----

Senator Terry Leyden: It is co-operation not collusion.

Senator Trevor Ó Clochartaigh: -----as on many others. Senator Leyden's party colluded.

Senator Terry Leyden: It was co-operation.

Senator Trevor Ó Clochartaigh: Fianna Fáil and Fine Gael worked together and colluded to make sure that the Sinn Féin motion would not come to the Dáil.

Senator Terry Leyden: The Senator was not even there.

Deputy Denis Naughten: Sinn Féin facilitated last night. Sinn Féin did not turn up.

Senator Trevor Ó Clochartaigh: We are saying that Fianna Fáil is letting the Government off the hook on this issue.

Senator Terry Leyden: Sinn Féin did not turn up last night.

Senator Trevor Ó Clochartaigh: I did not interrupt Senator Leyden. I will have a little bit to say about him and his contribution in a moment.

An Cathaoirleach: The Senator will run out of time so he should say it before I start ringing the bell.

Senator Trevor Ó Clochartaigh: Our fundamental issue is with the privatised model. We call for a study on the feasibility of the re-municipalisation of waste services. We want to see if it is possible to bring these waste services back under local authority control. I pick up on the points mentioned by Senator O'Sullivan. There are serious issues around some of these companies and there are also issues around workers' rights in these companies. The people who worked as binmen for the local authorities, who have been mentioned, certainly had reasonably good terms and conditions but there is much to be questioned about some of the terms and conditions of people working for some of these companies in particular.

The concerns which we raised this time last year are being brought to the fore. We know that there are state-run waste services in many EU countries which work very well. We currently have 67 waste collection operators in this country. That means 67 different cost regimes and no common approach. We raised this last year. We have one company delivering these services in Connemara and delivering the same services, at a much reduced rate, in Leitrim. There has been an awful lot of talk about competition but there is no competition in Connemara, and I am sure it is the same in many other rural areas, because there is only one company delivering the service. There is a monopoly scenario where everybody is over a barrel and has to pay the price which the company charges. The Minister is now giving them *carte blanche* to set the price at whatever they wish. There will be no common charges across the country. We do not believe that an increase in private operators will lead to increased competition and therefore a reduction in prices.

We also need to seriously address the issue of waste by producers. Take toothpaste as an example. It is sold in a tube, which in turn comes in a cardboard box. The consumer is paying for this waste at the retail stage and under the Minister's scheme they will pay again at the stage of waste disposal. We should also look at Christmas and the amount of packaging that comes with toys and so on at that time of year. We need to look at the whole issue of packaging as well.

The fact that this is a regressive cost which will hit lower-income families does not seem to bother Fianna Fáil whatsoever. This is very much a regressive new tax. The fact that there is no waiver for lower-income families - some of whom may be bigger families - is absolutely inexplicable and unacceptable. We have also raised the issue previously that some of these private companies will not service certain areas and will not go up certain roads. I get phone calls regularly, as I am sure the Minister does, saying that operators will just not go up a road because it is not commercially viable to do so because there are not enough houses. That really has not been addressed. We will be opposing this in the Houses and on the streets, and ask that this be put back to an Oireachtas committee at least so that we can examine this in full, and to pause the introduction of these charges at this stage. We need to fully examine them and to do this properly.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I thank the Members of the House for their contributions. Everyone is genuine about this, whether they agree or disagree with the proposals that are before us. My primary objective is to protect the public. I know that Sinn Féin does not want to acknowledge this, but we have a situation where within three years, we will have only enough landfill capacity for ten of the 12 months. I presume that Sinn Féin is not proposing new landfills. I definitely presume that Deputy Brian Stanley is not proposing new landfills, because the most likely place they will be is in his own constituency of Laois-Offaly in the centre of the country. That does not make sense. I do not want to see the landfill in my constituency, outside Kilconnell, expanded either, and neither does Senator Ó Clochartaigh.

Senator Trevor Ó Clochartaigh: We did not say that, in fairness.

Deputy Denis Naughten: These are the options.

Senator Trevor Ó Clochartaigh: The Minister is being disingenuous.

Deputy Denis Naughten: Sinn Féin is saying it does not want user charges for bins.

Senator Trevor Ó Clochartaigh: That is different.

Deputy Denis Naughten: That means that we are going to continue to generate the same amount of black bin refuse. I am asking where in Ireland we should put it. Should it be put in Galway, Mayo, Laois or Offaly? We have four landfills at the moment. There is only enough capacity by 2020 for ten months of the year. Those are the facts.

It is disingenuous to say that this is the only thing the Government has done on the matter. The first step that I took as Minister was to deal with the issue of brown waste. Families can make a significant saving. Larger families in particular have a greater potential to save. That is why we launched that campaign in March, and on top of that, after Easter when the kids went back to school we had a specific campaign targeting both brown and green waste, encouraging people to use the recycling bins, and targeting children on that issue to bring that message home. That all happened before we got to this stage. People tend to brush that under the carpet.

I can understand the argument made by some people that private is bad, commercial is bad, and public is good so that is the only way to go. Senator Ó Clochartaigh was making the point that in rural areas bin collection is not good. He is right. However, I remember, as does Senator Leyden, when Mr. Gerry Woods of Wheel-a-Bin Service provided the first service in Galway and Roscommon for rural areas. It was not the local authority, which could not have cared less about people outside the major urban centres. It was a private operator that came in. He has left that business and Barna Waste has taken over. Correct me if I am wrong, but for the last decade there has not been an increase in bin charges from Wheel-a-Bin and now Barna Waste. It has said that because people were recycling it was able to make savings. It has rolled out the blue bins, which are the equivalent of the green bins in the rest of the country. The brown bins have now been rolled out in the urban areas, and that has allowed them to reduce the amount of residual waste that is being generated.

Senator Trevor Ó Clochartaigh: It is still a monopoly scenario in many cases.

Deputy Denis Naughten: The commercial sector is able to look very quickly at innovative ideas. We did not see much innovation in the old local authority system. The local authorities

were not interested in providing services outside the towns. The commercial, private operators did that. Now it is being called terrible. Some people are suggesting that we go back to the old system and leave the people in rural areas high and dry, the way they were left before. That is not the way to go about fixing this issue. It is true that the commercial sector drives innovation, whether we like it or not. It has always driven innovations because there is an incentive for it to do so. I know one particular operator is looking at segregating paper out of the green bin because there is a commercial value for having that clean paper. There are incentives now to try and make sure that what is in the green bin is clean and reusable.

About 40% of what is going into our green and brown bins - if people bother to use the brown bins of course - is contaminated. It is worthless. We had 160 container-loads of cardboard sent back from Rotterdam because people were putting nappies into cereal boxes and putting them in the recycling bin. The contents of those 160 containers had to go into landfill because people were not prepared to segregate it out. Those are the issues that we are dealing with.

We have examples in Dublin where everyone will put out their black bin on collection day and only 2% or 3% will put out the brown bin because people are throwing food waste into the black residual bin. What we have been trying to do, and what we did in March, and what we have been doing with schoolchildren across this country is trying to encourage people to not generate food waste in the first place. The people who will disproportionately benefit from that are larger families. I see it myself, on foot of the awareness campaign, looking at the amount of bread that we throw out in my own house, and managing the amount that we buy. All of us have to change. We cannot continue throwing food waste into our black bins, but people do it because there is no consequence for that at the moment, even where the brown bins are available.

Apart from the cost of disposal, people are spending €700 a year in cash on food that is being disposed of. That is equivalent, on average, to twice the cost of house insurance on an annual basis. It is equivalent to twice the cost of bin charges in County Roscommon, and this is just being thrown away every year. We are trying to get people to think about how we can change what we are doing. Mr. Anthony Mulleady spoke on my local radio station last week about animals being thrown into the recycling bins. That is the sort of thing that is going on at the moment. Do we continue to tolerate and allow that? I do not think that we should or can allow that.

The waste of plastic is a huge issue. I took up the running on this as Minister last autumn and worked with the OECD and my Council of Ministers colleagues on the issue of microplastics in cosmetics and so forth. I know that the Green Party is coming on board with that idea as well, which is very positive. We can make significant progress on that. The problem with plastic is that it is an extremely difficult waste stream to manage because of the different types of plastic. Some are recyclable and some are not. This has to be dealt with at a multinational level, at a European level, and we are very engaged with our colleagues on this issue.

If I had the money to set up a bring back system I would probably put it into other recycling initiatives. It would be a better use of the money. We are all agreed on the objective. The mechanisms to get there are important. I am open to suggestions from everyone on this issue. I do not have all of the solutions and nor do I claim to have them. As I said at the start, I know that everyone is genuine and sincere about this issue. Our ultimate objective here is to try and protect householders in every way that we can, but we have to incentivise people to think about what they are throwing into the black bin. We do not have a choice. I do not want to see the

5 July 2017

landfill in my constituency, the only one outside of the Dublin region, expanded. Why should we have to take Senator Norris's refuse? He is saying that no one should pay for bins. If no one pays for bins more rubbish will be going into the black bin. Why should my constituency have to take Dublin's refuse? I do not see that we should have to do that, or any other county for that matter. It should not be the case for Galway, Roscommon, Mayo, Laois and Offaly either.

There is a cost involved in the treatment, segregation and recycling of waste.

Senator Terry Leyden: A question was asked about an incinerator.

Deputy Denis Naughten: I have tried to deal with as many of these issues as possible. The incinerator is coming on stream. Even with that, there will be a shortfall by 2020. In response to Senator Leyden, last year, on two separate occasions we came very close to stopping bin collections because we had nowhere for waste to go. That is the reality of the decision, and I had to introduce emergency legislation, with the consent of local authorities, to find space for refuse that had been collected. Sadly, this is a problem that I will have to deal with until we reduce the residual waste. We cannot brush this under the carpet. We do not have that luxury. If someone can provide me with another solution to reduce the amount of material going into landfill, I will be quite open to that but it has to be for now and not for five years' time when we will have to open a new landfill or reopen existing landfills, and none of us wants to have to do that.

Sitting suspended at 1.41 p.m. and resumed at 3.30 p.m.

Central Bank and Financial Services Authority of Ireland (Amendment) Bill 2014: Committee Stage

An Leas-Chathaoirleach: The Minister of State is welcome. He is not listening to me at all. We will not talk about quotas or anything like that.

Section 1 agreed to.

SECTION 2

Government amendment No. 1:

In page 3, to delete lines 18 and 19 and substitute the following:

“ “ ‘long-term financial service’ means—

(a) subject to paragraph (b), a financial service the duration of which is a fixed term of 5 years and one month, or more, but, notwithstanding that the aggregate term of them may be 5 years and one month (or more), there does not fall within this paragraph a series of consecutive terms in respect of a financial service's duration (provided no individual one of them is 5 years and one month, or more, in length), or

(b) a financial service that is life assurance to which, by virtue of Regulation 4 of those Regulations, the European Communities (Life Assurance) Framework Regulations 1994 (S.I. No. 360 of 1994) apply (not being life assurance falling within Class VII defined in the first Annex thereto) and regardless of whether the term of which life assurance is fixed at a specified calendar period or not;” ”.

Senator Kieran O'Donnell: This is a Sinn Féin amendment.

An Leas-Chathaoirleach: No. It says it is a Government amendment. Is that right?

Senator Gerry Horkan: It is a Government amendment.

An Leas-Chathaoirleach: Then there are a whole lot of amendments in Senator Conway-Walsh's name.

Senator Rose Conway-Walsh: Yes.

Senator Gerry Horkan: Sinn Féin is not in government yet.

An Leas-Chathaoirleach: They are not.

Senator Gerry Horkan: Not down here.

Senator Rose Conway-Walsh: I think there was a meeting of minds on the amendment.

An Leas-Chathaoirleach: I see. Forgive me.

Senator Rose Conway-Walsh: We always welcome that.

Senator Kieran O'Donnell: Will the Minister of State clarify the matter?

Senator Rose Conway-Walsh: I thank the Minister of State for coming back before the House-----

Senator Kieran O'Donnell: On a point of order, may we have precise clarification, perhaps through the Minister of State, as to whether the first amendment is a Government amendment?

Senator Rose Conway-Walsh: It was a Sinn Féin amendment.

An Leas-Chathaoirleach: I am reading here that it is a Government amendment, and then-----

Senator Kieran O'Donnell: I understand. Perhaps the Minister of State might confer with his officials.

An Leas-Chathaoirleach: -----Senators Conway-Walsh, Devine, Gavan, Ó Clochartaigh, Ó Donnghaile, Mac Lochlainn and Warfield are listed, so Sinn Féin is obviously-----

Senator Kieran O'Donnell: Will the Minister of State clarify the position?

An Leas-Chathaoirleach: Order. As I have called Senator Conway-Walsh, will she give way in order that we get the Minister of State to clarify the matter?

Senator Rose Conway-Walsh: Certainly.

Minister of State at the Department of Finance (Deputy Michael D'Arcy): To clarify the matter for the House, this is a duplicate amendment. As both amendments are similar, it is the Minister's amendment that is moved.

Senator Kieran O'Donnell: Senator Conway-Walsh can speak to the substantive point of the amendment then.

Senator Rose Conway-Walsh: The amendment introduces into the Bill the new definition of a “long-term financial service”. This is critical because the six-year rule change we will discuss later applies to what we define here. The amendment matches the definition accepted in the Government Bill, which overlaps, as was said, on some of these issues. It would be in no one’s interest to have a rule change under one definition in this Bill that may be changed whenever the Government passes the other Bill at some time in the future. I am confident the balance struck here will allow the vast majority of those excluded by the six-year rule to reapply and get their day in the Financial Services Ombudsman process. We have also applied the change in adding the life assurance definition here as I accept there was a possible loophole here.

Senator Gerry Horkan: I thank the Minister of State for the clarification. I am not sure whether it is the first time ever we have seen a Government amendment that is worded exactly like a Sinn Féin amendment, but perhaps that is new politics. It is helpful-----

Senator Kieran O’Donnell: The Senator was a bit slow on the draw there.

An Leas-Chathaoirleach: Senator O’Donnell will have his turn.

Senator Gerry Horkan: If Fine Gael and Sinn Féin want to co-operate in power, that is their own business.

Senator Rose Conway-Walsh: We will always co-operate for the good of the people.

Senator Gerry Horkan: That is it - like us all. The Minister of State may have been a member of the select committee at the time the Bill was being discussed. I am not sure whether he was there at the time but I do think it is a good idea that there is a definition and there has been agreement between all sides. It is to the benefit of the consumer and, ultimately, wider society that this happens, so I am pleased to support the amendment.

Senator Kieran O’Donnell: I welcome the amendment. This issue of the six-year rule has come up repeatedly over a long number of years. Paragraph (b) of the amendment, which deals with the matter of life assurance, provides clarity in respect of any ambiguity surrounding the issues. I note the Government Bill is due to come forth as well and that identical amendments were tabled. This is all about what is best for people, many of whom found themselves victims of circumstance whereby the time had run out before they realised the substantive difficulties they had got into over a policy. It will be welcome when we have people coming to our constituency offices to whom we will be able to say there is now scope in this regard. I have met people over a long period, certainly in Limerick, who are dealing with this issue, as I have no doubt my colleagues elsewhere have. This is a welcome amendment and I very much welcome that we have cross-party support from Government, Sinn Féin and Fianna Fáil on this matter.

Deputy Michael D’Arcy: This is the biggest change to both this Bill and the Government Bill. It lies in the extension of time to complain about long-term financial services so it is essential that a solid and accurate definition is formulated. Section 5 of this Private Members’ Bill, as passed by the Dáil, reflects a similar position in the Government’s Bill which extends the time limits for complaints relating to certain long-term financial services to six years from the date of the conduct complained of, or three years from the date the complainant knew or ought reasonably to have known about the conduct. The new time limits for long-term financial services will apply to complaints made to the ombudsman about conduct that occurred during or after 2002. The service which the complaint is about must not have expired or otherwise been terminated more than six years before the date of the complaint.

The Private Members' Bill and the Minister's Bill make a distinction between long-term services and short-term services so that the resources of the ombudsman can be more effectively used to deal with these cases, where the consumer may not be aware of an issue until the long-term service has expired. This approach, as differentiating between long-term and short-term products, was taken as it was considered to be a balance between the concerns of the consumer representatives to give consumers greater protection and those concerns of the industry regarding record keeping and availability of documentation.

Furthermore, and perhaps more important, the extended time limits for long-term financial services required considering and balancing the rights of all parties in a case and ensuring the public interest was served, both in terms of the avoidance of late claims and the timely administration of justice. The existing time limit of six years has been retained for short-term services, where a claim should or could have been made within the six-year period. Six years should be sufficient time in which to make a complaint on issues as the service will most likely be concluded within the timeframe.

The wording of the definition of "long-term financial service" in amendment No. 1 addresses previous concerns related to previous technical drafts and definitions. As Senators may be aware, the Minister for Finance and the then Minister of State, Deputy Eoghan Murphy, were of the view that the definition of long-term financial services, as set out in the Deputy's Bill as passed by the Dáil, was not satisfactory because it included a wide range of policies or services that are subject to annual renewal or policies or services that could be cancelled unilaterally.

The Government's rationale for excluding annual policies from the definition of long-term financial services and its concern to avoid passing extra costs to consumers were well set out during the various Stages of these Bills. In essence, insurance companies would have to be mindful of the possibility of claims being taken in a longer timeframe for those products and they would accordingly pass the extra costs on to consumers. They could refuse to cover customers after a five-year period or increase annual premiums substantially after a five-year period, to deter them from becoming long-term customers under the current definition in the Private Member's Bill. This would have a negative impact on customers.

The revised wording clarifies, for the avoidance of doubt, that a range of policies or services which are short-term financial services, such as car insurance, travel insurance, etc., are not included in the definition of "long-term". Therefore, I am pleased that this amendment No. 1, as put down by the Senators on section 2 of the Bill, is identical to my amendment No. 1 and it can be agreed to.

Amendment agreed to.

Section 2, as amended, agreed to.

Section 3 agreed to.

SECTION 4

An Leas-Chathaoirleach: Amendments Nos. 2, 6, 9, 11, 14 and 15 are related and may be discussed together.

Government amendment No. 2:

In page 3, line 25, to delete "of Part VIIB".

5 July 2017

Deputy Michael D’Arcy: All of the amendments in this group are minor drafting technical amendments. The amendments aim to remove superfluous wording in sections 4, 5, 7 and 8 on the advice of the Parliamentary Counsel. The Sinn Féin Senators’ amendment No. 15, on section 8 of the Bill, concerns the time period for appeal to the High Court against a decision of the ombudsman. I thank the Senators for changing the text from “within 35 days” to “not later than 35 days” which is clearer and aligned with the wording in the Government Bill.

Senator Rose Conway-Walsh: These amendments are all highly technical in nature and I thank the Minister of State for bringing them forward.

Senator Gerry Horkan: Amendments Nos. 2, 6, 9, 11 and 14 are all Government amendments, while amendment No. 15 is in the name of Sinn Féin Senators. I assume that Senator Conway-Walsh and the Government are happy with amendment No. 15.

Deputy Michael D’Arcy: Yes, I am happy with amendment No. 15.

Amendment agreed to.

An Leas-Chathaoirleach: Amendments Nos. 3 to 5, inclusive, 8, 10, 12 and 16 are related and may be discussed together.

Senator Rose Conway-Walsh: I move amendment No. 3:

In page 4, line 1, to delete “upheld or substantially upheld” and substitute “upheld, substantially upheld or partially upheld”.

These are a series of amendments I am proposing. The effect of the amendments as a group is to replace the finding of “substantially rejected” with the new finding of “partially upheld”. This new finding is more accurate and, crucially, it adds a third positive rather than a second negative finding. This has a knock-on effect as regards the name-and-shame provision with the three positive findings now eligible as strikes under the three-strike system that applies there. The result will be greater transparency for the consumer.

Deputy Doherty’s Bill was innovative in introducing the fourth finding to allow greater transparency. I am happy the Government has accepted the logic of that position and may support this additional change.

Deputy Michael D’Arcy: With the agreement of the Seanad, I will discuss amendment No. 3, together with amendments Nos. 4, 5, 8, 10, 12 and 16. All the amendments in this group concern the categories of decisions that the ombudsman may make regarding a complaint received. These amendments aim to update the existing legislation with new categories of decisions that the ombudsman can make. The intention behind this change is to address FLAC’s recommendation to bring more transparency and clarity to consumers about the labelling of decisions the ombudsman makes after completing an investigation into a consumer complaint.

I accept all of the amendments to section 7 of the Bill that the Sinn Féin Senators propose. In the existing legislation set out in the Central Bank Act 1942, as amended, and the published Government Bill, section 60, on completing an investigation the ombudsman must make a decision in writing that the complaint is substantiated, not substantiated or partly substantiated. The categories of decisions set out in the Private Members’ Bill as passed by the Dáil are currently as follows: upheld; substantially upheld; substantially rejected; and rejected.

Sinn Féin has now put down this group of amendments to revise the name of the category “substantially rejected” to “partially upheld”. I think that this is an improved label and closer to the original category of “partially substantiated” and therefore we have no difficulty accepting the Sinn Féin Senators’ amendments. This means that the following will be the categories of findings made by the ombudsman going forward: upheld, substantially upheld, partially upheld or rejected.

A change in the categories of decisions, from three to four, allows for increased transparency and better reporting regarding the ombudsman’s investigation of complaints. This is a reasonable update and modernisation of the current rules which will bring more clarity to consumers. I intend to make Report Stage amendments to the Minister’s Bill, to also include these new revised categories in the Government’s Bill on Report Stage in the Dáil. As far as I am aware Deputy Doherty’s three amendments to section 4 and one amendment to section 9 are drafting changes to update the text in line with the new categories of decisions that the ombudsman can make, as set out in the amendment to section 7 of the Bill. As I agree to the amendment to the categories of decisions in section 7, I agree to these consequential amendments to the other sections 4 and 9.

Amendment agreed to.

Senator Rose Conway-Walsh: I move amendment No. 4:

In page 4, lines 7 and 8, to delete “upheld or substantially upheld” and substitute “upheld, substantially upheld or partially upheld”.

Amendment agreed to.

Senator Rose Conway-Walsh: I move amendment No. 5:

In page 4, lines 19 and 20, to delete “upheld or substantially upheld” and substitute “upheld, substantially upheld or partially upheld”.

Amendment agreed to.

Section 4, as amended, agreed to.

SECTION 5

Government amendment No. 6:

In page 5, line 13, to delete “of PART VIIB”.

Amendment agreed to.

Section 5, as amended, agreed to.

SECTION 6

Senator Rose Conway-Walsh: I move amendment No. 7:

In page 5, to delete lines 28 to 30 and substitute the following:

“ “57CA.(1)On receiving a complaint, the Financial Services Ombudsman shall, as far as possible, try to resolve the complaint by mediation.”.

This amendment seeks to improve the mediation process by placing a greater emphasis on mediation. It is a question of “may” versus “should”. My proposal is to resubmit the original wording of the current legislation as I feel that it places greater emphasis on mediation than the Bill before us currently does.

Senator Kieran O'Donnell: We hear about the Financial Services Ombudsman, FSO, quite regularly. I feel that much of the information that goes to the ombudsman is incomplete. Putting a more formal structure in place regarding mediation would be helpful. It would put the onus back onto the provider of the financial product to engage in a meaningful manner. Some cases cannot be resolved by mediation, but it may give rise to a situation where the resources of the FSO can be focussed on more difficult cases. It is something that could yield benefit, but it is very much put in to ensure that, under legislation, the service provider, the provider of the financial product, must engage meaningfully in mediation. There has to be an onus on financial service providers to put an emphasis on mediation if it is being investigated by the ombudsman. I welcome this amendment.

Senator Gerry Horkan: I welcome the amendment. These things are difficult and involve legal costs and so on. Advisors might be involved, and it becomes very expensive. Where possible, mediation should at least be tried. It might fail and matters might have to progress to the next stage. People are being put under pressure, having gone to the FSO. If there is a situation in which mediation can be used we should use it. It should at least be tried in every situation. Sometimes it will not work, but more often it does work. That is to everybody's benefit, not just in terms of cost but also in terms of people's mental health.

Deputy Michael D'Arcy: I understand that there was good discussion about the merits of mediation on the various Stages of this Bill and the Government's Bill. Certainly we had a good conversation on Committee Stage of the Government's Bill last week.

Mediation is a facilitative voluntary process in which the parties to a dispute, with the assistance of a mediator, attempt to reach a mutually acceptable agreement to resolve the dispute. Under current legislation, the ombudsman may attempt to resolve a complaint by referring both parties to mediation. Indeed, mediation, by telephone and email and through meetings, is now the first and preferred option for resolving complaints. By engaging with the parties directly, and quickly, it is possible to achieve a timely and satisfactory resolution most of the time. In our view, mediation is a voluntary process and must be entered into freely by both parties in order to have a chance of success.

The current wording in section 6 of this Bill sets out the same wording that is in section 58 of the Government's Bill. Sinn Féin's amendment seeks to reinstate the original wording on mediation that is currently set out in the Central Bank Act 1942. In effect, the proposed change to this Bill is that the ombudsman “shall, as far as possible”, try to resolve the complaint by mediation, rather than “may, where he or she deems it appropriate, try to resolve a complaint by mediation”.

The intention to support mediation as a key method to resolve complaints has been a core element of this Bill, and indeed of the Minister's Bill. There is cross-party support for mediation in both Bills and the current trends which point to up to 60% of cases being resolved by mediation are very encouraging. The wording in section 58(1) was an attempt to improve on

the drafting in the existing legislation. It was not meant to represent a change in policy or substance. If the Senators would prefer to retain the existing wording in this Bill as set out in amendment No. 7, I have no objection. However, for my Bill I would have to ensure that the wording would fit harmoniously with other sections, such as section 12 which also allows resolution of complaints by informal means. I would have to examine this in the context of Report Stage of the Government's Bill.

I am supportive of attempts to support mediation in the ombudsman's office and I think there is cross-party support on this policy. For this reason I can accept amendment No. 7.

Senator Kieran O'Donnell: Sinn Féin will make its own decisions, but is there merit in withdrawing the amendment pending the discussions taking place with the Minister on the amendment on Report Stage?

Senator Rose Conway-Walsh: Certainly. In keeping with the spirit in which this Bill is being brought forward we will have further discussions with the Minister. We are in a position to withdraw it at this stage but we reserve the right to bring it back in on Report Stage, which we hope will be next week.

Amendment, by leave, withdrawn.

Section 6 agreed to.

SECTION 7

Senator Rose Conway-Walsh: I move amendment No. 8:

In page 6, to delete line 17 and substitute the following:

“(c) is partially upheld, or”.

Amendment agreed to.

Government amendment No. 9:

In page 6, lines 19 to 21, to delete all words from and including “Amendment” in line 19 down to and including “follows” in line 21 and substitute the following:

“Section 57CI of the Principal Act (as inserted by section 16 of the Act of 2004) is further amended by substituting the following for subsection (2)”.

Amendment agreed to.

Senator Rose Conway-Walsh: I move amendment No. 10:

In page 6, line 23, to delete “substantially rejected” and substitute “partially upheld”.

Amendment agreed to.

Government amendment No. 11:

In page 7, lines 1 to 3, to delete all words from and including “Amendment” in line 1 down to and including “follows” in line 3 and substitute the following:

5 July 2017

“Section 57CI of the Principal Act (as inserted by section 16 of the Act of 2004) is further amended by substituting the following for subsection (4)”.

Amendment agreed to.

Senator Rose Conway-Walsh: I move amendment No. 12

In page 7, line 5, to delete “substantially rejected” and substitute “partially upheld”.

Amendment agreed to.

Section 7, as amended, agreed to.

NEW SECTION

Senator Gerry Horkan: I move amendment No. 13:

In page 7, between lines 14 and 15, to insert the following:

“Section 57CI of the Principal Act (as inserted by section 16 of the Act of 2004) is amended by the insertion of the following after subsection (5):

“(5A) The Financial Services Ombudsman Council shall review on an annual basis the maximum compensation ceiling prescribed by the Regulations of the Financial Services Ombudsman Council, with

particular regard to the number and scale of upheld or substantially upheld complaints where the loss incurred on the complainant exceeds the maximum compensation ceiling under the current Regulation.”.

I understand that this was discussed on Committee Stage. The amendment and the new section arises to address a concern of the Free Legal Advice Centres that had flagged the issue before, and refers to the fact that there is a maximum compensation ceiling. I understand that there is a difference between rectification, which does not have a ceiling, and compensation, which does. Equally this amendment does not ask for an increase in the ceiling, but rather that the Financial Services Ombudsman council should, “review on an annual basis the maximum compensation ceiling prescribed by the regulations, with particular regard to the number and scale of upheld or substantially upheld complaints where the loss incurred on the complainant exceeds the maximum compensation ceiling”.

While €250,000 looks like and certainly is a lot of money, it is not unreasonable over time that the FSO council should review the ceiling. It does not have to be a detailed process and could simply be a matter of reviewing the appropriateness of the ceiling. I ask the Minister of State to consider it. I accept what he said on Committee Stage at the select committee, but it is worthy of tabling for discussion today. I appreciate the difference between rectification and compensation but all we are asking for is that there would be a review on an annual basis of the maximum compensation ceiling. Perhaps the Minister of State and the Department could take that on board.

Senator Rose Conway-Walsh: I have no issue with the amendment as such. I thank Fianna Fáil colleagues for bringing it forward, but I am not aware of any demand for a change in the ceilings. Certainly, I see no reason why the council would not keep the figures under review. What data there is goes back to the 2014 FLAC report which suggests the ceiling is a

very hypothetical one and that any review at this point would not result in a change. However, we have seen the likes of the tracker mortgage cases in which family homes have been lost. As such, we cannot rule out the need for a review at this stage. It is important to discuss it.

Senator Kieran O'Donnell: Is some of this work not already done? Has it not already been looked at by the Financial Services Ombudsman's council?

Senator Gerry Horkan: All I am doing today is addressing the Sinn Féin Bill originated by Deputy Doherty. That is why I am bringing the amendment forward. It was not included in the original Bill. We are dealing with the Bill, not anything else, today. The Government Bill may address it. We can have a look at that in the fullness of time. I am simply trying to improve the already substantially worthwhile legislation which has been put forward to see if we can make it even better than it was. I am not asking for the ceiling to be changed, I am just asking for it to be kept under annual review.

Deputy Michael D'Arcy: As far as I am aware, the intention of the amendment is to oblige the council to review the compensation ceiling by which the ombudsman must abide and, in particular, report on instances where a complainant experienced a greater loss than the maximum compensation payable. The proposed amendment might be based on a misunderstanding. The existing legislation provides for a number of redress tools, including rectification and compensation. Rectification makes good the loss to the consumer and there is no ceiling in respect of it. Compensation, which can be additional to rectification, can be high or low depending on the specific facts of the case. As far as I understand it from the ombudsman, the ceiling of €250,000 has not caused problems in direct compensation. Compensation, which can be additional to the rectification, can depend on the impact on the individual, for example, the inconvenience caused to the consumer by the misconduct of the provider. This is usually determined by the specific facts of the case.

Rectification in excess of €250,000 has been given out in certain cases where the ombudsman has made good a complaint by putting a person back in the position in which he or she previously was before the complaint arose. Furthermore, there is provision in the Government Bill in relation to the compensation ceiling. For example, the Minister for Finance may make regulations under section 4 of the Bill on his or her own initiative or at the request of the Ombudsman. Section 4(h) of the Bill which deals with complaints and redress regarding financial service providers states that such regulation may, "specify a maximum amount of compensation that the Ombudsman may award to a complainant under section 60".

There are also other provisions in the Government Bill that may interest Senator Horkan, in particular, provisions on the carrying out of reviews. Section 25(3) of my Bill on the publication of other reports provides that the ombudsman may, from time to time, prepare and submit to the Minister such other reports in relation to the performance of the functions under the Act as he or she considers appropriate. Section 25(4) also enables the ombudsman to publish reports on other matters if he or she considers that it would be in the public interest to do so. For these reasons I must re-state the Government's position that we cannot accept this amendment.

Senator Gerry Horkan: With the greatest of respect, the answer provided by the former Minister for Finance, Deputy Michael Noonan, on 11 May and the one provided just now was probably cut and pasted word for word. That is fine because it was probably a very relevant answer. However, it suggested there was a misunderstanding on rectification versus compensation which I alluded to at the start of my discussion having gone through the amendment and

5 July 2017

the response to it. I pointed that out. I understand that the Minister of State has a pre-prepared answer but I had already addressed that point.

It is worth putting the amendment forward. I simply want the Minister of State and his officials to take it on board and I would like Sinn Féin to understand why I brought it forward. I understand completely the difference between rectification and compensation. Perhaps others at an earlier stage did not but I certainly do. I retable the amendment because it is still worthy of consideration. I am not sure if the reservations of the Minister of State are warranted. Possibly, they are not. It would be of value to make the amendment to the Bill but I will not press it at this point by calling us all in here to vote for the next 20 minutes. I ask the Minister of State to consider what the amendment seeks to do on the basis of what I said today and to consider it in the context of both the Government's Bill and the next Stage of this one.

Deputy Michael D'Arcy: I will take on board what Senator Horkan said. We will review the amendment and consider the matter again. I cannot say we will take it. Some of it is covered already. However, we will review the matter. Everybody is being very facilitative of this legislation.

Amendment, by leave, withdrawn.

SECTION 8

Government amendment No. 14:

In page 7, lines 16 and 17, to delete "Subsection (3) of section 57CL of PART VIIB of the Principal Act (as inserted by section 16 of the Act of 2004) is amended to be read as follows" and substitute the following:

"Section 57CL of the Principal Act (as inserted by section 16 of the Act of 2004) is amended by substituting the following for subsection (3)".

Amendment agreed to.

Government amendment No. 15:

In page 7, line 19, to delete "within" and substitute "not later than".

Amendment agreed to.

Question proposed: "That section 8, as amended, stand part of the Bill."

Deputy Michael D'Arcy: I wish to flag to the House that I may return to section 8 on Report Stage to address a technical drafting error. As drafted, section 8 refers to a decision of the Financial Services Ombudsman whereas the correct term is "finding". This is the term used throughout the Central Bank Act 1942, the principal Act.

Senator Rose Conway-Walsh: Following the technical amendment, the section now allows a consumer to make an appeal not later than 35 days from the decision or finding. I note there may be an issue, which I take on board, with the word "decision". Perhaps "finding" may be the more appropriate term here. I will examine the issue for possible amendment on Report Stage also. I wish that to be noted.

Question put and agreed to.

SECTION 9

Senator Rose Conway-Walsh: I move amendment No. 16:

In page 7, line 30, to delete “upheld or substantially upheld” and substitute “upheld, substantially upheld or partially upheld”.

Amendment agreed to.

Section 9, as amended, agreed to.

SECTION 10

Senator Gerry Horkan: I move amendment No. 17:

In page 7, between lines 30 and 31, to insert the following:

“Requirement to hold oral hearings

10. Where a complainant has made a request to hold an oral hearing, and where there is a discrepancy in the account of events between the parties that is fundamental to arriving at a conclusion, the Financial Service Ombudsman shall be obliged to hold an oral hearing.”.

This amendment was tabled on Committee Stage. It is a requirement to hold oral hearings. Specifically, it provides that where a complainant has made a request to hold an oral hearing and there is a discrepancy in the account of events between the parties that is fundamental to arriving at a conclusion, the Financial Services Ombudsman shall be obliged to hold such an oral hearing. This comes out of the 2014 FLAC report to address the imbalance. It does not make it mandatory. Rather, it seeks to provide that there shall be a hearing when a complainant has made the request and there is a discrepancy. There will be many situations where that does not arise. I appreciate there may be resource implications for the Financial Services Ombudsman but it removes some of the discretion it currently has which would be helpful to those looking for an oral hearing where there is a discrepancy. They will get an oral hearing in circumstances where, at the moment, the power is all in the ombudsman’s hands rather than those of the consumer.

Deputy Michael D’Arcy: I note Senator Horkan’s amendment, which seeks to introduce a new section to Deputy Pearse Doherty’s Bill to oblige the Financial Services Ombudsman to hold an oral hearing where there is a discrepancy in the account of events between the parties and the complainant has requested such a hearing. As the Senators may be aware, as part of the ombudsman’s procedures for resolving complaints, an oral hearing may be necessary where there is an issue of fact in dispute between the complainant and the provider in circumstances where the ombudsman cannot resolve fairly without hearing both sides.

In the course of reviewing the evidence, the ombudsman will consider whether an oral hearing is necessary. It is solely at the ombudsman’s discretion to decide whether to hold an oral hearing. This proposal to require oral hearings where there is a discrepancy in the parties’ account of events was discussed during the Dáil Committee Stage debate on 11 May. The then Minister for Finance, Deputy Noonan, noted during the debate that oral hearings are best left to

the discretion of the Financial Services Ombudsman and that this is common practice in many public bodies.

While I appreciate what Senator Horkan is trying to achieve, the proposal could have a negative impact on the consumer as there are always discrepancies at an initial stage when a complaint is made. I am advised that the proposal could inadvertently impose a requirement for oral hearings in all circumstances. I have been informed that it is the experience of the Financial Services Ombudsman that providers are usually well represented at oral hearings and, therefore, it can be a difficult process for the complainant who must undergo cross-examination in an adversarial environment. As a result, the courts have, on a number of occasions, endorsed the ombudsman's decision regarding whether to hold an oral hearing. In addition, the High Court and Supreme Court have noted on a number of occasions that the ombudsman holds oral hearings where necessary and it is more suitable that this power is maintained in a discretionary manner.

It seems contrary to fair procedures to allow only the complainant to dictate when an oral hearing is held. There is a risk that the proposed amendment would also have to allow the provider to demand an oral hearing. If this were the case, it is the view of the Financial Services Ombudsman that complainants would be placed at a significant disadvantage and potentially discouraged from taking cases in the first place. Moreover, the premise of the Bill and existing legislation is to support informal redress procedures. I am sure the Senator will agree that the best way to achieve this is through mediation. The Government Bill allows for the Financial Services Ombudsman to take a more proactive approach to encourage participation. Mediation is also at the heart of this Bill.

While I appreciate the Senator's desire to achieve a solution in difficult cases, it is clear that oral hearings must be at the discretion of the Financial Services Ombudsman and that mediation should be the primary route. For these reasons, I do not support this amendment.

Senator Kieran O'Donnell: I understand the import of Senator Horkan's argument. The purpose of the mechanism provided for dispute resolution by the Financial Services Ombudsman is to offer a low-cost service to ordinary consumers who wish to have a matter resolved as quickly as possible. Oral hearings invariably take a long time and can be costly. In routine cases, the ombudsman has the skill sets to examine the discrepancies and make an open and fair decision. Mediation is the key. In many cases, the dealings of financial institutions with the Financial Services Ombudsman are almost *pro forma*. The institutions are happy to have matters kicked on to the Financial Services Ombudsman. The onus should be placed on them as part of due diligence to seek to resolve matters by way of mediation. While the amendment is well intended, it could have unintended consequences that would work against consumers.

Senator Gerry Horkan: I reiterate that there is no doubt that mediation is the best option. The amendment provides for an oral hearing only where a complainant makes a request. It does not force people into oral hearings they do not seek. While I agree that one should be careful what one wishes for in the sense that people should not take the oral hearing route if they do not know what is involved. The amendment is specific, however, and refers only to circumstances in which a complainant makes a request to hold an oral hearing. It does not force people who do not want an oral hearing to have one and it does not provide that the financial institutions can make the same request. If someone wishes to table an amendment to that effect, the House can consider it but that is not what the amendment is about.

The amendment refers to circumstances in which a complainant wants an oral hearing for whatever reason. He or she may want to feel his or her case is being given a hearing. People may have lost significant sums of money or their homes, for example, through changes in tracker mortgages. They may want a day to make their point as vociferously as they can. If the Financial Services Ombudsman decides against such a request, a hearing will not be held.

The amendment provides that an oral hearing must be held where the complainant makes such a request and a discrepancy arises. One could argue that there will always be a discrepancy but that it is not necessarily the case. People may agree the facts, even where they do not like the facts. The amendment only covers circumstances in which there is a discrepancy between the accounts of events between the parties. I presume the Financial Services Authority would be the arbiter of whether there is a discrepancy.

No one is being forced into an oral hearing and anyone who believes that is my intention should read the amendment carefully. It states specifically that where “a complainant has made a request to hold an oral hearing, and where there is a discrepancy in the account of events between the parties that is fundamental to arriving at a conclusion, the Financial Service Ombudsman shall be obliged to hold an oral hearing”. The amendment arose from the Free Legal Advice Centres report, *Redressing the Imbalance*. It does not make an oral hearing mandatory but gives a little less discretion to the Financial Services Ombudsman and a little more power to the consumer. I reiterate that mediation is a better option but that may not always be possible, nor will it always be the solution.

Deputy Michael D’Arcy: We are doing our best to improve matters for consumers. If the amendment is accepted and the legislation changed, financial services providers could also be entitled to call an oral hearing. If both parties are entitled to call an oral hearing, it could lead to a major increase in the number of oral hearings. The number of cases in which the voluntary mediation process has been used has increased from 1% to 60%. The system has improved significantly and is working reasonably well. I am concerned that the amendment could have unintended consequences.

The Financial Services Ombudsman believes the proposed change would be an error. We are all doing our best to implement good legislation to further protect consumers but I cannot support the amendment because it could have an unintended consequence that would seriously impact on the Bill.

Senator Gerry Horkan: The Bill was introduced in good faith by Deputy Pearse Doherty in the Dáil and Senator Conway-Walsh and her team in this House. We are all working to achieve the best outcome for consumers. I speak on behalf of consumers and the people who put us here, as opposed to the Financial Services Ombudsman. If the ombudsman does not want a change in legislation, it is not a reason for me not to propose such a change. The Minister alluded to the fact that the Financial Services Ombudsman does not believe the amendment is a great idea but the ombudsman would believe that, would he not?

I acknowledge the Minister of State’s bona fides and thank him for his comprehensive response. I do not agree, however, that the amendment could have unintended consequences as it refers to complainants and I do not believe many financial institutions will make complaints against their customers. While I will not press this worthy amendment today, I may invoke my right to reintroduce it on Report Stage because it could benefit some people.

5 July 2017

Senator Kieran O'Donnell: In terms of legal fair play, I suppose the issue is that if the complainant can seek an oral hearing, I suspect the Financial Services Ombudsman can do likewise. When an oral hearing is requested, I am not certain of the legal obligation on the Financial Services Ombudsman to give a reason as to why such a request is not acceded to. Perhaps that is something that could be examined in the context of ensuring that the Financial Services Ombudsman complies or explains. Obviously, there have been cases where people would have liked oral hearings to be held, where they requested such hearings but where their requests were not granted. We might not have looked at the small print. Perhaps the Minister could consider the matter. In addition, perhaps what I have suggested might be a way in which to address the concerns raised by Senator Horkan.

Senator Gerry Horkan: It would be preferable and would improve the legislation if it was included. I will not press the amendment. I welcome the legislation in so far as it goes. I thank Deputy Pearse Doherty, Senator Conway-Walsh and their colleagues for putting it forward and my party colleagues, Deputies Michael McGrath and McGuinness, who are members of the select committee and who also contributed to the debate. I think it is worthwhile legislation. I am sure the Government Bill - when it finally emerges - will be equally worthwhile. I thank Sinn Féin and all other Senators for their contributions to the debate. I will not press the amendment at this point.

Amendment, by leave, withdrawn.

Section 10 agreed to.

TITLE

Question proposed: "That the Title be the Title to the Bill."

Senator Rose Conway-Walsh: Just before we conclude, I take this opportunity to welcome Deputy Pearse Doherty who is in the Visitors Gallery. I thank him for all the work he has done on this legislation. I thank Senator Horkan and his party for their input and for tabling the amendments today, but also for withdrawing them in the interests of the consumer.

Senator Gerry Horkan: It was in the interests of getting the legislation passed rather than in the interests of the consumer. It will benefit the consumer.

Senator Rose Conway-Walsh: I thank the Minister of State, Deputy D'Arcy, and his predecessor for their contributions.

I think it is important to acknowledge that there has been very positive input into the Bill under the leadership of Deputy Pearse Doherty. I thank him for that. I look forward to taking the Bill to Report Stage next week. I am aware that, if the Department is agreeable, the Leader will facilitate us in that regard.

An Leas-Chathaoirleach: I welcome Deputy Pearse Doherty who is a former Member of this House.

Senator Gerry Horkan: Senator Conway-Walsh said I withdrew the amendments in the interests of the consumer. I did not withdraw them in the interests of the consumer but there is an indirect benefit if the legislation is passed more quickly. I think the amendments would have made the Bill better, but in the context of its passage through the House and arriving at a consensus, I am happy to allow it to go to the next stage. I am sure Senator Conway-Walsh did

not mean what she said.

Senator Rose Conway-Walsh: No. That is exactly what I meant.

Deputy Michael D’Arcy: I thank everybody involved, including Deputy Pearse Doherty and the various Senators. The legislation is working its way through the Houses of the Oireachtas in tandem with a Government Bill and as we all get another bite at it, we improve it on each occasion. There are occasions when we do not agree but, in the spirit of compromise, we want to get the best legislation possible. I thank everybody, including Deputy Pearse Doherty, who, like me, is a former Senator. I hope we can get everything over the line before the recess.

An Leas-Chathaoirleach: I thank the Minister of State and all the Senators who contributed.

Question put and agreed to.

Bill reported with amendments.

An Leas-Chathaoirleach: When is it proposed to take Report Stage?

Senator Rose Conway-Walsh: Next Tuesday.

Report Stage ordered for Tuesday, 11 July 2017.

Declaration of Independence Day Bill 2017: Second Stage

Acting Chairman (Senator Gerry Horkan): I welcome the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Heather Humphreys, and congratulate her on her reappointment. I think this is her first time in the Seanad since her reappointment to Cabinet.

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

Cuirim fáilte roimh an Aire, Teachta Humphreys, go dtí an Teach inniu. Is mór an onóir dom ar son Fhianna Fáil, agus Seanadóirí Diarmuid Wilson, Paul Daly agus Mark Daly, an Bille seo a thairgeadh sa Seanad inniu. Ba mhaith liom buíochas a ghabháil le mo pháirtí, Fianna Fáil, agus lenár Seanadóirí go léir as ucht tacaíocht a thabhairt don Bhille seo.

Ar *oireachtas.ie*, tá sé an-suimiúil scrúdú a dhéanamh ar an gcéad díospóireacht sa Dáil. Ba iad na céad fhocail labhartha i nDáil Éireann: “Molaimse don Dáil Cathal Brugha, an Teachta ó Dhéisibh Phortláirge do bheith mar Cheann Comhairle againn indiu.” With those words, Dáil Éireann, an Chéad Dáil, was born. I do not wish to be too parochial but they were spoken by Count George Noble Plunkett, a Deputy from Roscommon North, who was oldest of all elected Members present. The next to speak was Cathal Brugha as Ceann Comhairle, who called upon Fr. Michael O’Flanagan, who said the prayer that formally opened the first public session of the First Dáil. Fr. O’Flanagan was born in Kiltewin just outside my native home of Castlerea, County Roscommon. There are many aspects of the First Dáil on which one could speak, including the fact that Michael Collins and Harry Boland were missing from the first meeting as they were arranging the release of Eamon de Valera from Lincoln Jail. The attendance of Boland and Collins was incorrectly called to conceal their mission to rescue de Valera. I will dispense with the historical anecdotes for a moment to outline the broad purpose of the Bill.

5 July 2017

The Bill, if enacted, will formally introduce a Declaration of Independence Day in Ireland ensuring it is formally recognised on 21 January each year. The First Dáil met in the Round Room of the Mansion House in Dublin on 21 January 1919 and asserted the exclusive right of the elected representatives of the people to legislate for the country. During the meeting, the elected Members present adopted a provisional Constitution and approved a Declaration of Independence. Dáil Éireann, a new national parliament for the Irish nation, ratified and gave democratic legitimacy to the Proclamation of Independence made in the Easter Rising of 1916. Cathal Brugha was nominated as Ceann Comhairle and read the Declaration of Independence in Irish. It was followed in French by George Gavan Duffy and finally in English by Edmund Duggan. On that day, the Dáil approved the Democratic Programme based on the 1916 Proclamation of the Irish Republic and read and adopted a message to the free nations of the world in Irish, English and French. The following day, on 22 January 1919, a private sitting of Dáil Éireann was held which elected Seán T. O’Kelly as Ceann Comhairle and Cathal Brugha as President of the Ministry. The Dáil also approved the President’s nominations to the ministry. They were Minister for Finance, Eoin MacNeill, grandfather of our colleague Senator McDowell; Minister for Home Affairs, Michael Collins; Minister for Foreign Affairs, Count Plunkett; and Minister for National Defence, Richard Mulcahy.

In April 1919, Cathal Brugha resigned and Eamon de Valera was elected President of Dáil Éireann. The British Government decided to suppress Dáil Éireann and on 10 September 1919, it was declared a dangerous association and prohibited. The Dáil continued to meet in secret and Ministers carried out their duties as best they could. The Dáil held 14 sittings in 1919. Of these, four were public and ten private. Three private sittings were held in 1920 and four in 1921. It has always struck me that the meeting of the First Dáil and the Declaration of Independence on 21 January 1919 have not been commemorated to the level they should. In January 2009, in a speech on the 90th anniversary of Dáil Éireann, the then Taoiseach, Brian Cowen said:

Ninety years ago tomorrow, the elected representatives of the overwhelming majority of the people of this island who were not otherwise detained or in flight from the forces of occupation, met in Dublin’s Mansion House with the purpose of asserting the self determination of a sovereign, democratic, Irish Republic. Dáil Éireann — a National Parliament for the Irish nation — ratified and gave democratic legitimacy to the Proclamation of Independence for which the republican vanguard had laid down their lives at Easter 1916.

He continued:

When, in 1998, the people of Ireland voted by a majority, and by majorities North and South, in favour of the Good Friday Agreement, it was the first occasion since the general election of [14 December] 1918, the election at which the people selected the representatives who sat in the First Dáil, that the people of this island had voted on the same day on the issue of their constitutional status.

This has only happened on two occasions in the past 100 years.

I will now deal with the various sections of the Bill. Section 1 is a standard section providing the Short Title and commencement provisions for the Bill. Section 2 deals with the definitions of the terms used in the Bill. Section 3 specifies that 21 January will be known as “Declaration of Independence Day” and it will be celebrated irrespective of the day on which it falls. The section does not propose to make the day a public holiday as understood in the

Holidays (Employees) Act 1973.

I look forward to the input of Senators and to hearing the remarks of the Minister, Deputy Humphreys, who is with us this evening. When I first raised in the Seanad the need to formally recognise the meeting of the First Dáil and the Declaration of Independence, I was struck by the genuine messages of support and encouragement I received. However, not every message was positive. Some wanted the day to be made a bank holiday and some said we have too many bank holidays as it is. Some commented it would take away from St. Patrick's Day, which is our national day, but St. Patrick's Day is first and foremost the feast day of our patron saint. Some referred to the absence of a united Ireland. I was struck by Deputy Ó Snodaigh of Sinn Féin last November in the Dáil when he said:

We do not have a national patriotic or independence day similar to other countries. It is not necessary to have full independence to have such a day. Cyprus, for example, has an independence day even though it is partitioned ... The two Koreas, even though they are separated by a wall, have a liberation day on 15 August.

To give credit where credit is due, the first person I ever heard suggest this idea was Eamon Gilmore when, as leader of the Labour Party during the 90th anniversary celebrations in 2009, he said "[M]ay I suggest that we consider making 21 January our national independence day?" In January 2017, Sinn Féin Leader, Deputy Gerry Adams, said on RTE Radio 1:

Yesterday was the anniversary of the First Dáil. Was it commemorated anywhere? Did the State do anything about it? Did RTE do a special programme about it? The only party, that I understand, commemorated that, was the Sinn Féin Party.

No one party should claim ownership or attempt to claim ownership of the First Dáil or the Declaration of Independence. Many of the political figures involved went on to play significant roles in Irish life and included future Taoisigh, Presidents and Ministers. There will always be difference of opinion about how we remember the past but difference is the essence of democracy. We are all here in the Houses of the Oireachtas as successors to those elected to the First Dáil in the election held on 14 December 1918. If we were in full agreement on everything, there would be something wrong. Ideas should be tested and opinions challenged. We should all unite around this one act of national self-determination because the period that follows gets more complex and divisive, with the War of Independence, the Treaty and the Civil War.

A story that illustrates the complex and divergent history of this period can be seen in the events of 100 years ago this month. The Redmond family from Wexford were steeped in the tradition of Charles Stewart Parnell and the Land League and became interwoven with the struggle for Home Rule. Willie Redmond, MP, was killed at the Battle of Messines Ridge on 7 June 1917. One hundred years to the day, in one of his final acts as Taoiseach, Deputy Enda Kenny, the then leader of Fine Gael, attended a ceremony to commemorate the Battle of Messines Ridge alongside Britain's Prince William, the leader of the Democratic Unionist Party, Arlene Foster, and others, including Fianna Fáil Deputy Darragh O'Brien, who is here today and whose grandfather and two great grand-uncles, Robert, Peadar and Eoghan O'Brien, served with distinction in the 1916 Rising in Dublin, the War of Independence and the Civil War as members of the 4th Battalion, Dublin Brigade of the Old IRA. This battle, which started on 7 June 1917, was the first time that the 16th Irish Division and the 36th Ulster Division fought side by side in battle. I understand it was one of two occasions when Protestant and Catholic soldiers from Ireland fought side by side on what was known as the western front. The death

5 July 2017

of Willie Redmond in June 1917 caused a by-election in East Clare that was held 100 years ago next Monday, on 10 July 1917. Eamon de Valera was elected a member of the House of Commons for East Clare. His grandson, Deputy Éamon Ó Cuív, serves in the Lower House. This by-election victory, alongside the earlier victories of Count Plunkett in the Roscommon North by-election of February 1917, Joseph McGuinness in the Longford South by-election of May 1917, and W.T. Cosgrave in Kilkenny city in August 1917, created the start of the momentum for the Sinn Féin movement to sweep to electoral victory in December 1918.

There is no plan to designate independence day as a public holiday but if we pass this legislation, it will allow schools, public bodies and community groups an opportunity to commemorate this hugely important day in an appropriate way. It would allow members of the diaspora, like my sisters in New Zealand and America, to celebrate this historic day. There are different views on how to commemorate our history. The 1916 centenary celebrations, from the national events to the individual events hosted by each local authority, were uplifting and educational. It helped create awareness about the events of the 1916 Rising and the impact that it had on our country. A new generation of Irish people have been introduced to the story of 1916. This Bill is another step on this journey and it recognises the truly historic meeting of the First Dáil and the Declaration of Independence.

Acting Chairman (Senator Gerry Horkan): I thank Senator Swanick. Before I bring in our next speaker I would like to welcome Deputy Darragh O'Brien, a former Senator, who was the leader of Fianna Fáil in the Seanad during the last term. He is very welcome to the House. We had two former Senators present during our last debate as the Minister of State, Deputy D'Arcy was in the Chamber while Deputy Pearse Doherty were in the Gallery. The Deputy is very welcome back to the House.

Senator Diarmuid Wilson: I welcome my constituency colleague, the Minister, Deputy Humphreys, back to the Seanad. I congratulate her on being nominated to Cabinet again and I wish her well for the future. I would also like to be associated with the words of welcome to my colleague, Deputy Darragh O'Brien, with whom I served here for five years.

I am honoured to second the proposal on the Declaration of Independence Day Bill 2017. I compliment my colleague, Senator Swanick, on putting this Bill together and on his very comprehensive and informative contribution here this afternoon. As we are all aware, the first meeting of Dáil Éireann took place in the Mansion House, the residence of the Lord Mayor of Dublin, on the afternoon of 21 January 1919. The session lasted a mere two hours but they were two of the most momentous hours in Ireland's history. The momentousness of the day was not lost on our friends across the globe. Newspapers reported that special journalist delegations came from the United States, Canada, France, Belgium and Spain to witness the opening of the Dáil. This demonstrates how closely Ireland's struggle for independence was being watched by foreign nations throughout the world.

During its meeting, the First Dáil asserted the exclusive right of the elected representatives of the Irish people to legislate for this country. The Members present adopted a provisional constitution and approved a Declaration of Independence. By doing so, the Dáil asserted a continuity of objectives with the leaders of the 1916 Rising, which we celebrated only last year, in setting up a separate parliament, government and republic. It is only right and fitting that we extend formal recognition to 21 January 1919. The Declaration of Independence Day Bill seeks to do just that.

As outlined by my colleague, Senator Swanick, in his contribution, independence days are recognised by countries across the globe. The Senator mentioned some of them. Yesterday, 4 July, was one of the most popular of these holidays, namely, Independence Day in the United States, which is celebrated across that country and is as big a day of celebration as Thanksgiving or Christmas. Prime Minister Trudeau, who visited this country in recent days, celebrated Canada Day on 1 July. This year, Canada celebrated its 150th birthday. One only needs to look on social media to see the good wishes sent from its expatriates across the globe to know what an important day it is for all Canadians, at home and abroad. I concur with what my colleague has said in respect of this particular Bill and I suggest it would mean the same to our people at home and abroad. Bastille Day is celebrated on 14 July, which is the French national day and which is traditionally considered a symbol of the French Revolution. It commemorates the storming of the Bastille on 14 July 1789, a turning point of the French Revolution, and celebrations are held throughout France. It is also their biggest national holiday, celebrated by French people throughout the world, as well as at home. The independence day of Belgium is celebrated on 21 July, the day the nation attained its freedom from the dominance of the Netherlands in the year 1831.

If passed, this Bill would see 21 January designated as Declaration of Independence Day, a right and fitting commemoration of this hugely important event. I am aware and very much welcome that the Houses of the Oireachtas Commission is working hard on a programme and series of events to commemorate this date. This programme is currently in the planning stages. This Bill takes it one step further and enshrines this date in law as a national day of independence. As my colleague, Senator Swanick, has stated, this Bill does not provide for a public holiday but it will provide the opportunity for schools, community organisations and public bodies to commemorate this hugely important event in an appropriate fashion.

In addition, it is worth noting that 2018 represents the centenary of a number of political developments and events. It is the centenary of the Representation of the People Act 1918 and the Parliament (Qualification of Women) Act 1918. It is also the centenary of the 1918 general election itself, which was held on Friday, 14 December 1918. I also welcome the proposed and fitting commemoration of these events.

In conclusion, I again commend my colleague, Senator Swanick. This is important legislation and an important commemoration of a landmark in our history. While I accept that we are as yet only a Twenty-six Counties nation, Senator Swanick's point is very relevant. I look forward to a Thirty-two Counties Irish republic some day in the very near future, but the fact that we are not yet a Thirty-two Counties republic does not prevent us from commemorating this important landmark in our history.

Senator Maura Hopkins: In this decade of commemorations, it is important that we recognise all those events which have contributed to the formation of the Ireland we know today and 21 January 1919 certainly was a pivotal day in modern Irish history. I thank Senator Swanick for his work on this Bill. We in the Fine Gael group will not oppose the passage of the Bill through this House.

The first meeting of Dáil Éireann took place not far from here, as others have said, in the Round Room of the Mansion House. The Members of that Dáil had been elected in the 1918 Westminster elections. The area which now forms the Roscommon-Galway constituency had representation of some note in Count Plunkett, Harry Boland and Liam Mellows, each of whom played an important role in our quest for independence. Those Members, as democratically

5 July 2017

elected representatives, asserted an exclusive right to legislate for the country. As we approach the centenary of this important event, it is fitting that we seek to recognise the date of 21 January as a Declaration of Independence Day.

It is my belief that the centenary of the first sitting of the Dáil in approximately 18 months' time must form the cornerstone of the second half of the decade of commemorations. I strongly commend the Minister, Deputy Humphreys, on the great successes of those commemorations which have taken place so far. I am well aware of the energies she has invested in making those events a great success and of the leadership which she has shown. I know the Minister will continue to adopt the inclusive, open and consultative approach that has worked so well to date. The success of the Ireland 2016 programme is a key example of how we should mark those events of great significance in our past. That the 2016 programme saw more than 3,500 events take place throughout the country and more than 1,200 events abroad shows that it was successful in taking our history to a whole new audience and a new generation of young Irish people in a way that was both interesting and engaging.

The decade of centenaries represents 100 years since what was arguably one of the most eventful periods in the history of our nation, and key to our marking of the centenary of 21 January 1919 must be the stories of those Members of the First Dáil. Many of them made very real sacrifices to take their seats on 21 January 1919 and it is only right that those sacrifices are acknowledged.

Those stories of the personal struggles and sacrifices help to give us a greater understanding of what the campaign for Irish freedom meant to those people. It is arguable that it is those personal stories which help to bring the events themselves to life for modern generations. The series of commemorations which have taken place to date have been very successful in telling those stories and I encourage the Minister to ensure that is a key focus for the events to come. We need to tell the stories of people like Count Plunkett, Harry Boland and Liam Mellows.

The fact that this Bill does not propose the date to be made a public holiday is positive in the sense that it means the economic impact of this designation will be minimal and will allow us as a country to commemorate the sitting of the First Dáil properly. It will pave the way for schools, public bodies and community groups to mark this event in an appropriate way. Fine Gael Senators are happy to support the passage of this Bill through the House to ensure the anniversary of 21 January 1919 will be afforded the recognition it deserves into the future. It is the lessons of the past that must guide us into the future.

Senator Victor Boyhan: I warmly welcome the Minister and congratulate her on her reappointment. I agree with the sentiment of the previous speaker who spoke about how we celebrated 1916. There was a great political maturity about how we did it and that is why it was so successful, because the narrative was discussed and the engagement was through arts, music and all the great things we have in this country of which we are proud. We celebrated and interpreted that through various interactive media and it worked. We celebrated the event and our diversity. There was an acknowledgement of our different cultures and traditions and respect for them. It was terribly important that we acknowledged and respected the diversity of the island of Ireland, its often troubled history and how we have coalesced. There is a greater political maturity about how we do our politics both here, in the North and on the island of Ireland. I always tend to emphasise all the great things on the island of Ireland, be it agriculture, commerce or anything else, because that is really our strength. The more we identify what unites us the less significant or relevant are the issues that divide us.

I commend Senator Swanick and I also commend Senators Diarmuid Wilson, Mark Daly and Paul Daly, who are the co-signatories of his work. It is very simple legislation and one has to ask why it did not happen long ago. It is quite extraordinary that here we are doing this simple little thing to mark a significant event all this time later. When I first heard about the Declaration of Independence Day, I said I would oppose it if it was intended to be a bank holiday. I thought of IBEC and all the other bodies. People are working hard in this country to keep business, commerce and the economy going and I do not support any additional bank holidays. That is a personal view which I wish to share. This island needs to prosper and we need the economy to be strong. We need working days and, quite frankly, people working. However, when I read more about it, I realised that what Senator Swanick is attempting to do is to recognise the meeting of the First Dáil and the Declaration of Independence made on 21 January 1919 and to provide for a Declaration of Independence Day to be held on 21 January annually.

I fully support the proposal but it is important we do not just say we are having a day to celebrate the Declaration of Independence and that we go one step further and start here in the Houses of the Oireachtas, because we are here because many people made great sacrifices in the early days. We know about the British Government's attempt to suppress the early Dáil and the difficulties surrounding it. There must have been enormous difficulties for people who had to come out publicly and seek to establish Dáil Éireann. It is important there is a multifaceted approach and activity in order that it is a meaningful day for politicians in the Houses of the Oireachtas in terms of how we celebrate and recognise the importance of that day, but also in schools, the arts and culture. We can do in a smaller way what the Minister did to commemorate 1916. It does not have to be all razzmatazz. It can be a simple and appropriate part of a day where we acknowledge our past and our history and why we have the Houses of the Oireachtas. I support the Bill. I am delighted Fine Gael supports the Bill. There does not seem to be any divisiveness on the issue. I hope it will go well. I again thank the Minister.

Senator Niall Ó Donnghaile: Gabhaim buíochas leis an Aire as a bheith linn fosta. I thank the Minister for joining us for this important discussion. I am very happy to support the Bill and I commend Senator Swanick on it. I apologise to him for missing his contribution at the start of the debate as well as that of the seconder, Senator Wilson.

I am happy to support the Bill because it recognises a seminal moment, among many profound moments which have been outlined by previous speakers, in our country's long struggle for independence. Senator Wilson referred to it, and it will come as no surprise that I would equally refer to the unfinished business of independence in its truest sense as outlined in the declaration. I am conscious of not being confrontational because the Bill is important and there is nothing to prohibit us from reflecting on the revolutionary era, the First Dáil and the Declaration of Independence, and doing everything that Senator Boyhan outlined in a proactive way but doing so in a way that we do not just learn but recommit and rededicate to the spirit and aspirations set out in it.

When I was on my way to the Chamber for the debate, a quote from Pádraig Pearse came into my head which I will paraphrase: we the volunteers go out not for some of Ireland but for all of Ireland. The 1919 Declaration of Independence was a watershed event, as was the 1916 Rising and the Tan war which followed on foot of the independence declaration. Those momentous events and years from 1916 until the end of the tragic Civil war in 1923 shaped and continue to shape the politics of Ireland. Those who fought and died in that period did so for the independence of Ireland - all of Ireland. They did not see partition as we know it. The authors of the declaration clearly set out its ethos, philosophy and mood in the long tradition of

5 July 2017

Irish nationhood and in the long tradition of the international and national understanding of the word “nation”. It is this notion of “nation” which those seeking independence draw from today. The 1919 declaration set the intellectual, democratic and territorial basis of the Irish nation in a manner which allowed it to evolve as society evolves. As a benchmark and a reference point, the declaration stands the test of time because it is based on the most important and intrinsically indispensable ingredient, namely, the democratic will of the people. The will of the people who elected the First Dáil was very clear.

The declaration addresses itself many times to the will of the people, directly and indirectly, and I will quote a section from it to illustrate its importance:

And whereas the Irish people is resolved to secure and maintain its complete independence in order to promote the common weal, to establish justice, to provide for future defence, to insure peace at home and goodwill with all nations and to constitute a national polity based upon the people’s will with equal right and equal opportunity for every citizen.

In preparing the declaration, they drew from and were inspired by the previous seven hundred years of resistance to what the declaration called “foreign usurpation”, which the declaration defines as “English rule in this country”. To this day, all of us in this Chamber and outside it, admittedly in different forms, continue to wrestle with English rule in this country.

This Bill gives us the opportunity to pay homage to and connect the Declaration of Independence in 1919, and its philosophical imperative almost 100 years ago, with all the people of the nation. If we do not take it, we stain the declaration and do a great disservice to the people who authored it. It is good that we are proposing to do this formally and annually. That is an important aspect of the Bill.

I believe it would add to the importance of the Bill if a public holiday were to accompany it. While I respect and accept at face value the points made by previous speakers, I do not necessarily believe that a bank holiday would be of great detriment to our economy. If we were to plan it right, do it correctly and do all of the things we spoke about, it could bolster the economy. Perhaps that is something on which we could engage with the proposers as this legislation proceeds.

As I listened to other speakers it occurred to me that to show that Members of this House are taking our responsibilities seriously, it would be a small and symbolically important step if we were to display copies of the Declaration of Independence and the democratic programme of the First Dáil in the House----

Senator Keith Swanick: Hear, hear.

Senator Niall Ó Donnghaile: -----not just to show them to visitors and guests, be they from schools, community groups or other countries around the world, but as a visible reminder to us of the ethos and responsibility that has been handed down to us from that great and truly national gathering in 1919. It is a positive reminder of what we should do as elected representatives and of the work and challenges that lie ahead of us and remain unfinished.

I thank the Minister for attending the debate. It is an important discussion. I welcome the Bill, commend the proposers and I look forward to working with them on it.

Senator Aidan Davitt: Cuirim fáilte roimh an Aire. I commend Senator Swanick on this

simple and relevant Bill. I also commend Senator Wilson who was instrumental in bringing it forward. I support the Bill. I listened to Senator Ó Donnghaile and, in fairness, he is always very proactive. It would be a nice idea if we could run with this Fianna Fáil Bill on both sides of the Border. When the Parliament next door gets up and running, and agrees terms and conditions, hopefully we might get to progress it further. Certainly, it would mark it as a very relevant Bill if that could happen. I realise it would not be simple and would probably be a great challenge, but stranger things have happened. I appreciate the Senator's nice comments on it and it would be an extra feather in our cap if that could happen.

The Bill shows the relevance of the Seanad and how it is working in its intended format. I pour scorn on the elitists who wish to fill the Seanad with their own peers and personalities. This example has shown how the hard work of Senator Swanick has paid off. As the Minister is aware, most legislation at present is being initiated in the Seanad, where the balance of power is a little more straightforward to get anything done. Some very relevant legislation is coming through the Seanad. I again commend Senator Swanick on his good work and godspeed with the Bill.

Senator Gerry Horkan: I am in the unusual position of having to leave the Chair in order to speak briefly on the Bill. I thank Senator Wilson for taking the Chair to let me do so. I wish to add to the contributions of the Senators on Senator Swanick, the sponsor of the Bill. It is a simple yet effective way of highlighting the day. If one asked many schoolchildren and even adults when the Dáil first met and what day would be called independence day, they would not necessarily know the date. It is timely that this is being brought forward in July 2017 to give the Houses of the Oireachtas the time to deal with the legislation, rather than having to consider it in November 2018 in time for the centenary two months later. None of us will be around for the 200th anniversary, unfortunately, so I greatly appreciate Senator Swanick outlining the reasons for the Bill in his detailed contribution. I listened intently to all the contributions and all Members spoke in favour of the Bill, so everybody appears to be on the same page. I look forward to hearing the Minister's comments. Let us hope we can get the Bill through both Houses of the Oireachtas and see it take effect in time for January 2019. Again, I thank all Senators for their contributions, and particularly Senators Swanick and Wilson.

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Heather Humphreys): I thank the Senators for their good wishes and I look forward to working with them in my new role. I commend Senator Swanick for bringing forward this Bill, as well as my constituency colleague, Senator Wilson. It takes time and effort to prepare legislation and I appreciate the work the Senator has done. I am also pleased to advise the House that the Government will not be opposing the Bill.

The convening of the First Dáil on 21 January 1919 will be one of the key historical events to be marked by the State in 2019. The first meeting of Dáil Éireann took place in the Round Room of the Mansion House on the afternoon of 21 January 1919. The elected Members present at that meeting asserted the exclusive right of the elected representatives of the Irish people to legislate for the country, adopting a constitution and approving the Declaration of Independence. The Dáil also approved a democratic programme, based on the 1916 Proclamation of the Irish Republic, and read and adopted a Message to the Free Nations of the World. The Bill before us proposes that a formal State recognition of the Declaration of Independence shall be made, with the designation of 21 January each year as "Declaration of Independence Day". I am of the view that an event to mark this momentous occasion in our history is appropriate.

5 July 2017

The Houses of the Oireachtas are planning a programme of events to mark the centenary of the first meeting of the Dáil in 2019. With regard to the suggestion that the Declaration of Independence be displayed in the Houses of the Oireachtas, that is an idea the Oireachtas committee that is planning the events to mark the centenary could consider. The appropriate commemoration of this period of our history is also under consideration by the expert advisory group on commemorations and will also be a matter of interest for the all-party group on commemorations which I intend to re-establish shortly.

In terms of the longer-term commemoration of this event, the views of both the expert advisory group and the Oireachtas all-party group on commemorations can feed into consideration of the Bill as it progresses through the Houses of the Oireachtas. I note also that the Bill does not propose that a new public holiday be introduced and, therefore, would not result in the significant economic costs associated with the introduction of a new public holiday in terms of lost national output in the private sector and in the delivery of public services. Indeed, when previous Private Members' Bills were brought forward which proposed the introduction of a new public holiday, it caused significant concern in the business community due to the serious impact such legislation would have on our SME sector in particular.

There are many different perspectives and views on the events and personalities that should be commemorated by the State over the remainder of the decade of centenaries and on how all those whose lives were affected by those events should be appropriately remembered. The Government's expert advisory group on centenary commemorations summed up this approach well when it stated that the aim of the commemorations should be to broaden sympathies, without having to abandon loyalties. At all times the Government has been supported in its plans by the guidance and advice of the expert advisory group on commemorations and the Oireachtas all-party consultation group on commemorations. The expert advisory group's statement of principles for the second half of the decade of centenaries will be a key resource in framing the Government's commemorative programme over the next five years. I extend my appreciation to Dr. Maurice Manning, chairman of the expert advisory committee, and to the committee for its assistance to date. The knowledge, experience and guidance of such a committee have been an invaluable support to the State's commemorative plans throughout the decade of centenaries.

I am very grateful also for the commitment and input of the members of the Oireachtas all-party consultation group on commemorations. I intend to put in place the practical arrangements to reconstitute that group very shortly. The work of that group is complementary to the work of the expert advisory group on commemorations and is significant in ensuring we will be able to reflect in an inclusive, appropriate and respectful manner on all the major historical events to be commemorated over the remainder of the decade.

I assure the House that the Government will continue to mark significant events throughout the decade of centenaries and the State's commemorative programme will be based on the inclusive, open and consultative approach that has been the hallmark of the decade of centenaries commemorative programme to date. This includes the Easter commemorations ceremonies to mark the Easter Rising and events to mark the progress of the First World War. For example, last month I attended commemorations of the Battle of Messines Ridge at the Island of Ireland Peace Park in Messines, which were jointly led by the Governments of Ireland and the UK, in partnership with the Mayor of Messines. Together with the Minister of State with responsibility for defence, Deputy Kehoe, the Minister for Justice and Equality, Deputy Flanagan, and the former Taoiseach, Deputy Enda Kenny, I laid a wreath at the grave of Willie Redmond.

The State also marked the centenary of the death of the poet, Irish Volunteer and soldier, Francis Ledwidge, with a moving ceremony in his birthplace in Slane, County Meath. This weekend, I plan to attend the National Day of Commemoration ceremony in the Royal Hospital, Kilmainham, as well as the annual Royal British Legion commemoration and wreath-laying ceremony at the Irish National War Memorial Gardens in Islandbridge, which commemorates the men and women from the island of Ireland who fought and died in past world wars.

I strongly believe the same open and honest approach which we used for last year's successful 1916 centenary commemorations, which allowed all narratives to be heard, will ensure we can reflect appropriately on all the major historical events as they unfolded. The 1916 centenary commemorations were inclusive, respectful and appropriate and sought to strengthen peace and reconciliation on the island of Ireland. The Ireland 2016 centenary programme met with widespread support across the political, academic and community sectors. It has engaged our communities at home and abroad in an unprecedented way and the benefits at community level and indeed nationally cannot be underestimated. The inclusive nature of the programme has enabled citizens to examine our history and has encouraged them to consider the future of their communities. It gave people scope to think about the events of 1916 and its legacy in a way that is personal and meaningful to each individual.

The close collaboration and engagement between Departments and other stakeholders will continue in order that significant events and themes for commemoration over the next five years are marked with respect, sensitivity and openness.

Debate adjourned.

Visit of Finnish Delegation

Acting Chairman (Senator Gerry Horkan): I welcome a very distinguished guest, Mr. Timo Soini, the Minister for Foreign Affairs in Finland and Deputy Prime Minister of Finland, and his delegation. We hope they enjoy their time in Ireland.

Declaration of Independence Day Bill 2017: Second Stage (Resumed)

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

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Heather Humphreys): As we continue to celebrate and commemorate key moments on our journey to becoming a sovereign nation, we have also learned the importance of looking to and learning from our past while striving to create a better future for Ireland. We have reflected on our journey over the past 100 years and imagined our legacy for future generations.

A commemorative initiative to mark the convening of the First Dáil and the Declaration of Independence could be a significant step in connecting younger generations with that legacy.

Senator Keith Swanick: I am overwhelmed and humbled by the support across the House today. Our political forefathers who sat in that First Dáil-----

5 July 2017

Senator Niall Ó Donnghaile: And mothers.

Senator Keith Swanick: -----and mothers - on 21 January 1919 would be very proud of the contributions from the Senators on all sides of the House today. We need to keep reminding ourselves that we are the successors to that first election on 14 December 1918. I thank Senator Wilson for co-sponsoring this Bill and for his kind comments. I thank Senator Hopkins for supporting the Bill. As she said, Roscommon was well represented at the time. Senator Boyhan made some very pertinent remarks when he said that in accepting this Bill, we are showing political maturity. That is why in my speech the narrative was deliberately non-confrontational.

This declaration of independence does not belong to any one party. It belongs to us all. We need to respect the diversity of the people of Ireland, North and South. It is an excellent idea that this is recognised in communities, schools and among the diaspora who are particularly close to my heart because one of my sisters lives in New Zealand and another in America. It would be an important day to include all our family members who were forced to emigrate years ago.

It is important that this Bill be recognised in the Houses of the Oireachtas. It was an excellent idea of Senator Ó Donnghaile's to display a copy of the declaration in the Houses. I thank him and Sinn Féin for their support. He quoted the phrase from the declaration, "equal right and equal opportunity for every citizen". That is what it is all about. Those words are as relevant today, almost 100 years on, as they were in 1919. That is why we enter public life and are elected, to improve the lives of those people in our communities who are less fortunate than us. That is the essence of the Bill. I am happy it received widespread support. I also thank Senators Davitt and Horkan for their kind comments. I hope this Bill will pass quickly through the House.

I welcome the Minister and thank her for her kind sentiments. I am delighted the Government is accepting and supporting this Bill. I am delighted the expert advisory group is getting involved in this. Senators would welcome feedback from the advisory group as the discussion progresses to the different Stages.

I also acknowledge the hard work of Dr. Maurice Manning and his sentiments. I thank Senators for their support.

Question put and agreed to.

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

Senator Keith Swanick: Next Tuesday.

Committee Stage ordered for Tuesday, 11 July 2017.

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

Senator Maura Hopkins: Next Tuesday at 2.30 p.m.

The Seanad adjourned at 5.20 p.m. until 2.30 p.m. on Tuesday, 11 July 2017.

