



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Déardaoin, 20 Iúil 2017*

*Thursday, 20 July 2017*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Business of Seanad**

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

The need for the Minister for Transport, Tourism and Sport to outline the plans he has to reinstate fully the Athenry to Claremorris railway line which was closed to passenger traffic in 1977, and his views on the use of the line for the development of a greenway if it is to remain closed.

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

The need for the Minister for Transport, Tourism and Sport to reconcile the stated Government policy of neutrality with the hundreds of permissions granted by his Department this year under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order 1973 for Shannon Airport.

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

The need for the Minister for Transport, Tourism and Sport to end the current 2+1 system on the N2 Derry-Dublin road between Clontibret, County Monaghan, and Ardee, County Louth, and to upgrade the road to motorway status to connect with the M1 Belfast-Dublin road.

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

The need for the Minister for Transport, Tourism and Sport to address the concerns of the Irish aviation community and the emergency services regarding the aeronautical charts and maps that they use.

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

The need for the Minister for Finance and Public Expenditure and Reform to outline the

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impact the roll-out of the public services card may have on Irish citizens who are resident in the Six Counties and who wish to apply for and obtain an Irish passport, as is their right under the terms of the Good Friday Agreement.

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

The need for the Minister for Housing, Planning, Community and Local Government to ensure those affected by the burst water pipe in Limerick city will be fully compensated for all damage by Irish Water.

I have also received notice from Senator Kevin Humphreys of the following matter:

The need for the Minister for Housing, Planning and Local Government to explain the delay in bringing forward legislation for affordable housing and affordable rental accommodation.

I regard the matters raised by Senators Craughwell, Gavan, Gallagher, O'Mahony, Ó Donnghaile and Humphreys as suitable for discussion. I have selected the matters raised by Senators Craughwell, Gavan, Gallagher and O'Mahony and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise. I regret I have had to rule out of order the matter raised by Senator Byrne on the ground that the Minister has no official responsibility in this matter.

I remind Senators they have four minutes in which to outline their case and the Minister has the same amount of time in which to reply.

## **Commencement Matters**

### **Greenways Development**

**Senator Gerard P. Craughwell:** This issue is of particular importance to our independent colleague, Shaun Cunniffe, in Galway County Council, who is part of a campaign to have a vote passed in the council to commission a feasibility study on the complementary use of the disused rail alignment between Athenry and Milltown as a greenway. The group is forthright in its belief that the provision of a greenway would not preclude the use of the alignment as a railway again in the future and if, in time to come, a railway is needed, the wide alignment could be used for both a greenway and a railway. To progress its case the group needs to establish that there are no current plans to redevelop the railway which has been closed to passenger traffic since 1977. The group has been in communication with the Minister for Finance, Deputy Paschal Donohoe, who has confirmed that the rotten wooden sleepers and old railway tracks are all obsolete and would need to be replaced by concrete sleepers and continuous rail track if the railway was to be reinstated.

In 2015, the Department report, Investing in our Transport Future - A Strategic Framework for Investment in Land Transport, more or less ruled out the consideration of more rural railways such as the western rail corridor, and Iarnród Éireann's strategy explains why reinstating

the western rail corridor is not under consideration. First, the dispersed population along the disused railway route is not remotely sufficient to fill trains. Second, there will be a new Tuam-Gort motorway running alongside the railway alignment. Third, well-established local bus operators are faster, cheaper, more frequent and can go to multiple destinations, unlike a train service.

The Minister and his Department are to be congratulated on their recent launch of a public consultation process on the development of a new greenway strategy, and I agree that some of the greenways that have been developed to date have been outstanding success stories for their localities. I also believe the proposed Athenry-Milltown greenway, utilising existing infrastructure, requiring minimal intrusion into private property and with the widespread support of the local community, is worthy of serious consideration, but before it can get on track, the issue of whether the line is going to be reopened or not has to be unequivocally resolved.

The greenway story has been a runaway success, with Mayo and Waterford particular success stories. Sligo and Galway have been trying for years to get greenways on disused railway lines and Waterford proves it can be done. I am a supporter of building the country's rail infrastructure and the more trains we have to move freight around the country, the better. If we used the rail infrastructure, there would be no need for 40 ft. trailers and big trucks to be on the roads. I see merit in Councillor Cunniffe's query and that is the reason I bring it to the Minister's attention. I look forward to hearing the Minister's reply and thank him for his time.

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** It is nice to be here even if it is to take four Commencement matters in a row, which is probably a record for the Seanad. I hope my record will never be beaten.

I thank Senator Craughwell for bringing this matter to the House and giving me an opportunity to address same. I know that he is, as I am, a great believer in both the railways and greenways. He has been a champion of both but this problem sometimes leaves people in a quandary. If there is a conflict between railways and greenways, one feels it is a great pity because greenways have been a great success. He has been a great supporter of them but they do not always have to be done at the cost of a railway or otherwise. Obviously one can be in favour of both of them. They are very important parts of my Department and what I do. I fully support greenways and also railways, where they are appropriate.

The future of western rail corridor, including the Athenry-Claremorris line, has been the subject of much debate over the years. There are many differing views on it, including among people who live in the localities that the line runs through. Certainly there seems to be strong support among some people for reopening all or part of the line. There are also many who support the redevelopment of sections of the line as a greenway. My Department has received robust submissions from both groups. While I have no objection to the proposal by some groups to create a greenway along the disused railway line, it is ultimately a matter for the relevant local authority to progress and submit, if funding is required, a proposal for consideration to my Department.

I will briefly give a little background on what has happened to date in terms of the redevelopment of the western rail corridor. In 2006, there was a lot of capital funding available for infrastructure projects. The Government at the time approved funding of €106 million for phase 1 of the western rail corridor under the Transport 21 programme. This investment allowed for the reopening of the 36 mile stretch of railway line between Ennis and Athenry. The line was

opened to the public in March 2010.

Originally it was envisaged that phase 2 of the project, the development of the line from Athenry to Tuam, would be completed in 2011. However, following the economic crisis, the proposal was shelved indefinitely in common with many other infrastructure projects at the time. Senators will be aware that the programme for Government includes a commitment to provide for an independent costing and review of a proposal to extend the western rail corridor by linking Athenry and Claremorris. It also commits that no measures will be taken to prevent the future reactivation of this corridor for rail use.

One of the actions contained in my Department's 2015 strategic investment framework for land transport was the development of a new rail policy to address the future role of rail in Ireland. The National Transport Authority subsequently launched a public consultation last November with the publication of the rail review report that examined the funding required to support the heavy rail network now and into the future, together with a consultation document. The analysis carried out in the rail review report predates the finalisation of the national planning framework that is being developed under the leadership of my colleague, the Minister for Housing, Planning, Community and Local Government. Once agreed by Government, the approach that the framework adopts towards land use planning and settlement patterns for the country will have a significant impact on the role of rail and other important contexts for consideration of issues raised by the rail review report and any recommendations that I will bring to Government in this regard. No decisions on future changes to the rail network, including decisions on the western rail corridor, will be made until this process is completed.

Again, I thank Senator Craughwell for raising this matter. I know it is very important to many people who live in the area and public representatives who represent the area. I hope my comments have clarified things.

**Senator Gerard P. Craughwell:** I thank the Minister for his very comprehensive reply. If he gets a chance at some stage he might visit the Tuam area with his colleague, Deputy Seán Canney, and perhaps meet some of the local interest groups and give them a similar reply to the one he has given to me here today. It is important that we keep the option to use that railway line open in the future. I thank the Minister.

**Deputy Shane Ross:** I thank Senator Craughwell. I will do that shortly. I would be delighted to be taken around by Deputy Canney, who is a colleague of mine, and also if Senator Craughwell wants to come himself or if any of the local councillors want to come to meet me there when I will see for myself what the problem is.

### **Shannon Airport Facilities**

**Senator Paul Gavan:** I thank the Minister for coming in this morning. It is much appreciated. I want to ask him about Shannon Airport and his Department's policy with regard to the 427 permits approved under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order 1973. Some 427 permits have been issued so far this year, from January to the end of May. Some 149 of these permits were for flights with personal weapons of troops on board, landing at Shannon Airport. These were all US military-contracted planes. Where were these US troops and their weapons of war going? Some 44 were going to Kuwait. As the Minister knows, Kuwait is landlocked between Iran, Iraq, Saudi Arabia and the UAE. It

is a geopolitical pawn being used by the US and its allies in the Middle East to invade and control the region. Three flights were to Turkey, three were to Jordan, two were to Saudi Arabia, two were to the UAE, two were to Qatar and two were to Bahrain.

Interestingly, Kuwait, Jordan, Saudi Arabia, the UAE and Bahrain are all parts of the Saudi-led coalition waging war against the Yemeni people. Does the Minister think it is a coincidence that these are the destinations for these US troops? The ongoing conflict in Yemen began in 2015. To date, 16,000 people have died, including 10,000 civilians. Saudi intervention has seen widespread bombing of civilian areas, which has been condemned by the international community. Almost 10 million Yemenis have been deprived of food and electricity during the conflict. Some 13 million are without clean water. Some 2.4 million Yemenis are homeless due to bombing and 120,000 have sought asylum. These are UN statistics. Saudi airstrikes have been condemned as war crimes. Displacing medical camps, use of excessive force against protestors and journalists, and the bombing of densely-populated civilian areas have all been catalogued by Human Rights Watch.

I know that 19 permits were refused by the Minister's Department, and I know he has said that this shows that the system of permits under the 1973 order is not just a rubber stamp, and that all permits go through a consultation process and are stamped "seen by the Minister". Will the Minister tell us what the consultation process consists of? What does the Minister actually do or not do? For example, if this system is not a rubber stamp, then presumably he will be able to tell us what these US military personnel are doing in Kuwait. We know from many sources that there are 15,000 US troops in Kuwait and that the US military, as well as providing logistical and strategic support from Kuwait to the Saudi coalition for its war of terror, has also been engaged in bombing missions in Syria and ongoing missions in Iraq. Surely, if this Government is serious about defending our neutrality, the Minister will be able to enlighten us this morning about the rigours of this consultation process.

Since 2002, over 2.5 million US troops have used Shannon Airport on the way to their wars in Afghanistan, Iraq, Libya and Syria. To be fair, I do not believe that the Minister believes that he is upholding our neutrality. I say that because of what he said just two years ago in the Dáil, and is in the Official Report, 6 March 2015, vol. 870, col. 10:

Deputies Mick Wallace and Clare Daly are right, surely the Minister should have expressed concern about the apparent activities of the United States at Shannon Airport. Instead, he is silent and we are cowed. We are not a neutral nation; we are a neutered nation.

The Minister went on to say:

let us recognise the fact that we are bowing to American pressure, whether tacit or real, because we are economically dependent on the multinationals. That is what the Government should recognise and it should admit that this is the reason for its silence.

Will the Minister admit that that is the reason for our silence and complicity?

**Deputy Shane Ross:** I thank Senator Gavan for bringing this important matter to the attention of the House. I will answer it as comprehensively as I can. A large number of people have derived an enormous amount of amusement from quoting things I have said in the Dáil when in opposition, which they think I will find difficult to reconcile with what I am doing in



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government. I understand that. I will do my best to defend my actions in another place because of the time constraints today.

Much of what Senator Gavan has raised would be, I suspect, more appropriate if addressed to the Minister for Foreign Affairs and Trade, but I will try to address the specific issue rather than the more general ones, which I will be happy to discuss with him in another forum. He raises in a general way civilian casualties. We are all deeply concerned and nobody wants to be involved in any activity that facilitates civilian casualties or casualties of any sort anywhere in the world.

Before addressing the matters raised by Senator Gavan that fall within my remit, it is useful to set out the historical context. The transit of foreign military forces through Irish airspace and airports is a long-standing practice which began shortly after the Second World War. Due to our geographic location, the majority of these military forces, as Senator Gavan will know, have always been from the United States. Successive Governments have maintained this practice and these facilities have never been withdrawn or suspended during many different periods of international conflict. Similarly, successive Governments have deemed this to be compatible with Ireland's traditional policy of military neutrality, which is characterised by non-participation in military alliances.

As Minister for Transport, Tourism and Sport, my functions in relation to the use of Shannon Airport and Irish airspace by the US military are limited. Questions relating to Irish foreign policy, Irish neutrality, the role of An Garda Síochána and so on are not matters on which I can comment in detail. Similarly, I have no role in relation to flights by military or State aircraft through Irish airspace or landing at Irish airports. Such flights require the permission of the Minister for Foreign Affairs and Trade under the Air Navigation (Foreign Military Aircraft) Order 1952.

A clear distinction is made in international and national law between military aviation and civil aviation. I am responsible for matters relating to Irish civil aviation legislation and policy. The 1944 Chicago Convention is the main international treaty governing the operation of civil aviation. Article 35 of the convention states that no civil aircraft may carry munitions of war over a state without that state's permission. This requirement is ratified in Irish law in the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order 1973, as amended. Under the 1973 order, the carriage of weapons and munitions of war is prohibited in any civil aircraft in Irish airspace and on board any Irish-registered aircraft unless an exemption is granted by the Minister for Transport, Tourism and Sport. The Chicago Convention and the 1973 order apply to munitions of war only, not to military personnel who may be on board civil aircraft.

In accordance with the provisions of the 1973 order, my Department operates a procedure under which airlines wishing to carry weapons or munitions through Irish airspace or airports must apply for each individual flight, at least 48 hours in advance. In response to Senator Gavan's question about consultation, my Department seeks the views of the Department of Foreign Affairs and Trade on foreign policy issues and the Department of Justice and Equality on security issues. The Irish Aviation Authority, IAA, is consulted in respect to aviation safety issues for applications involving munitions that are also categorised as dangerous goods. If any of these bodies objects, an exemption will generally not be granted. A copy of the application is also sent to the Department of Defence for information. The majority of exemptions under the 1973 order are issued to US airlines chartered by the US Department of Defence, transport-

ing US troops to various destinations around the globe. As a result of the unloaded weapons on board, these flights required an exemption under the 1973 order to enter Irish airspace.

In response to recent parliamentary questions, I have outlined that my Department is to conduct an internal review of the 1973 order. This review is timely, given the age of the order and the changes to international law since 1973, particularly as regard the transport of dangerous goods by air. I hope it is possible to initiate the review process before the end of the year.

**An Cathaoirleach:** I thank the Minister and invite Senator Gavan to make a brief response.

**Senator Paul Gavan:** I am sure the Minister will not be surprised to hear I am very disappointed with his answer. It was largely quite evasive and basically stated this is not really his decision. He has not answered the key question I asked, which was whether he thinks it is a coincidence the vast majority of the planes going through Shannon are going to the Saudi-led coalition countries, and are going to facilitate that war on Yemen. If this is the case, and it clearly is from the facts that we can see, then we are complicit in the ongoing war against the Yemeni people and those thousands of deaths. Surely as a Minister who has a good track record of speaking out and being honest and upfront, he can acknowledge there is something very wrong here.

**An Cathaoirleach:** Does the Minister have anything else to add?

**Deputy Shane Ross:** I do not really have very much to add; I am sorry about that. I cannot comment on whether a matter is coincidence or not. It really is a matter for the Minister for Foreign Affairs and Trade.

**Senator Paul Gavan:** The Minister knows it is not.

## **Road Network**

**Senator Robbie Gallagher:** I welcome the Minister to the Chamber and thank him for his attendance. I join members of Monaghan County Council in highlighting a stretch of roadway on the main N2, which is the Dublin to Derry road. It is a stretch of 47 km from Clontibret in County Monaghan to Ardee in County Louth. Monaghan County Council recently commissioned a report from a firm of consultants on the safety aspects of the road and it makes for very stark and sober reading.

The stretch of road deals with approximately 10,000 vehicles per day, 10% of which are heavy goods vehicles. The road incorporates more than 30 junctions, more than 40 accesses and more than 75 field gates. This is more than 150 locations at which drivers can turn onto or off the roadway. A total of 42 collisions took place over an eight-year period between 2008 and 2016 in which fatalities and injuries occurred. There were 11 fatal accidents on the stretch of roadway during this period. There were also two serious accidents and 29 minor injury accidents. Fatal collisions accounted for 26% of all injuries sustained on this stretch of roadway. The percentage of head-on collisions was high, representing 64% of all fatal collisions. There was one collision per kilometre on the stretch of roadway between January 2008 and May 2016, which is quite frightening. The report shows clearly this road is not fit for purpose. It was neither designed nor built for the traffic that now travels on it and these accidents are, unfortunately, proof of this.



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Measures have been taken recently to counteract some of this tragedy, for example, junctions have been redesigned, but, unfortunately, it seems what we are doing is applying a sticking plaster when major surgery is required. A 2+2 motorway is seen as the safest option and was the main option recommended by the consultant firm that reported to Monaghan County Council last month. A 2+1 roadway was judged to have insufficient capacity. A total of 70% of all fatal crashes involved crossovers, which would have been prevented if we had a 2+2 roadway. It is estimated a figure of €88 million is required to rectify it.

Many lives have been lost along this stretch of roadway. If the Minister ever gets an opportunity to travel on it, he would be struck by the number of memorials erected by family members to loved ones lost on the stretch of roadway. It is quite striking and very depressing.

Roads, as we know, are vital for business, trade, communications and communities. Surely the main focus should be that people can travel on them safely. The Minister's brief is wide and funds are limited, but I ask respectfully that he prioritise this piece of roadway so the people who use it can do so on a safe manner. On the last occasion he was in the House several months ago, we discussed the same stretch of roadway. Unfortunately, that same day a fatality had occurred and I know the Minister was quite shocked to hear it. It is a serious issue and one that needs addressing. I would appreciate it if the Minister could look at it in a favourable light.

**Deputy Shane Ross:** I thank Senator Gallagher for raising this matter.

I have already addressed the issue of the N2 a number of times this year on Topical Issue matters, Commencement matters and in reply to parliamentary questions. I am pleased to reiterate these points this morning and to share the Senator's concern about the collisions and the number of fatalities, of which the Senator said there were 11 in recent years. That is 11 too many, which I acknowledge. I hope that will be considered by Transport Infrastructure Ireland, TII, which is identifying blackspots more intensely now. The TII has a small amount of funding to address issues where there are identified blackspots at which people have died.

As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding for the national roads programme. Within its annual budget, the planning, design and implementation of individual road projects such as the N2 are matters for the TII under the Roads Acts 1993 to 2015 in conjunction with the local authorities concerned. While I repeat it often, it is worth remembering that Ireland has just under 100,000 km of road in its network, which is an amazing figure per head of population. It involves a huge amount of maintenance. I point that out because people sometimes do not realise how much of our budget we have to spend on what is called "steady state", namely, keeping roads at the par level which is safe and adequate. That takes up a significant portion of the budget before we can spend money on any other projects. In fact, the roads are still not up to the required steady-state standard. It will take a further two years to get to that point and before we can make any improvements or build anything new.

Due to the national financial position, there have been very large reductions in Exchequer funding available for roads expenditure over recent years. Within its capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for the TII in accordance with section 19 of the Roads Act. The Government's capital investment plan, Building on Recovery - Infrastructure and Capital Investment, provides the strategic and financial framework for the TII's national roads programme for the period from 2016 to 2022. As Minister, I must work within the capital budgets included in the plan and the TII must, in turn,

prioritise works on the basis of the funding available to it. Decisions on the transport elements of the capital plan 2016 to 2021 were framed by the conclusions reached in my Department's strategic investment framework for land transport. Based on the findings in that report, it is envisaged that the maintenance and renewal of the road network will continue to be the main priority over the next period and account for the bulk of the capital budget for roads. Approximately €4.4 billion is earmarked for such essential work, with a further €600 million allocated for implementation of the public private partnership, PPP, road programme which is under way.

The transport element of Building on Recovery provides for a limited number of development projects which are targeted at removing critical bottlenecks or upgrading inadequate sections of road. There are no proposals to upgrade the N2 from Clontibret, County Monaghan, to Ardee, County Louth, to motorway status to connect with the M1 Dublin to Belfast route. A bypass of Slane is included in the capital plan among the limited number of major national road schemes which are planned to commence during the period, subject to capital appraisal and planning consent. The TII has provided a grant allocation of €1.2 million for the bypass this year, and consultants have been procured by Meath County Council to review the earlier An Bord Pleanála decision and prepare a revised scheme for submission to the board. The TII is fully aware of the strategic importance of the scheme and will continue to provide funding to advance the development of the project over the course of the Government's plan. Improvement works have been carried out on a phased basis on a section of the N2 between Monaghan and Emyvale. Phase 3 of the scheme involves the improvement of a 3.5 km section of the route, and it is anticipated that the works will commence on this section later this year.

As for the possibility of additional funding within the plan period for national roads projects, the capital plan review process is under way. My Department is making a strong case to the Department of Public Expenditure and Reform for extra funding. While there is a strong case for additional funding for the transport sector, there are a multitude of possible national, regional and local projects throughout the country, the cost of which far exceed available funding.

Unfortunately, this means that only a limited number can be considered. The final decisions on allocations are, however, matters for the Minister for Public Expenditure and Reform and Government as a whole.

**An Cathaoirleach:** We are well over time already. I ask Senator Gallagher to be brief.

**Senator Robbie Gallagher:** I thank the Minister for his response. I am disappointed that no funding has been allocated at this point. I would stress upon the Minister again that consideration would be given to national roads, particularly those such as this that have a high percentage of fatalities. Perhaps that point could be considered when funding is being allocated.

**Deputy Shane Ross:** Senator Gallagher has made a fine case. I will ask my Department to look into the collisions aspect of what he said.

### **Air Safety**

**Senator John O'Mahony:** I thank the Minister for coming in to hear this debate. He is certainly earning his keep this morning and debunking the idea that everyone around here is on holidays. I thank him for that.

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I raise a serious point in regard to the standards of maps and charts used by the aviation community, including the emergency services. I have been contacted by individuals who represent those in the more amateur side of it, in light aircraft and recreational aviation, parachuting, balloon, etc. Concerns were raised again following last week's "Prime Time" programme which stated that some flaws in the maps and charts were raised by pilots a number of years ago. I do not want to get into the case of the tragedy in Blacksod Bay. There is an ongoing investigation and I do not want to interfere with that. However, I make the general point of flaws that are in maps and charts. What I am asking is that the fears of the aviation community would be allayed for once and for all.

I refer to the absence of any depiction of high ground, hills or mountain in the islands, for instance, along the west coast of Ireland. The maps given to me reveal that even though there is a mountain, Slievemore, of 2,000 ft. on Achill Island, which is only five miles from Blacksod Bay, it is not shown on the chart. Instead, it appears that the ground is flat. There is a figure given but there is no tinting on the map. I can supply the Minister with the map that was given to me, and an amended version in which there is a significant difference as well. As was stated on the "Prime Time" programme, the UNESCO World Heritage site in Skellig Michael is recorded on the chart as 56 m when the actual height is 217 m. It reported other areas where spot heights are missing as well.

The Irish Aviation Authority, IAA, which is the agency charged with regulating this, states that the maps and charts are being continually upgraded and corrected. Has this happened in the 2017 version? I note there were some new maps supposed to be put in use this year. I am worried by the following IAA statement to a Sunday newspaper on Sunday last:

Be informed that while all care and attention was taken in the production of this chart and the information depicted is drawn from the most reliable sources, the IAA makes no warranty to its accuracy or completeness and disclaims all or any liability. The information is useful for orientation, navigation and general visualisation of terrain but it does not guarantee clearance above terrain or man-made obstacles.

Have the flaws that I have pointed out been corrected in the 2017 version so that we can put some of these concerns to bed?

**Deputy Shane Ross:** I thank Senator John O'Mahony for raising this issue which, as he will be aware, is both topical and sensitive. I will try and address the individual matters which he referred to.

I do not know the answer to the question pertaining to Achill Island, but I will try to get it for the Senator, if that is appropriate.

**Senator John O'Mahony:** I can give the Minister the details later.

**Deputy Shane Ross:** I reassure the Senator and the aviation community that the issue of charts has been addressed adequately. I understand the public alarm that has been raised by various media reports on recent events. It is useful that the media cover such incidents, but it is also important that I reassure people on matters, as they stand.

While I understand the general background to the matter raised, it is important to empha-

size that there is an active investigation under way into the accident involving the R116 off the Mayo coast. The investigation is being conducted by the Air Accident Investigation Unit, AAIU, which is charged with examining all relevant issues it determines are pertinent to the incident it is investigating. I understand the ongoing public interest in this matter, but it is very important that the AAIU be given the time and space it needs to do its work and report on its findings. For this reason, any matter discussed here should not, in any circumstance, be construed as relating to that investigation.

The Senator rightly referred to concerns about aeronautical charts and maps. I wish to reassure him on that front. The Irish Aviation Authority, IAA, is the independent regulator established under statute to regulate civil aviation in Ireland. It carries out this function in accordance with a comprehensive suite of EU and international rules and regulations built up over many years which govern civil aviation on a global basis. The IAA has legal responsibility for validating and approving aeronautical charts for publication, as defined by international standards agreed under the International Civil Aviation Organisation, ICAO, the UN agency that governs global civil aviation. The authority takes the same approach used throughout the world. The charts are made available through what is known as the integrated Aeronautical Information Publication, AIP, which is available for pilots and third party suppliers to access and use. The authority has advised me that there is no reason whatsoever for the Irish aviation community or emergency services to have concerns about aeronautical maps and charts. All maps and charts produced meet the highest international standards.

I am also advised by the authority that it engages continuously with the Irish aviation community and encourages all visual flying chart users to bring to its attention any comment on the portrayal or content of aeronautical and topographical information. When amended, aeronautical charts are updated by Notice to Airmen, NOTAM, and incorporated into the aforementioned Aeronautical Information Publication, AIP. In addition, I understand the IAA hosts regular meetings of the General Aviation Safety Council of Ireland, a volunteer body made up of representatives from general aviation in Ireland that meets on a regular basis. One of its primary functions is to promote safety awareness among all those involved in the Irish aviation community. Therefore, I urge that any current concern be routed through these established reporting lines.

It is important that this House recognise that the authority is a hugely respected organisation within international aviation and subject to regular independent outside audit. In particular, because of the work of the authority, Ireland is ranked by the United Nations' International Civil Aviation Organisation as being among the best in the world in the safety oversight of civil aviation. It is in the top ten in global terms and second in Europe. Of particular note, in the ICAO audit process, is the fact that Ireland received a 100% result in the area of regulation and safety oversight in procedures for air navigation services, charting, aeronautical information services, airspace and aeronautical data.

I believe we have the highest standards in this area. I have no doubt, too, that this is authenticated and properly regulated, but if the Senator has specific issues he would like to see addressed, I will be happy to bring them to the attention of the relevant authority.

**Senator John O'Mahony:** I thank the Minister.

*Sitting suspended at 11.15 a.m. and resumed at 11.30 a.m.*

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## **Joint Committee on the Future of Mental Health Care: Appointment of Members**

**An Cathaoirleach:** I remind Members that this is the last sitting in this Chamber for approximately 18 months, after which I hope we will all be back here.

Before I call on the Leader to announce the Order of Business, I wish to make the following announcement for the information of the House on the appointment of the members of the Joint Committee on the Future of Mental Health Care. On 18 July the Seanad agreed to appoint a special committee to be joined with a special committee to be appointed by Dáil Éireann to form the Joint Committee on the Future of Mental Health Care. The decision of the House requires me to announce the names of the Members appointed to be members of the committee on the first sitting day following their appointment. Accordingly, I announce the names of the Members appointed as follows: Senators Máire Devine, Frank Feighan, Joan Freeman, Colette Kelleher, Gabrielle McFadden and Jennifer Murnane O'Connor.

## **Order of Business**

**Senator Jerry Buttimer:** The Order of Business is No. 1, motion re exchange of views with Mr. Guy Verhofstadt at two or more joint committees, to be taken without debate at conclusion of the Order of Business; No. 2, motion re orders of reference of the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union, to be taken without debate at conclusion of No. 1; No. 3, Financial Services and Pensions Ombudsman Bill 2017 – Committee and Remaining Stages, to be taken at 12.45 p.m.; No. 4, Asian Infrastructure Investment Bank Bill 2017 – Committee and Remaining Stages, to be taken at the conclusion of No. 4; and No. 5, National Shared Services Office Bill 2016 – Committee and Remaining Stages, to be taken at the conclusion of No. 4.

**Senator Catherine Ardagh:** On the basis that we will not be here again, I thank and commend the Cathaoirleach's team and Bridget Doody's and Martin Groves's team for all the help they have given us this year.

I would also like to move that No. 7 on the Order Paper, the Mental Health (Amendment) Bill 2017, be taken today. I was delighted to see that the Bill, which seeks to amend and extend the 2011 Mental Health Act and give patients more say in their treatment, passed all Stages in the Dáil last week, and I look forward to its swift passage through this House as well.

I was horrified to learn over the weekend of an attack on a young Spanish student. It is frightening that such a prolonged attack, part of it in broad daylight, could happen in our city. It is understood the alleged attacker was on bail for another crime at the time of the attack. I ask that gardaí be vigilant about any further such attacks in the city. The thoughts of the Fianna Fáil group are with the victim and her family, and I hope the matter is resolved and the facts come to light.

The second matter I wish to raise concerns housing. I have raised the issue of housing every week we have been here. I refer to the most recent Dublin City Council report on the matter. A Sinn Féin councillor, Daithí Doolan, is the chair of the council's housing committee. He commented that it would take 180 years to clear Dublin City Council's current housing list. What



I am calling for, and have been for a long time, is a citywide State social housing building programme like the one Fianna Fáil set up in the 1950s and 1960s. It is an awful reflection on the Government that such a situation has been maintained. As I have said, the Government needs to act expeditiously to ensure the housing crisis, which is the worst crisis affecting the city, is resolved and something is done about it without delay.

**Senator Victor Boyhan:** There have been many recurring themes over the past year, including health, housing and education. I will not spend any time on them today, but they are all linked and are very important. That they keep recurring as Commencement matters and items raised on the Order of Business means we clearly need to focus more on them in the next term.

I wish to keep my comments to Article 28A of the Constitution, which I will quote because it is relevant: “The State recognises the role of local government in providing a forum for the democratic representation of local communities, in exercising and performing at local level powers and functions conferred by law and in promoting by its initiatives the interests of such communities.” I appeal to all my colleagues, both party and non-party, that we work together across all parties very early after we come back for the next session of the Seanad to focus on local government. I know the Leader indicated that the Minister of State, Deputy John Paul Phelan, will come to the House once he has his letter of credentials from the Minister for his devolved functions, and he has a special function regarding local government and electoral reform, but this is very important. We should spend more time focusing on the practitioners of local government, namely, the county councillors throughout this country of whom we all know because many of us have travelled that journey and have been there. We need to address issues of real local government reform and local finance. We need to address how local government can be sustained, how greater devolved powers can be handed to local authorities and local councillors, how we can recognise the professionalism of these men and women, who make great sacrifices and work seven days a week for our communities, how they are recognised in their communities and how they receive their remuneration and appropriate expenses. We can do something about this, and the secret is that we work together on it and prioritise it as a very important aspect of our programme in the next term.

I also ask that the Minister come to the House to address the issues arising from the local boundary changes and share with us his plans in respect of those changes.

I wish to return to what is perhaps one of the most important issues, namely, direct provision. We heard at great length yesterday about issues with direct provision, the plight of people who are suffering and the number of children who are suffering. The report published yesterday found that young children and their parents are living in fear in their homes. These are young children whose parents are living in fear. That has to be a great challenge to us. In many years we will look back on this era and hold our heads in shame. We will ask what we, as politicians, did. Will we be looking back on another Magdalen laundry situation? It is a very important issue. We need to come together and work across all parties and all spectrums to address the serious plight of people who are suffering.

I thank the Cathaoirleach and his team for their support and how the Seanad has been conducted this year. I thank Martin Groves and Bridget Doody and the team in the Seanad office who have given us unstinting support in our work. I also acknowledge the Leader, Senator Buttimer, Orla Murray and the rest of his staff. We could not do this work without all the background people who assist us and lead us through the process. I thank them all.



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**An Cathaoirleach:** Before I call Senator Conway-Walsh, I acknowledge the presence in the Distinguished Visitors Gallery of two former parliamentarians from Australia. I understand they are from the Queensland area. They are Mr. John Sullivan and Mrs. Karen Sullivan. They are welcome to our humble Parliament.

**Senator Rose Conway-Walsh:** As today is our last day, I also acknowledge the work done here. I thank Martin Groves, Bridget Doody, the Cathaoirleach and all the team in the Seanad office as well as the Leader of the House for the support given to the Sinn Féin team here. I also thank the staff and ushers for all the help when I had my cast on for eight weeks a few months ago.

Today I want to talk about rare breeds. I want to leave Fianna Fáil alone.

**Senator Mark Daly:** We are not rare at all. There are quite a number of us around the place.

**Senator Rose Conway-Walsh:** We are working on that. Hopefully there will be less.

**Senator Terry Leyden:** The Senator would need to get up very early in the morning to work on that.

**Senator Rose Conway-Walsh:** I do get up very early in the morning

**An Cathaoirleach:** Allow Senator Conway-Walsh to conclude.

**Senator Rose Conway-Walsh:** Tell them to stop heckling me.

At EU level recently there has been much discussion on plans for CAP 2020 and beyond. There is a great deal of focus on food sources and protection of the environment. There is no focus on the importance of rare or native breeds. The increasing threat of climate change and its impact on food security means that maintaining the genetic integrity of our native breeds is even more important. These native breeds are suited to farming on this island. They naturally help to protect the biodiversity of areas in which they are farmed. Not only are we seeing an increasing number of non-native breeds introduced into Irish agriculture, but our native genetic resources are also being exported, leaving us very vulnerable. I ask that the Minister for Agriculture, Food and the Marine should include this point in any future negotiations on the CAP.

I also ask the Minister to examine the genetic resources grant aid scheme. According to the Department's website, the effects of the grant aid awarded by the advisory committee are far-reaching and play a vital role in fulfilling Ireland's international obligations on the conservation of plant and animal genetic resources.

I understand this important fund is disproportionately limited within the €4 billion rural development programme, RDP, budget with an annual competitive process sharing out €50,000 between five sectors. This fund is heavily oversubscribed and was in 2017 for native breed-related projects alone. Vital research and collaboration projects were declined due to the lack of funding. This appears to be out of sync with the current efforts to support native breeds. Given the objective of the national strategy and the importance placed within the EU and the UN on animal breeds, the limited funding is discouraging research and conservation, and deterring future applications to carry out vital work in this field.

I therefore ask the Minister to respond positively to recent locally-led initiatives that need

further support by elevating this important agriculture and food component to the forefront of relevant national policy and CAP reform, and make immediate tangible measures to enhance support measures under the RDP for stakeholders and societies in this important field.

I wanted this taken as a Commencement Matter but was unable to do so. I ask for the Minister to come to the House at the earliest possible time to discuss the importance of native breeds, in an EU and national context.

**Senator Aodhán Ó Riordáin:** I join my colleagues in thanking the Cathaoirleach, the Leader of the House and the staff of the Seanad for all their professionalism and courtesy over the period we have been here. While our next period of parliamentary jousting will take place in a different environment, I am sure that professionalism will lend itself to the new surroundings as well.

I raise again, as I have done in this Chamber, in written form and in oral contributions, the issue of Beaumont Hospital and the accident and emergency department which serves a huge number of people on the north side of Dublin. The problems in the Beaumont Hospital accident and emergency department persist. When I was a Member of the Dáil, the then Minister, Deputy Brendan Howlin, and I met the senior management of Beaumont Hospital. The management presented us with a €45 million plan which would rectify the physical problems the accident and emergency department in Beaumont Hospital has. I do not think one could walk anywhere around the north side of Dublin without meeting a family who have some kind of horror story from experiences in the accident and emergency department in Beaumont Hospital. It is no reflection on the staff who work there and who work incredibly hard and incredibly well. The physical environment of that accident and emergency department needs to be rectified. I have raised it in a Commencement matter. I thank the Cathaoirleach for enabling that. I have also written letters, run campaigns and done petitions, but I do not hear anything from Government about where this capital investment is coming from or when it is going to happen.

Perhaps, when we come back in September, we can have an update on that situation. The fiscal situation in the country has improved. We have an opportunity now to rectify these problems. I accept that there are other issues, including staffing, in the accident and emergency department, and the demographic in that area lends itself to having a very busy accident and emergency department. At the same time, the physical infrastructure needs to be enhanced, improved and invested in. Senior management has a plan. It wants to see that plan implemented. Everyone in this House who knows that area would agree that it needs that investment. Will the Leader facilitate a debate on that process in order that we could see those facilities being improved shortly?

**Senator Maria Byrne:** I encourage the financial sector to look at Limerick as an option for locating. The Minister of State, Deputy Michael D'Arcy, was in Limerick on Monday and we met many stakeholders in different business organisations. He highlighted that Dublin is at full capacity. He saw for himself that Limerick has a number of available spaces which could encourage financial institutions to come to Limerick.

There was a report in *The Irish Times* about third level institutions and how NUI Galway has the lowest number of female professors and heads of departments, the University of Limerick has the highest, at 31%, but overall the figures for female participation are very low. We have gender quotas for national politics. Something must be brought in to encourage female participation and to encourage females to be at the top in third level institutes.

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**Senator Terry Leyden:** I join the tributes to the Cathaoirleach, the Leader of the House, the Whips, other Members, Mr. Martin Groves and Ms Bridget Doody, who do excellent work. If there were to be an end of year report for the Seanad, it would show that it has been a very successful period. I compliment Senator Neale Richmond, the Chairman of the Seanad Special Committee on the Withdrawal of the United Kingdom from the European Union, and the members of that who participated in 50 hours of hearings about Brexit. It was a most useful exercise, which I commend, and I would like to see an ongoing discussion about Brexit and, on the report itself, perhaps bringing people back to update us on developments. I am delighted to see on the Order Paper that the Leader has brought about a situation where he got this clarified and can carry out the work in accordance with statute and Standing Orders. I also commend the Leader and the Committee on Procedure and Privileges on arranging the debate here on 29 September, which is a very useful exercise. Today is the last day the Seanad will meet in this Chamber this year. As the extent of the damage to the building is not yet known, it will probably be two years before the Seanad returns to this Chamber. Hopefully, this Seanad will be in existence for the next two years but that is a matter for the Government and the Leader of the Opposition, Deputy Micheál Martin.

In today's *Irish Independent* there is a photograph of members of the Seanad Civil Engagement group, Senators John Dolan, Grace O'Sullivan, Alice-Mary Higgins, Lynn Ruane, Colette Kelleher and Frances Black and Senators Niall Ó Donnghaile, Paul Gavan and Billy Lawless who it is stated proposed a Bill to enable refugees in Ireland to be reunited with their loved ones. Without Fianna Fáil support, that Bill would not have passed yesterday. I have never heard of the Civil Engagement group. I note Senator Craughwell, who turns up everywhere, was not in the photograph. I am not sure if he was invited to join in but if he had to be in it, he would have been. I do not like to mention people when they are not in the Chamber but I remind Senator Alice-Mary Higgins of the importance when on "Morning Ireland" of recognising the support of Sinn Féin, the Labour Party and Fianna Fáil when it comes to the passage of legislation in this House. Fianna Fáil's support for the International Protection (Family Reunification) (Amendment) Bill 2017 or any other Bill should not be taken for granted.

**An Cathaoirleach:** The Senator has made his point.

**Senator Terry Leyden:** The Fianna Fáil Whip has also told the Government not to take Fianna Fáil's support for granted.

*(Interruptions).*

**Senator Terry Leyden:** Fianna Fáil Senators are using their time extremely well.

**An Cathaoirleach:** Senator Leyden, you are well over time.

**Senator Terry Leyden:** I ask the Leader to make time available in the next session to enable debate and passage of the registration of wills Bill 2016.

**Senator Paddy Burke:** That is long-running legislation.

**Senator Terry Leyden:** It has been a long time in gestation. Previous Bills were held up by previous Governments and, in particular, Deputy Joan Burton. Fine Gael has opposed it, supported it, opposed it again and then supported it again.

*(Interruptions).*

**Senator Terry Leyden:** I hope everybody has a very relaxed summer. I encourage them to be vigilant and active.

**An Cathaoirleach:** I wish to acknowledge the presence in the Visitors' Gallery of Deputy Cahill and his visitors. They are all very welcome. I hope they have an enjoyable time in Leinster House today.

**Senator Gerard P. Craughwell:** Like most of my colleagues, I thank the Seanad Office for its professionalism throughout this session. I thank the Cathaoirleach for his excellent chairing of proceedings and the Leader who has adapted to the new politics of negotiation with all sides in order to get things done and who takes defeat in good humour always.

**Senator Niall Ó Donnghaile:** Careful now.

**Senator Gerard P. Craughwell:** In regard to Senator Leyden's remark about my appearance everywhere, I am at least unlike Fianna Fáil, which as the other half of the coalition, remains hidden in the background and is never seen. I thank the Senator for recognising me.

I would like to raise two issues in relation to education, which I know is an area in which the Leader has an interest. First, I am seeking a debate on career guidance. I am concerned about the role of career guidance being handed out to teachers who are not qualified in this area. The Government has set aside career guidance hours and this task should be undertaken by professionals. Second, there is no leaving certificate applied programme, early school leavers programme or Youthreach programme in County Leitrim. We are all aware of the importance of early school leavers being encouraged to return to education. The leaving certificate applied programme is the most under-valued programme in this country and not to have it operational in County Leitrim is a disgrace. I ask that these matters be put on the agenda for discussion on our return in September.

I wish all of my colleagues a peaceful and restful summer. I will engage with my constituents throughout the summer and let them know that all Members are available to be consulted.

**Senator Paddy Burke:** The Cabinet yesterday discussed a ten-year capital investment plan from 2018 to 2027 and the projected 19% population increase to 5.6 million by 2040. I ask the Leader that a discussion be held at the earliest possible date following the summer recess regarding the ten-year capital investment programme. That discussion would be worthwhile and important in terms of considering what direction will be taken over the next five to ten years in particular.

The Cathaoirleach and other Members will no doubt join me in congratulating the former Senator and current European Commissioner for Agriculture and Rural Development, Phil Hogan, who received the grand decoration of honour in gold with sash for services to the Republic of Austria. It is a great honour for him, the House and the country. It is the highest honour that Austria can grant to a person from another country. I congratulate him.

**Senator Niall Ó Donnghaile:** I thank the Cathaoirleach, the Leader and staff for their contribution to a very positive term in the Seanad.

A very alarming case regarding a young couple in Belfast has received media coverage in the past two days. The Leader and other Members may be aware of it. The couple are seeking a

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family member residence card to allow the husband of the couple to remain in Belfast and build a life for himself and his wife. Jake and Emma DeSouza are being appallingly treated by the visas and immigration section of the UK Home Office. They allege they are experiencing controlled movement and confinement because the UK Home Office is refusing to recognise the legitimacy of Emma DeSouza's Irish nationality. She was born in Magherafelt in south Derry, holds an Irish passport and considers herself Irish. She is Irish. She bases her legal claim to Irish citizenship on her passport and the clause in the Good Friday Agreement that legally and constitutionally recognises her Irish nationality. The clause declares that the British and Irish Governments will:

recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.

That clause clearly recognises Ms DeSouza's right to identify as an Irish national.

The Northern Ireland Act 1998 and the Good Friday Agreement form the legal framework within which people in Northern Ireland live and engage with law and society. That is important because the 1998 Act gives legal protection to Ms DeSouza's human rights and affords her protection under section 76, which deals with discrimination by public authorities, of which the visas and immigration section of the UK Home Office is one. The section states that it is unlawful for a public authority carrying out functions in relation to Northern Ireland to discriminate or to aid or incite another person to discriminate against a person or class of person on the grounds of religious belief or opinion. The visas and immigration section of the UK Home Office is refusing to accept Ms DeSouza's Irish nationality and is, therefore, discriminating against her and her husband. I have a significant amount of further detail on this complex case that I wanted to raise before the summer recess because the House should revisit it. I am due to meet Ms DeSouza next week. I encourage Members from all parties and none not just to show their support for Ms DeSouza's affirmation as an Irish citizen, but also to offer her practical assistance in ensuring that her rights and legal protections are upheld.

**Senator Alice-Mary Higgins:** I join other Members in commending the Cathaoirleach and all staff of the Seanad on their stewardship during the past term and I look forward to working with them in the temporary premises in the autumn.

I echo some of the points made by Senator Byrne in respect of the Higher Education Authority report published today which shows the lamentably slow progress being made on gender equality in higher education institutions. I come from Galway. Only six of a total of 64 professors in NUI Galway are women. That is not acceptable in terms of gender equality but it is also very notable that the report and commentary makes clear that this is costing us in terms of excellence.

That is a very clear and important message. Equality is not simply about the individual; equality is a foundation for excellence. We need to make robust efforts in the academic area, and in all areas of public life, to ensure we are delivering equality. We must keep a close eye on and scrutinise - as is committed to in the programme for Government - the issue of equality.

I am also responding to my esteemed colleague, Senator Leyden. I want to make it clear



that we invited all parties to attend the photo opportunity on the plinth at Leinster House. Members from Fianna Fáil were absolutely invited.

**Senator Terry Leyden:** That is the first I heard of it.

**Senator Catherine Ardagh:** They did acknowledge cross-party support.

**Senator Alice-Mary Higgins:** The Senator's colleagues will be able to verify that Fianna Fáil Senators were invited. We invited Senators from all parties who wished to do so to attend and in all of our press releases on yesterday's very important Bill, we have acknowledged the cross-party support, without which it would not have been possible. I do not take support for granted. A powerful aspect of this particular Seanad is that no-one can take things for granted. The Government cannot take things for granted and none of us in any of the groups take things for granted. It is by working together and supporting each other's legislation, through constructive proposals, by listening to each item that is brought forward on its merits and giving it genuine consideration that this Seanad works. This is why our group has been happy to support positive constructive proposals across the House and we welcome, deeply, the support from others. Where there is common concern, we make progress. The Bill that passed Second Stage yesterday is about expanding family reunification. It is a principle of family and justice. I recognise that Senators from Fianna Fáil, Sinn Féin and Labour, Independent Senators and ourselves all came together on the Bill, which, I believe, involves a very important principle for the families who are the most important people in this situation. I deeply respect Senator Leyden and I note the work we have done together on Europol.

**Senator Terry Leyden:** On a point of order-----

**Senator Jerry Buttimer:** The love-in has begun.

**An Cathaoirleach:** Senator Leyden, please.

**Senator Terry Leyden:** On a point of order-----

**An Cathaoirleach:** What the Senator is saying is not a point of order.

**Senator Terry Leyden:** I have not said it yet. I accept-----

**An Cathaoirleach:** The Senator must respect the Chair.

**Senator Terry Leyden:** It is a point of clarification. I understand that the Senator was invited but I was not.

**An Cathaoirleach:** Senator Leyden had two minutes to speak and I gave him four. He took four minutes. The Senator must not abuse the Chair.

**Senator Jerry Buttimer:** The Senator is being amorous. The love-in has started.

**An Cathaoirleach:** I shall finish on 25 minutes, as I should, and there will be some Senators who will not get to contribute as a result. Then the Senator can be amorous.

**Senator A:** That is a shame.

**Senator Jerry Buttimer:** The love-in has started with the new coalition.

**An Cathaoirleach:** I call Senator O'Reilly. There are 16 Senators offering. They will not



all get in.

**Senator Joe O'Reilly:** I join colleagues in expressing gratitude to the Cathaoirleach, the staff, the Leader and everyone here who made this a successful term. I wish my colleagues a good holiday. I echo the congratulations of Senator Paddy Burke to Commissioner Phil Hogan on his unique achievement in receiving the medal of honour in Austria. It is a mark of the esteem in which he is held across the EU. We are very proud of that.

I am anxious that the Leader make time available at the beginning of the next term for a debate on the health strategy on drug and alcohol issues, Reducing Harm, Supporting Recovery, which was launched this week by An Taoiseach, Deputy Varadkar. The strategy involves a pilot supervised injecting facility in Dublin city centre, an increase in the number of nursing personnel in residential services, an awareness campaign and a whole lot more sensitivity in the treatment of addicts. It advocates a more rehabilitative approach rather than a punitive one. That is all good. I acknowledge our colleague, who is not in the House at the moment, Senator Ó Ríordáin, who did some pioneering work on this in government. We should be proud that he is a Member of the Seanad now. There is one aspect that I ask the Leader to include in the debate on drug and alcohol issues, namely, the policing dimension. As we augment police numbers throughout the State, we need to have specific drugs units active in every policing division to allow for detection. I ask the Leader to facilitate this issue being included in the debate to be held during the next session. I met a parent who is a very good friend of mine whose child has become an addict. They had harrowing stories to tell about gangs threatening the family, the child being threatened and having to come up with money on a number of occasions. It was horrific so it is a very serious issue. I appeal to the Leader to make it a priority in the new term.

**Senator Paul Gavan:** I express my thanks to the staff, the Cathaoirleach and the Leader for their support and co-operation this year.

I want to raise the issue of VAT in the hotel sector, an issue that has been raised by a number of colleagues over the past week. They are calling for the VAT subsidy to be retained. There are two problems with this. The first is that the Irish Hotels Federation continues to resist any moves towards establishing a joint labour committee, which would establish a floor of decency in terms of rates of pay. The second problem is that when representatives of the Irish Hotels Federation appeared before the Oireachtas Committee on Jobs, Enterprise and Innovation, they said the joint labour committees were not needed because of the minimum wage. Members should think about that. They are declaring as the leaders of the industry that their industry is a minimum wage industry. All of us stay in hotels. How many Senators have noticed that the person who checks them in in the evening is the person who checks them out in the morning and the horrendous hours they must work on precarious contracts and flat rates of pay with no overtime? The head of the Irish Hotels Federation tells us that it is a minimum wage industry that will not engage with organs of the State regarding a joint labour committee. Apart from asking for a debate on this in the autumn, I would say to our colleagues that if they are going to call for the retention of the VAT subsidy, at the very least, they should call for their colleagues in the Irish Hotels Federation to engage with the joint labour committee process and show some decency and respect for the hard-working staff who actually keep our tourism industry going year in and year out.

**Senator Mark Daly:** I thank the Cathaoirleach, Martin Groves, Bridget Doody and all the staff for their assistance here in what will be our old Chamber. Hopefully, we will all get back in, including Senator Leyden. Hopefully, he will not need the wills Bill any time soon.

**Senator Terry Leyden:** The Senator is very cheery.

**Senator Mark Daly:** Please God, it will be passed at some stage.

In respect of the horrific attack over the weekend, we must look at the issue of electronic tagging because there is provision for people who are out on bail to be electronically tagged. Believe it or not, that legislation is over ten years old, yet it has never been enacted. The provision for it to happen has never been enacted. We must also look at the issue of repeat offenders and the issue of “three strikes and you’re tagged”. Almost 80% of burglaries are committed by 5% of criminals. We must look at repeat offenders being tagged when the rest of their sentence is normally commuted and they are no longer in prison. They should continue to be tagged as part of their sentencing so that we can see a drop in crime. When electronic tagging was introduced in Florida for crimes like theft, sexual assaults and other assaults, the re-offending rate dropped by 95%. If we can look at figures like that, we must look at the practical solution to a problem. Electronic tagging costs €6 per day while it costs €163 per day to keep someone in prison so I ask the Leader to look into that issue.

Our national anthem has the most colourful history. It was introduced informally in 1924 by the Free State Government and in 1926, it was formally adopted by the Executive but it did not tell anybody. Legal disputes ensued between the author of the national anthem, Peadar Kearney, and the State on two occasions with Peadar Kearney securing £2,500 for the copyright. Copyright law was extended by the State and the EU. The copyright lapsed in 2012. I brought in legislation dealing with this issue. We have all agreed to engage in the public consultation process and it is the way forward on this issue. In respect of the colourful history of our national anthem, the musical notes we all hear on All-Ireland Sunday and in the Aviva Stadium with our rugby and soccer teams were composed by none other than Colonel Brazé of the Army Band in 1926. Again, it was never formally adopted in any legislative format. The public consultation process is the best way forward. It could be done this year thus ensuring that it is properly protected.

**An Cathaoirleach:** I am sure that the Senator’s wish will be fulfilled. I call Senator James Reilly.

**Senator James Reilly:** I thank the Cathaoirleach and his staff, the Clerk of the Seanad and the Clerk Assistant of the Seanad, for all the help they have given us over the past year. We look forward to our new home in the autumn. I also join in congratulating Commissioner Hogan on his award from Austria.

Like other speakers, I wish to refer to the new census figures. It would be useful if the Minister for Education and Skills was invited to the House after the recess to discuss his capital budget. He has a very strong capital plan and he plans to build 300 new schools over the next number of years at a rate of 50 schools per year. It is a big commitment and I support him.

The former Minister for Housing, Planning, Community and Local Government, Deputy Coveney, made 75% of funding available for a new road upgrade for Mooretown, Swords. The initiative would open up the area for 3,000 badly-needed houses and it is planned to build a school complex comprising a community secondary school and two primary schools. Swords badly needs this because there is pressure to build temporary school accommodation at St. Finian’s Community College in Swords. The opportunity to purchase the site should not be missed and Fingal County Council is nearly in a position to do so. If the Minister were to direct

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his Department to instruct Fingal County Council to purchase the site, the development could be expedited and we could have a high-grade temporary facility put in place in a new home for September 2018 while the new school is being completed. The plan is very good because it also involves the upgrading of footpaths and a cycleway. We could tick a lot of boxes as children could cycle and walk to school safely. We would also get badly-needed houses for an ever growing population. Nowhere else is growing as fast as Fingal. The development would provide the best of opportunities for children.

Today, the National Competitive Council issued its report. Two lines of the press release stood out, first, that the “strong macroeconomic performance is masking threats to national competitiveness”, and, second, the “foundations of future growth must be secured”. Surely, above all things, the foundation for future growth is our youth. Therefore, we must make sure that they are well educated, that they have proper housing and that they can live in a safe environment. I call on the Leader to invite the Minister to come to the House in the autumn to address these issues.

**Senator Diarmuid Wilson:** I join other colleagues in wishing all of our other colleagues the very best for the next couple of weeks on their vacation, including the Clerk of the Seanad, the Clerk Assistant of the Seanad, the ushers and all Members in this Chamber and in the Lower House. I also join the Cathaoirleach in welcoming Deputy Jackie Cahill and his guests to the Visitors Gallery.

Today is an historic day, as the Cathaoirleach said at the outset. My leader, Senator Ardagh, said in her remarks that we will never be here again. I hope to be here again.

**Senator Tim Lombard:** I am sure the Senator can do so.

**Senator Kieran O’Donnell:** Yes.

**Senator Diarmuid Wilson:** Since I started here in 2002, there have been many changes. At the time I sat where the Government parties are sitting and some of them sat where I am today. There were Fianna Fáil and Fine Gael Senators. There were Progressive Democrats Senators. There were a few genuine Independent Senators at that time as well.

**Senator Rónán Mullen:** There are still some.

**Senator Diarmuid Wilson:** We had no Shinnners.

*(Interruptions).*

**Senator Diarmuid Wilson:** We had no civil or uncivil engagement groups-----

**Senator Mark Daly:** Leave Senator Craughwell alone.

**Senator Diarmuid Wilson:** -----but things worked out fairly well.

*(Interruptions).*

**Senator Diarmuid Wilson:** Since the 2002 Seanad, and I have been lucky enough to be elected on four occasions, the changes have been for the better. We disagree on some issues, but not all issues, and we are all of the same mind. Hundreds of people have passed through this Chamber, some of whom have gone to the Lower House where they think it is better, but we know better.

**Senator Niall Ó Donnghaile:** We do know better.

**Senator Diarmuid Wilson:** Since the foundation of the State, many Senators have gone to their eternal reward. I remember those who were with us in this Chamber from 2002 and have gone to a better place: Kate Walsh, Kieran Phelan, Tony Kett, Peter Callanan and Nicky McFadden. Ar dheis Dé go ar dheis dé go raibh a n-anamacha dilse.

**Senator Máire Devine:** Well said.

**An Cathaoirleach:** Is the Senator seconding the amendment?

**Senator Diarmuid Wilson:** Yes.

**Senator Rónán Mullen:** I join others in thanking the staff for all they do for us. I also wish colleagues well heading into the break.

When we read things in the newspapers, we often wonder whether what we are reading is actually true. It sometimes turns out that the newspapers have not given the full story. Occasionally, there can be enough evidence in what is stated in a newspaper to give us serious cause for concern. As I do not want us to be too comfortable as we head into our summer break, I wish to refer to a newspaper report on the case of Paloma Silva-Carvalho, a Brazilian woman who worked as an au pair in Ireland before returning to Brazil within the prescribed time. I understand that earlier this week she visited her boyfriend or fiancé in Basel, Switzerland before beginning her journey to Ireland to visit the family in County Galway for whom she had worked. Despite the fact that, according to the Garda, a Brazilian national may visit this country without a visa for up to 90 days, she was detained by the Garda. A *habeas corpus* application made on her behalf seems to have failed. She was sent to the Dóchas women's prison at Mountjoy Prison and due to be deported. By the time the Garda relented and gave her permission to stay for up to ten days, she was so traumatised by her experience that she decided to leave the country. It appears that the family she was due to visit were waiting to pick her up, but she was unable to get on the bus to Galway. A return ticket had been bought. Her mother was also planning to visit and they were due to return in September. I would like to know what is going on.

**Senator Martin Conway:** Correct.

**Senator Rónán Mullen:** I am operating on the assumption that *The Irish Times* which reported on the case is not playing silly buggers and that there is not some untold part of the story that would cast a reasonable light on the entire episode. If what *The Irish Times* has told us is true, we need to ask whether Garda immigration officers are acting in an unnecessarily hostile fashion when people who have a perfect right to do so try to come into the State. If they are, what does it say about what we are becoming as a country? I ask this in the light of the Government's disappointing response to the Private Members' Bill last evening on the issue of family reunification. I did not like the bad-tempered nature of some of the exchanges on which I listened in. I do not think all of the comments made were necessary. Some of the comments directed at the Minister were overly personalised and needlessly tribal in their approach.

**Senator Jerry Buttimer:** Hear, hear.

**Senator Rónán Mullen:** The criticism of the Government and the Minister's reluctance to embrace the spirit of the Bill was justified and I have that in my mind as I raise this serious

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issue, but I know that I cannot easily get an answer today. I am worried about what Ireland has become and, especially, our attitude towards strangers and people who are potentially vulnerable. The woman in this case is perfectly reasonable and was looking to visit Ireland with no particular need other than to enjoy her time here. I would like this issue to be addressed.

**Senator Gabrielle McFadden:** I spoke earlier this week about an anti-bullying initiative, I'm a Friend. We all know that Ireland's harassment laws have not been updated since the advent of text messages and social media. When the Law Reform Commission highlighted this issue in a report last year, it identified some of the gaps in the legislation. It is obvious to everybody here that there is a need for reform. Last December the Government approved the drafting of the general scheme of a Bill to provide for new laws and amendment of the current laws along the lines set out in the Law Reform Commission's report. Like our counterparts in the UK, we should have a debate in the House. We should invite the Minister in to hear what we have to say and we should find out from the Minister what is the state of play with the proposed legislation. Will the Leader speak to the Minister on our behalf about that?

I thank the Cathaoirleach, the Leader and the group Whips for their support throughout the term. The Seanad staff, of course, are wonderful to us all. I thank the ushers, whose service to both Houses goes way beyond the call of duty. I thank everybody.

**Senator Fintan Warfield:** Hear, hear.

**Senator Máire Devine:** I thank the Seanad staff and ushers who have assisted, facilitated and supported us all who have been on a learning curve over the past year. I would like to draw attention again at the end of this term to the public consultation committee, which facilitated parents and other affected by mental health issues, and service providers, particularly those dealing with children. I eagerly await the report, which is due in September. I continue to raise these issues but the position is stark. We are failing our children again. Beds have closed in the Linn Dara unit and beds have not reopened in the Central Mental Hospital while staff are working in a stressful and chaotic environment as they cope with unmanageable and unreachable waiting lists. In reference to Senator Mullen's bizarre stories, there is a story this morning that elderly patients are being accommodated in a chapel of rest in County Donegal. That is not a joke. Retention and recruitment of staff is an absolute necessity which must be tackled. Will the Leader facilitate at the first opportunity following the recess the excellent chairman of the consultation committee in bringing recommendations on policy and legislative changes to the House? Let us get them enacted as quickly as possible. Up the Dubs.

**Senator Tim Lombard:** I join other Senators in congratulating the Cathaoirleach, Leader and the officials on what was a successful term in the House. I would like to raise the issue of farm deaths. We need to have a major debate on farm safety. Last year, 21 unfortunate people died on farms. Nine of them were aged over 65 and the highest number of deaths was recorded in my own county, Cork, where eight farmers lost their lives. It is a significant issue and I am sure every Member has dealt with a family affected by these awful tragedies, which are workplace accidents. The farming community has a poor record on safety. It is an important issue at this time of the year as the grain harvesting period commences and there is significant movement of machinery. It is an important debate. Farm safety must be highlighted over the next few weeks and I hope the Leader will speak to the Minister for Agriculture, Food and the Marine to ensure that happens.

In the context of Senator Devine and others saying "Up the Dubs", I acknowledge and con-



gratulate everyone involved in the first game played in the newly reopened Páirc Uí Chaoimh last night. It was a fantastic occasion from what I have heard with more than 10,000 people turning up for an intermediate hurling championship match between Valley Rovers and Blarney. It is great that the stadium in Cork is up and running and I am looking forward to the weekend's double header.

**Senator Robbie Gallagher:** Senator Wilson just asked me to add the name of John Carty to the list of deceased Members.

I would like to raise two issues, one of which relates to the fair deal scheme and the negative effect it is having on the farming community. The IFA, among others, has voiced concerns about the lack of a cap on the debt that can be incurred to the State while a loved one is in a nursing home. I understand the Government has given a commitment that the scheme will be reviewed. I ask the Leader to mention to the Minister the concerns to which I refer and I request that the issue be addressed as a matter of urgency, particularly as it affects the future viability of many smaller farms that are struggling now. It should be addressed sooner rather than later.

The second matter I wish to raise relates to private health insurance. A recent report from the Health Insurance Authority on the regulations governing schemes dealt with a number of issues, though mainly with the fact that older people and those over 60 are paying an average of 25% more for their premiums than younger individuals. This is grossly unfair. The other major concern that many people have with health insurance generally is that there are so many schemes. All of them are so complicated, one might think it deliberate, and this should be addressed for the benefit of all consumers. I join other Senators in wishing the staff of the House all the best for the summer break. I am sure they will enjoy it. I wish colleagues across all political parties and none a peaceful and relaxing summer. When we are in political life, it is a very short break, as we all know. We should enjoy the break nonetheless.

**Senator Martin Conway:** Like Senator Mullen, I was deeply troubled by that article in *The Irish Times*. If what is quoted in the newspaper is true, it is a thundering disgrace and the Garda has much to answer for. I request that the Leader send us a note from the Department of Justice and Equality outlining the various policies that are associated with people coming into this country so at least we know what the position is if we are ever in a scenario where family members or other people make representations to us.

I thank the Cathaoirleach and the Leader, along with his staff, Orla and Alison. I also thank the Seanad staff - Martin, Bridget, Carol and Niamh - for all the work they do. I also thank the ushers. I wish everybody a very nice holiday. I suggest that if people are going on holidays this year, they might consider coming to County Clare.

**Senator Mark Daly:** We will go to Martin's house.

**Senator Michelle Mulherin:** We were there last Saturday when we beat Clare.

**Senator Martin Conway:** It is a very nice county and we could do with the money.

**Senator Fintan Warfield:** I join Senators in thanking the staff, including the ushers, and the Cathaoirleach.

Yesterday, the Joint Committee on Arts, Heritage, Regional and Gaeltacht Affairs launched a response to Culture 2025 and proposed that culture be placed at the heart of Government,



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continuing the good initiative around Creative Ireland. Artists should be placed at the heart of policy. I ask the Leader for statements on this report when we return. I suspect we might be in the national cultural institution and that might be an appropriate start. According to a media report, a Department spokesperson stated the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Heather Humphreys, would consider the report “in due course” but that many recommendations were already being implemented. The Minister must act on this with respect due to the committee and perhaps statements would be appreciated. A very small number of the 42 recommendations are currently being implemented. A national cultural policy was promised and not a post-centenary programme to replace it. Will this Government continue to treat culture as its personal publicity tool, as in the case of Mr. John Concannon moving from Creative Ireland to Leo’s new communications unit? Where does it leave Creative Ireland? I wish everybody a nice summer.

**An Cathaoirleach:** I thank Senator Warfield for his usual brevity.

**Senator Kieran O’Donnell:** I commend the Cathaoirleach and staff on how well the Seanad is run. I also commend the Leader, Senator Buttimer.

I have raised the issue before but I reiterate my call for a detailed debate and statements on anti-social behaviour. We all agree that a significant proportion of Garda time in our areas involves dealing with anti-social behaviour in estates and other locations. It is not exclusive to any area but, invariably, it is caused by a relatively small number of people. There may be a need to look at the way the anti-social behaviour laws are working, to look at the area of parental responsibility for younger children and whether there are areas in society where we are failing younger children. I have a general view that society and the organs of the State are there to ensure that people can go about their daily lives in a safe environment, rearing their children or whatever else.

In the area of anti-social behaviour and in defence of An Garda Síochána - I can only speak of Limerick - the work the gardaí do on the ground in dealing with anti-social behaviour is second to none. I commend their availability. I make the distinction between corporate An Garda Síochána and gardaí on the ground. I ask that time be put aside in the Seanad when we come back for a specific debate on anti-social behaviour to get the Minister for Justice and Equality, Deputy Flanagan, in before the House to discuss it at length.

I wish all my colleagues and all the staff a welcome break.

**An Cathaoirleach:** We are up against the clock but there are three Senators offering. On the day that is in it, I will allow Senators Colm Burke, Mulherin and Coghlan, in that order. I ask them to be as brief as possible.

**Senator Colm Burke:** I join with other colleagues in thanking the Cathaoirleach for his help and assistance and all the staff here in the House. We also should thank the backroom staff in our own offices for their dedication, commitment and support over the past 12 months.

I raise with the Leader an issue that arose in a recent survey carried out on the provision of palliative care in two hospitals, the Mater and St. James’s, and in which UCD and TCD were involved. One issue it identified was that of those who are terminally ill being obliged to go through accident and emergency in order to get admission to hospital and that a new system should be put in place, especially for terminally ill patients. They are now looking for a national survey to be done on this issue. When anyone is going through palliative care, it is an extremely

difficult time for families. It is draining in the sense that they are seeking supports at what is a difficult time for them and I do not believe that going through accident and emergency is the appropriate way. In the next term, we should have the Minister in to discuss this issue about how we can improve the health service in that particular difficult area. It is something that we need to do. It is an issue we cannot ignore and we also should do a national survey.

Finally, I join with my colleague in raising the concerns raised in the Health Insurance Authority report about the additional cost for older persons. We were to have an equal playing field for everyone regardless of age. It is a debate we also should have in the new year to ensure increased costs are not placed on the elderly for health insurance.

**Senator Michelle Mulherin:** Top of the agenda for the next term should be an invitation to the Minister for Transport, Tourism and Sport, Deputy Ross, to come into the House. Many important and critical topical issues pertaining to his Department need to be debated including, in particular, delays in proceeding towards the second runway at Dublin Airport. I was listening to Mr. Michael O’Leary yesterday on “Today with Sean O’Rourke”. Here is a man who wants to grow his business describing utter frustration at what would seem, one year along, to be no progress on noise issues that must be sorted out for the second runway to proceed. Mr. O’Leary was setting out his plans to grow the number of flights into the airport and the need for it. In addition, while we have ambitions to have Dublin Airport as a hub, especially on account of Brexit, how are we going to do that if we are not getting out of the traps at all?

While I am at it, just to add to that, we also have a fine airport in the west of Ireland, Ireland West Airport Knock. It is also in need of State investment in runway overlay, an extended apron and hangarage. This is pertinent in the context of the challenges we face with Brexit, our peripherality, connectivity, emigration, growing tourism and the economic growth of the area. I would like to have the Minister, Deputy Ross, in to discuss-----

**Senator Terry Leyden:** It is no longer a foggy, boggy site. Do you remember that? Do you remember Jim Mitchell?

**Senator Michelle Mulherin:** -----issues around our airports and his plans to grow them in the regions, and Ireland West Airport Knock in particular.

**Senator Paul Coghlan:** Senator Mark Daly and I are in active consultation on all matters regarding our national anthem.

**Senator Terry Leyden:** We should sing it now.

**Senator Paul Coghlan:** I can assure everyone that the issues involved will be dealt with adequately in early course. I also join with others, including Senator Paddy Burke and Senator O’Reilly, in congratulating Commissioner Phil Hogan on his receipt of the highest honour which the state of Austria can confer on a non-citizen. He has been very successful in his role as Commissioner and he is very important to this country in regard to many of the issues surrounding Brexit. I thank the Chairman, Martin Groves, Bridget Doody, all the staff and all of our own staff. Happy holidays.

**An Cathaoirleach:** Before I call on the Leader to respond, on my own behalf and that of the staff to my right, Martin Groves and Bridget Doody, who have shown great patience and indulgence on most occasions, I thank all the Members for their kind remarks. I also offer my congratulations to Commissioner Phil Hogan. That any Irishman who wears the green jersey,

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irrespective of party, would get such an honour has to be acknowledged. I hope that we will be back here again in 18 months or whenever it is. If not, I hope that we will be in better pastures. I wish those who want to go down to come up well as well.

**Senator Jerry Buttimer:** I thank the 26 Members of the House who have contributed to the Order of Business and join in the congratulations to Commissioner Hogan on the awarding to him of the highest honour of the Austrian Government. I commend him. It is a significant personal honour for him and his family. I join with Senator Wilson, on this auspicious day, as we take leave of this Chamber for a while, in paying tribute to all Members who served across the House in various roles. I pay tribute, in particular, to those who have gone to their eternal reward. All of us are joined by one thing, which is our belief in public service. That is what we are trying to do in this House. On this auspicious day, I pay tribute to all who serve and have served in this House.

I am happy to take Senator Ardagh's amendment to the Order of Business. She made reference to the issue of social housing. There is a need to implement the Rebuilding Ireland programme. This is not necessarily about funding, but supply of housing. Senator Ardagh did not go on a full history lesson of the building programme that Fianna Fáil introduced in the 1950s and 1960s, some of which we are still paying the price for. However, now we must concentrate on delivery.

**Senator Terry Leyden:** We built rural Ireland. You must be joking.

**Senator Jerry Buttimer:** This is about ensuring that we have a house-building programme and that we do not repeat the mistakes of the past. I am referring to the quality and type of build and how we get the mix right in large estates. It is also about ensuring that there is a mix of housing with supports. The Government is committed in Rebuilding Ireland to ensuring that the supply of housing is increased. As I say here regularly, there must be multi-annual funding for Rebuilding Ireland. We must now repair the dysfunctional housing market and the system to ensure that local authorities bring completed housing stock to fruition quickly. This involves the issues of planning, vacant land, disused buildings and vacant sites. Progress is being made, although I accept it is a bit slow.

To be clear and for the benefit of Members of the House, the item that I referred to at the beginning and to which Senator Leyden alluded is the motion regarding the exchange of views with Mr. Guy Verhofstadt in two more joint committees. That is what I was referring to at the beginning of the Order of Business.

Senators Ardagh and Daly referred to the attack on the young Spanish student. Like Senator Ardagh, my thoughts are with the victim and her family. I hope that we will not see a repeat of this random act of thuggery and violence. However, it is important that we understand the importance of community policing but also that people have a role to play in protecting each other, particularly during the summer time when many foreign students come to our cities and into our homes.

Senator Boyhan raised the need to have a debate on local government. I would be happy to have the Minister of State, Deputy Phelan, come to the House with the Ministers, Deputies English and Eoghan Murphy, to discuss local authorities. We need meaningful debate on local authorities, their members' roles and the growth of some of the local electoral areas, in terms of municipal districts and so on. My view is that last time, the local government boundary com-

mission did a disservice to local communities by including huge areas in municipal districts. I am happy to have that discussion. He also referred to direct provision. I am happy to hold that debate in the autumn. As I said yesterday, the Government is committed to implement the McMahon report.

Senator Conway-Walsh raised the important issue of agriculture, the Common Agricultural Policy, CAP, and rare breeds. I would be happy for the Minister, Deputy Creed, to come to the House to discuss that in the autumn.

Senator Ó Ríordáin raised the issue of the accident and emergency unit of Beaumont Hospital. I would be happy for the Minister to come the House.

Today, the Minister, Deputy Donohoe, and Ministers of State, Deputies D'Arcy and O'Donovan, are launching the mid-year expenditure report along with the spending review of 2016-2017. As Senator Colm Burke has stated here many times in the context of our hospitals, that, with the exception of the new children's hospital, we have not built a new hospital in a generation. Senator Burke has long-championed this and I fully agree with him.

Senator Byrne eloquently referred to financial services in Limerick and the importance of locating jobs outside Dublin. She referred to the attractiveness of Limerick. She, along with Senator Devine, if I am correct, referred to the lack of women being promoted in third level institutions. She is correct about that. We need to incentivise -----

**Senator Máire Devine:** It was Deputy Higgins.

**Senator Jerry Buttimer:** Apologies, it was Senator Higgins. We need to put incentives in place to ensure that women are promoted and their personal lives will not be affected by taking on positions of responsibility. Senator Byrne was right to raise this. The report published this morning is one of which we must take cognisance. We have gender quotas in the electoral system. I am not sure how it would be applied in the sphere of employment but it is something to which we must give thought. I would be happy for the Minister to come to the House.

Senator Leyden's wide-ranging contribution referred to Brexit. I was happy to put that motion to the House and to bring his suggestion to the Committee on Procedure and Privileges. He is correct that we must use all systems, offices, vehicles and forums to promote our unique position in the context of Brexit. We, as parliamentarians, have a large part to play. The Senator's role sees him travel in the European Union along with Senator Reilly. He is very good at that and the Upper House should use every opportunity in this regard. He is correct that Senator Richmond did a tremendous job, along with the other members of the Brexit committee. That report should be shared across the European continent in order that people can understand our position.

I will not get into a political debate with Senators Leyden or Higgins today about working with people. Sometimes it feels like a cul-de-sac on this side. New politics or collectivism is not about opposing the Government every time and celebrating that; it is about working to ensure that we build a coalition to serve the people.

**Senator Terry Leyden:** Sometimes one would wonder about the leadership of the Chief Whip.

**Senator Jerry Buttimer:** Sometimes I would love to show a graph showing how many

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times people had voted with the Government or opposed it for the sake of opposition. It would be good but we will not go there today.

On the Bill yesterday, to be fair to the Minister, Deputy Flanagan, he said that the Bill was commenced in 2015. The International Protection Act was reviewed by the Council of State and was not referred to the Supreme Court by the President. He made the point that it needed to be bedded in. There was commentary on the Bill yesterday that was misleading and should be clarified later, but as Senator Mullen rightly said yesterday, we need to ensure that we are an island of welcome and we receive people and understand the importance of allowing people to come into the country to take refuge. We will ensure that continues.

As someone who taught on the applied leaving certificate course, I join Senator Craughwell in expressing concern about this very valuable part of the education system. I note that Senator Wilson worked previously with Youthreach and students who might not necessarily have been involved in mainstream education. Alternative education through Youthreach and the applied leaving certificate examination must continue to be championed and pursued. There are people who would otherwise be lost in the education system who stay there and are now offered the opportunity to go on to gainful employment. I subscribe fully to Senator Craughwell's view on the issue as it affects County Leitrim. I am disappointed to hear about the issue relating to the applied leaving certificate and now Youthreach. This is predominantly a matter for the ETB but it is something on which we need to have a debate. Equally, I am surprised to hear unqualified people are being offered career guidance positions.

Senator Paddy Burke referred to the capital investment plan on which I would be very happy to have a debate in the new term. It is important that we should have that debate in advance of the budget. It is about ensuring infrastructure development takes place on an equal basis across the regions.

Senator Ó Donnghaile referred to the case of Emma DeSouza. It is disturbing that an Irish passport holder cannot gain admission. Not least, it is a breach of the Good Friday Agreement. It is a matter we need to take up. I would be happy to talk to the Senator about it again. I am not familiar with all the details of the case, but there is a need to resolve the situation. It is disappointing to hear.

Senator Higgins referred to the Higher Education Authority report on academia and we can have a debate on that in the new term.

We have discussed the national drugs and alcohol strategy twice this week but Senator O'Reilly makes a very good point about the policing dimension and the need for Garda Síochána drugs units. While we have them in many areas, Senator O'Reilly referred to the personal story. It is the personal and human story of the drug addict and his or her family that resonates with people. It is not about statistics but about human persons and the effects on family and communities. I would be happy to have that debate. The Minister of State with responsibility in this area, Deputy Catherine Byrne, is willing to come to the House to take part in such a debate in the next session.

We have had debates on the VAT rate on numerous occasions. I share Senator Gavan's view and my position on the matter has always been clear. While I recognise the importance of the tourism sector and the employment and revenue it generates, that does not mean people can abdicate their responsibilities to workers in particular. I would be happy to have a debate on



the matter in the new term.

Senator Mark Daly referred to electronic tagging and repeat offenders. I am mindful of the great call from the former Minister for Justice, Equality and Law Reform, John O'Donoghue, for zero tolerance and I wonder where that went in the Fianna Fáil manifesto. It did not last too long.

**Senator Terry Leyden:** He brought in CAB.

**Senator Jerry Buttimer:** I think Nora Owen introduced that when she was Minister.

**Senator Terry Leyden:** Let us be fair about it. I know where the bodies are buried.

**Senator Jerry Buttimer:** Actually, it was Nora Owen.

**An Cathaoirleach:** We are already ten minutes over time and there is a Minister waiting outside.

**Senator Jerry Buttimer:** Senator Mark Daly's point on repeat offenders and those on bail is a valid one and we must give it huge consideration. According to the statistics and reports, it is those repeat offenders who are committing a huge number of offences. I am glad Senators Mark Daly and Coghlan have reached an agreement of sorts on the national anthem, which is a matter for the Seanad Public Consultation Committee. I am happy to allow the Members to resolve that there but it is important we get back to work on it.

Senator James Reilly referred to the capital infrastructure plan and the need for a road upgrade at Mooretown in Swords. That is a point to which we will return. The Senator also referred to the report of the National Competitiveness Council. The former Taoiseach, Deputy Enda Kenny, always took the view that he wanted to make Ireland the best small country in the world in which to do business and it is important to continue with that work.

Senators Mullen and Conway referred to the story of the lady in Galway. I am not familiar with that matter but the role of the Garda National Immigration Bureau is to implement the State's immigration policy and I hope it does not make it up on the hoof. We would be happy to get clarity on that.

Senator McFadden referred to the report of the Law Reform Commission on harmful communications and digital safety. I commend her for her contribution yesterday and performance this morning on radio. I will be happy to arrange a debate on the issue in the new term.

Senator Máire Devine made reference to the issue of mental health. The Government has increased the funding for mental health services from €826 million to €853 million in 2017. Some 11,000 staff have been recruited, reflecting the priority the Government attaches to mental health services. A committee of both Houses of the Oireachtas has been established to deal with them, while the Seanad Public Consultation Committee has produced a report on the issue. Therefore, it is wrong to suggest money is not being put into the services or that priority is not being given to them. I accept, however, that we have a road to travel. They have been the Cinderella of the health service for a long time, but the Government is prioritising them and we will I hope see a return. Yesterday Senator Colm Burke referred to the decrease in the number of people dying by suicide. The decrease is to be welcomed.

Senator Tim Lombard raised the issue of farm safety. At this time of year there is a lot of



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activity on farms involving agricultural contractors. In the last Seanad Senator Martin Conway was *rappporteur* in the production of an excellent report on farm safety. I appeal to everybody to take care in the use of farm machinery in what is a very dangerous time of the year.

On a partisan and parochial note, I welcome the reopening of Páirc Uí Chaoimh and the investment in the facility made by the previous Government. Many Senators will be there on Saturday and Sunday. It is a fantastic venue and I commend all involved.

Senator Robbie Gallagher raised the issue of a fair deal scheme in farming. The Government is carrying out a review and this and other proposals are being considered. We will come back to them in the autumn.

Senator Colm Burke made reference to the report of the Health Insurance Authority on older people who are paying more. We have a system of community rating under which the same price should apply to everybody, with the same benefits, irrespective of age. It is about equality. We will have a debate on the issue in the next session.

Senator Fintan Warfield referred to the report of a joint committee which was published yesterday and which I welcome as it put culture at the heart of government. The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Heather Humphreys, has done a fine job and there has been a debate on arts and culture. In the context of Creative Ireland and the centenary celebrations, there is a need for a national conversation on the importance of culture which I will be happy to hold in the new term. It is important that we arrange debates on the reports of joint committees. The debate on Brexit was a good example of what we should be doing.

Senator Kieran O'Donnell raised the issue of antisocial behaviour. He is quite right - a small minority take up an inordinate amount of Garda time. I will be happy for the Minister for Justice and Equality to come to the House to discuss the issue.

Senator Colm Burke referred to palliative care patients being asked to pass through emergency departments. It is preposterous in this day and age that patients undergoing treatment have to pass through emergency departments at such an emotional and traumatic time. The last thing they should have to do is present at an emergency department and be made sit in a waiting room before being admitted. It is inhumane. I support the idea of a change. I will be happy to have a debate on the issue in the new term.

Senator Michelle Mulherin asked for the Minister for Transport, Tourism and Sport, Deputy Shane Ross, to come to the House. The Minister comes to the House more frequently than most Ministers and was here this morning. Transport is important and the issue raised by the Senator was discussed on the Order of Business yesterday. She also referred to Knock airport, on which we will have a debate at another stage.

I am glad that Senator Paul Coghlan and Senator Mark Daly reached agreement.

I thank all Members for their personal courtesy and endeavours. I thank the staff of the Seanad Office, including Carol, Niamh, Bridget and Martin, for their professionalism, dedication and courtesy. I thank the Cathaoirleach and his staff, including Aisling, for their patience, courtesy and good humour. I thank the ushers, the stenographers who transcribe what we say and the staff who push the buttons to cut us off or turn on the microphones.

I also thank the men and women responsible for the processing of votes and I thank everybody who assists in the Seanad. When people talk about democracy and parliamentary democracy, they forget about people such as those in the Bills Office, the canteen, the stationery office and in Members' offices who work very anti-social hours. I thank everybody. As Senator Wilson rightly said, it is an extraordinary privilege for Members to be here. Unlike Senator Leyden, I ask all Senators to take a well-earned rest over the summer and to attend at the Ceramics Room on Tuesday 26 September refreshed and ready to fight the battle on behalf of constituents-----

**Senator Terry Leyden:** When one is in a museum one should keep moving and not stay standing.

**Senator Jerry Buttimer:** Members should enjoy the break. Come what may, we will return in the autumn. Whether the Seanad reconvenes in this room or not, it is a privilege to serve as a Member of the Oireachtas. I hope the staff and families of Members also enjoy the break.

**An Cathaoirleach:** Senator Ardagh has proposed an amendment to the Order of Business, "That No. 7 be taken today." The Leader did not address it.

**Senator Jerry Buttimer:** I do not want Second Stage to be taken today but am happy for it to be put on the Order Paper to be taken in the new session.

**An Cathaoirleach:** Is Senator Ardagh agreeable to that? It is on the Order Paper.

**Senator Catherine Ardagh:** I am.

Amendment, by leave, withdrawn.

Order of Business agreed to.

### **Exchange of views with Mr. Guy Verhofstadt: Motion**

**Senator Jerry Buttimer:** I move:

That, notwithstanding anything in Standing Orders, two or more Joint Committees, in accordance with their orders of reference, may hold a joint meeting or meetings in this Seanad for an exchange of views with Mr. Guy Verhofstadt, European Parliament coordinator in relation to the United Kingdom's decision to withdraw from the European Union, as notified under Article 50 of the Treaty on European Union on 29 March 2017: Provided that the Ceann Comhairle may act as Chairperson for the purposes of the meeting and may make an opening statement; Provided further that the Cathaoirleach may make a closing statement at the end of the meeting."

Question put and agreed to.

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## **Special Select Committee on the Withdrawal of the United Kingdom from the European Union: Motion**

**Senator Jerry Buttimer:** I move:

That the Order of the Seanad of 23 February, 2017, as amended by the Order of 13 April 2017, relating to the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union, be amended by the addition of the following paragraphs after paragraph (7):

‘(8) When the Committee has made its final report to Seanad Éireann it may engage with elected representatives and related parties in Great Britain and Northern Ireland in respect of the findings and recommendations made in that report.

(9) For the purpose of paragraph (8) and notwithstanding paragraph (4) the Committee shall continue to have only the powers defined in paragraphs (1), (2) and (9) of Standing Order 71.

(10) The Committee shall report to Seanad Éireann not later than 31 December 2017, in respect of any activity undertaken in accordance with paragraph (8) and shall thereupon stand dissolved.’”

Question put and agreed to.

## **Financial Services and Pensions Ombudsman Bill 2017: Committee and Remaining Stages**

Sections 1 to 77, inclusive, agreed to. Schedules 1 and 2 agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

Question proposed: “That the Bill do now pass.”

**Minister of State at the Department of Finance (Deputy Michael D’Arcy):** I thank all of the Senators who were helpful and facilitating, and also a word of thanks to the staff within the Department of Finance. They put a huge amount of work into this legislation.

**Senator Gerry Horkan:** I welcome the passing of the Bill and I thank the Minister of State. Less than two weeks ago we did not have one of these Bills and now we have two of them, being the Sinn Féin Bill from last week and the Government Bill of this week. This Bill supersedes and ultimately replaces most of what was in the Sinn Féin Private Members’ Bill from last week. That is not to say that it was not without merit. I thank the Minister of State, his staff and all the Members for delivering this Bill before the summer. Hopefully it will give consumers greater protection and greater certainty as to how they may pursue issues when they have them.

*1 o’clock*

**Senator Kieran O'Donnell:** I welcome the passage of the Bill. It will go to the Attorney General for a review. I hope that commencement orders will take place as quickly as possible. The issue of whole-of-life policies is related to this Bill but is not within the Bill itself, where elderly people in particular would have taken out life assurance policies to ensure that their next of kin did not get caught with liabilities arising from a death. In many cases they have invested life savings into a policy. They would have been far better off putting the money into a savings account where it would be absolutely secure. Instead they have put it down a black hole and they are now at a point where if they do not continue to put money into this black hole they will not get the initial capital sum back. I know of one particular individual whose policy was for €100,000. He is now 93 and to date he has put in €120,000. He is required to put in the astronomical sum of approximately €7,000 per annum to retain the €100,000 policy. These are elements we need to look at. There is a need to ensure that these policies have a large endowment element. This issue is coming up too frequently for us to ignore it.

**Senator Paul Gavan:** I welcome the passage of this legislation. Along with my colleague, Deputy Pearse Doherty, whose Bill was passed last week, I hope that this will mark a change in the culture of financial institutions dealing with their customers. I also want to thank FLAC for drawing up the report that led to the drafting of Deputy Doherty's Bill. It has been immensely supportive and helpful.

I urge those people who were previously refused access because of the six-year rule to reapply, and the countless others who did not apply because of their awareness of this to resubmit their case. They need to use this legislation to allow them access to the services of the ombudsman. The Government should also play a role in promoting this. We have only done one part of the job. We now have to let people know through advertising, and encourage those who have lost hope to at least try this avenue which is now open to them. This fact should be propagated without fear of anyone.

Question put and agreed to.

### **Asian Infrastructure Investment Bank Bill 2017: Committee and Remaining Stages**

Sections 1 to 3, inclusive, agreed to.

#### NEW SECTION

**Senator Grace O'Sullivan:** I move amendment No. 1:

In page 4, between lines 2 and 3, to insert the following:

“4. (1) The State, when acting as a Member of the Bank shall—

(a) work towards the full respect of human rights in accordance with international law in the operation of the Bank and the financing by it of projects,

(b) work towards the achievement of the objectives of the UNFCCC and the Paris Agreement in the operation of the Bank and the financing by it of projects,

(c) work towards the achievement of the objectives of the Convention on Biological

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Diversity in the operation of the Bank and the financing by it of projects,

(d) promote the development of safeguards to ensure the achievement of these objectives,

(e) promote the development and implementation of effective remedies for any human rights violations or abuses including those relating to the enjoyment of a safe, clean, healthy and sustainable environment, arising from their operation of

the Bank and the financing by it of projects,

(f) support the development and implementation of appropriate human rights, social and environmental due diligence processes across the Bank's operations, including direct consultations with affected or potentially affected individuals or groups, and

(g) work to ensure the operations of the Bank support international standards relating to responsible lending and borrowing, such as the UNCTAD Principles on Responsible Sovereign Lending and Borrowing and the Guiding Principles on Foreign Debt and Human Rights.

(2) The Minister shall report annually to the Dáil in relation to Ireland's membership in the Bank and steps taken in accordance with *subsection (1)*."

I welcome this Bill as it will facilitate Ireland's involvement in facilitating the infrastructure required in developing countries for sustainable development, co-operating with a wide range of other countries in doing so. This Bill, with its inclusive east-west partnership focus, will also boost Ireland's strong reputation on international development policy and our commitment to human rights, climate justice and food security in developing countries.

Unfortunately, however, mistakes have been made in the name of development by large financial institutions and world development banks, leading to grave injustices in developed countries, such as Ireland under IMF austerity, but even more so in developing countries where banks have undermined human rights and damaged the natural environment on which we all depend. The AIIB has made commitments to human rights and on protection of the environment. However, it is vital that the AIIB practises what it preaches and is held to respecting human rights and the right to sustainable development. I am advocating a number of amendments which will ensure Ireland's investment within the AIIB goes towards supporting and protecting human rights rather than undermining sustainable development. As an example of the need for adequate checks and balances on Ireland's investment activity, the International Finance Corporation, IFC, the World Bank's private sector arm, has funded some of the south-east Asia and Pacific region's most destructive projects, contravening the IFC's performance standards and its own social and environmental guidelines. These projects include mega hydro-power dams in Vietnam and Cambodia, dirty coal-fired power plants and mines in the Philippines, Vietnam and Myanmar and massive industrial land grabs in Cambodia and Laos.

The purpose of the amendment is to ensure that the Oireachtas gives a clear mandate to the Minister and his officials to co-operate on the basis of existing policies. It makes good sense that the environmental climate and human rights principles we develop for Irish companies operating in Ireland and abroad should be applied to our financial investment activities overseas. The amendment emphasises three areas of concern: human rights, climate change and biodiversity and mandates that Ireland promote in the work of the bank the development of human rights



and other environmental safeguards to achieve the objectives, the implementation of effective remedies for failings, the operation of due diligence processes and public consultation, with affected and potentially affected communities; and the implementation of international standards relating to responsible lending and borrowing. The proposed section 4(2) requires the Minister to report annually to the Dáil on the membership of the bank and the steps taken in accordance with the proposed section 4(1). These amendments will strengthen Ireland's reputation as a mediator on the international stage with regard to development, business and human rights.

**Senator Paul Gavan:** On behalf of my colleagues in Sinn Féin, I support the amendment proposed by the Civil Engagement group. Sinn Féin has raised its concerns about this Bill at every Stage. We support the Bill but we believe what is proposed in the amendment would make it better. The amendment places a duty on the Minister to report to the Dáil on our social and environmental obligations as members of the bank. Sinn Féin mentioned on Second Stage that the wording in the agreement on these issues, while fine is pretty meaningless. It should be remembered that ultimately, the Asian Infrastructure Investment Bank is a Chinese bank. It is well known that China's record on human rights is not good. It is only right that we would use what little accountability we have over this bank. I am specifically concerned about investments that might be made above the rights of nations within states, for example. I trust the wording of this amendment, which covers human rights in a global way, covers that issue and I ask the Minister to support it.

**Senator Kieran O'Donnell:** I will make a few observations on the amendment proposed by Senators Grace O'Sullivan and Higgins. In regard to the proposed section 4(2), I raised the issue of membership on Second Stage. I note the Minister of State indicated this is currently being worked out. Perhaps he would give a commitment today that once the structure for the appointment of an Irish representative has been put in place and an initial appointee has been selected, he will update the House in that regard.

On the proposed subsection 4(1)(a) to (g), I would have thought the growing European dimension to the fund would bring a level of comfort in respect of many of these areas. It is welcome. In his contribution on Second Stage, the Minister made specific reference to the general view that contributions to the bank can be counted as a percentage of our official development assistance target. That would come with the normal criteria which Ireland applies across a range of areas. I expect that many of the issues Senators Grace O'Sullivan and Alice-Mary Higgins have raised here can be dealt with. I would hope that the Senators would act in the spirit of the Bill and that a vote would not arise on this Bill.

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** I thank the Chairman, or the Leas-Chathaoirleach to give him his correct title.

**An Leas-Chathaoirleach:** We will not stand on ceremony.

**Deputy Michael D'Arcy:** Unfortunately, I cannot accept this amendment. I do not consider its inclusion in legislation appropriate or necessary. I certainly agree that the issues raised by Senator O'Sullivan are clearly relevant to the operation of the bank and Ireland's involvement as a member should the Bill be passed. The State will be guided by established Government policy when acting as a member of the bank, in particular Ireland's policy on international development. The latest statement of this policy is the One World, One Future document published in 2013.

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I do not believe it is necessary or appropriate to single out specific aspects of our approach in legislation. Many of the points which the Senator raised are already reflected in the policies and frameworks of the bank. I also look forward to the publication of the national plan on business and human rights by the Department of Foreign Affairs and Trade, which Senator O'Sullivan mentioned on Second Stage. The Department of Finance has worked closely with the Department of Foreign Affairs and Trade throughout our application for AIIB membership and its work in this area will inform the development of our policy at the bank.

In respect of the development of safeguards, the bank's environmental and social framework released in early 2013 recognises and makes provision for issues such as climate change, gender, biodiversity, resettlement, labour policies and indigenous peoples. These safeguards reflect best practice across multilateral development banks and were drawn up with the input of AIIB members and civil society. Of course, the true test of such a framework is its implementation but this comprehensive document provides a very good starting point for the AIIB.

The bank is in its early stages but a number of developments suggest it is well placed to maintain high standards in practice. In respect of climate change, the AIIB's recently released energy strategy fully embraces the goals of the Paris agreement. The bank has promised to uphold the agreement and will seek to assist its clients in meeting their targets. With regard to the development and implementation of effective remedies, the bank has launched an independent stakeholder consultation to establish a complaints handling mechanism. I understand this mechanism will go beyond compliance and seek to address the problems of any people adversely affected by any AIIB project. This is an important step for ensuring that safeguards are applied in practice.

In respect of responsible lending, the AIIB has drawn its procedures and policies from those of other multilateral development banks. The standards adopted have been broadly welcomed by non-governmental organisations and member countries alike. The bank's financing policy makes clear that lending will be carried out with due attention to the fiscal sustainability of the borrowing member and its ability to meet its obligations under the financing contract. If Ireland were to become a member of the AIIB we would use our influence, in co-ordination with other members, to ensure that these policies are implemented in practice. Finally, with regard to the suggestion of an annual report by the Minister to the Dáil, I am sure the Minister will give his full consideration to the views expressed both in Seanad Éireann and Dáil Éireann on Ireland's dealings with financial institutions generally through the reporting arrangements to the Oireachtas.

For the reasons outlined, I cannot accept the Senator's amendment. I want to put on the record of the House that this is not a Chinese bank. It is important to be clear that it is a Chinese initiative. The Chinese will hold 26% of the shareholding while Europe will hold 20%. It is not a European bank, but equally it is not a Chinese bank. I wish to put that on the record.

Regarding Senator O'Donnell's question about directors' posts, we are entitled to a post. There is a rotation agreement among the EU member states that are members of the AIIB. Ireland is party to the rotation agreement. However, the timing of our appointment of a director or alternate director will not be clear until after we are full members.

If the amendment is passed, we will have to revert to Dáil Éireann. Obviously, the Dáil is in recess so that cannot happen until September. Equally, it is important to inform the House that if the amendment is passed, in all likelihood we would not be accepted as a member of the

AIIB. The AIIB has put its memorandum of understanding in place and feels it is appropriate. No other jurisdiction, to my knowledge, has attempted to put into legislation what the Senator is attempting to put into legislation. We feel the bank will be responsible with its corporate mandate. As I have said, this is part of the memorandum of understanding. I do not feel the amendment is appropriate. It is neither the right place nor the right method to deal with what the Senator is pursuing. I am not in any way disparaging her attempts to do so, but she must understand that if the amendment is pressed and passed, it will have consequences.

Amendment, by leave, withdrawn.

#### SECTION 4

Question proposed: "That section 4 stand part of the Bill."

**Senator Paddy Burke:** Is there any control by a central bank, such as the Irish Central Bank or European Central Bank, on this type of bank, or is there any need for same?

**Deputy Michael D'Arcy:** No. The AIIB is not controlled by a central bank, just as the ECB does not have control over AIB.

**Senator Paddy Burke:** European banks, for example, are subject to some form of central bank control. However, I presume the AIIB is made up of various governments so there will be no control over the bank. It can lend with the agreement of governments or the board that governs it but it is not governed by anyone. Is that correct?

**Deputy Michael D'Arcy:** Like many other banks of its type, it does not come under that standard type of regulation. The Irish Minister for Finance is a governor of the bank in line with other jurisdictions and other multilateral development banks of its type.

Question put and agreed to.

Schedule agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** I thank everyone involved in the legislation and thank the Senators for their amendment. It is good to discuss these matters and kick them about. I thank the staff within the Department and everyone else involved.

**Senator Gerry Horkan:** We had a very good Second Stage debate on Tuesday about this matter and a very detailed Committee Stage analysis in the Committee on Finance, Public Expenditure and Reform, and Taoiseach when the Minister of State himself was a member of it, along with Senator O'Donnell and me as Vice Chairman. We have looked into this and it is a good idea to be involved in it. It is estimated that our shareholding will be only 0.14% of the entire bank, which is not a huge exposure. I think it amounts to €5 million a year over five years. I welcome our involvement and Members' support for it and wish the bank and our investment in it well in the future.

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**Senator Kieran O'Donnell:** If we base our consideration of this Bill on whether Ireland should be an investor in this bank, on balance we would have to answer “yes” to that question. It is good for global business. It is also good to have such a European-Asian join-up.

I said during the Second Stage debate that this bank could provide exciting potential opportunities for Irish companies that want to break into the Asian market to sell their exports and that this would provide jobs in Ireland. That is what we should be considering in terms of the Minister for Finance's role as governor for Ireland at the bank.

**Senator Alice-Mary Higgins:** I thank the Minister of State for his constructive engagement on the issues we raised and his recognition that the questions we raised are important ones. We appreciate the genuine discussion and engagement.

Members of both Houses could seek to ensure across all areas of our investment that we act in a way that is consistent with our principles and with environmental, human rights and other concerns. While we have not pressed this amendment on this occasion, we have engaged with and responded to the Minister on it. We would appreciate ongoing engagement on these questions. We look forward immensely to the publication of the business and human rights report and to examining it in detail. We will certainly be pressing for divestment of investments in fossil fuels and other areas in other sectors of our public investment. It is a conversation that will be ongoing. I recognise that the Minister of State has engaged very respectfully and honestly with these issues today.

Question put and agreed to.

### **National Shared Services Office Bill 2016: Committee and Remaining Stages**

Sections 1 to 9, inclusive, agreed to.

#### **SECTION 10**

Question proposed: “That section 10 stand part of the Bill.”

**Senator Paddy Burke:** I thank the Minister for inserting this section. It will give him considerable powers. The buck stops with the Minister, as it does with respect to this section. I am delighted that certain powers are being given to the Minister under this section with respect to functions he can carry out and directions he can make and give. I am delighted this section has been included.

Question put and agreed to.

Sections 11 to 14, inclusive, agreed to.

#### **SECTION 15**

Question proposed: “That section 15 stand part of the Bill.”

**Senator Paddy Burke:** Will the chief executive officer's pay be in line with Government policy? Will the pay scale be in line with that of top level public servants and will it be at the

higher or lower end of that pay scale or could it be in breach of it?

**Minister of State at the Department of Finance (Deputy Patrick O'Donovan):** Yes. The chief executive officer's salary is in line with those in the public service. It is at the scale of deputy secretary general of a Department.

Question put and agreed to.

Sections 16 to 20, inclusive, agreed to.

#### SECTION 21

Question proposed: "That section 21 stand part of the Bill."

**Senator Paddy Burke:** I am delighted that local authority members are not precluded from membership of the board. I thank the Minister of State for keeping that.

**An Leas-Chathaoirleach:** That is very important.

**Senator Paddy Burke:** That was passed by the House a number of years ago and I am delighted that this Minister of State is keeping faith in that and that councillors are not precluded from being on the board.

**An Leas-Chathaoirleach:** So say all of us.

Question put and agreed to.

Sections 22 to 30, inclusive, agreed to.

#### SECTION 31

Question proposed: "That section 31 stand part of the Bill."

**Senator Paddy Burke:** We have seen many cases in the public service where changes have been made, where some posts have been abolished and other people have retired, and the positions that they were in may be abolished or the grade might be increased, and they have problems with their pensions. I presume, with regard to this section, where there is continuance of pending legal proceedings, that that could well apply to staff. Where would all of those issues be ironed out? Is it going to be in the Labour Court? Will it be ironed out by the new entity that is set up? I am aware of issues related to the HSE and to Teagasc. There are problems and some people have been hard done by. I am sure this will lead to some other irregularities and differences in pay, promotions and responsibilities. Will the Minister of State clarify that?

**Deputy Patrick O'Donovan:** It is in keeping with the same proceedings in place for every other grade in the Civil Service. Recently, the avenue of the Pensions Ombudsman has been open to people if they have issues related to their pensions.

Question put and agreed to.

Sections 32 to 35, inclusive, agreed to.

Schedules 1 and 2 agreed to.

Title agreed to.



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Bill reported without amendment and received for final consideration.

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

**Senator Gerry Horkan:** I thank the Minister of State and his staff for the work involved. I wish the office well. We had a good Second Stage debate on this Bill. It came to the committee as well. It makes sense for expertise to be centralised in one area. Hopefully that will be the case. We have plenty of staff here. It looks like the Fine Gael Members had more vocal concerns than the rest of us today, but I wish the office well and I look forward to seeing the annual published reports of the office, how it is doing, the efficiencies it is generating and the savings it will create on behalf of the State, and to scrutinising its work in the future. I wish it well. We had a good debate on it on Tuesday and we concluded it today. I am delighted it has been passed before the summer.

**Senator Paul Gavan:** Sinn Féin is glad that the amendments of our colleague, Deputy Cullinane, managed to amend the Bill to allow for more scrutiny of the work of this office because a lot of power and control will be vested in it. In an age in which the issue of data is assuming ever more importance, such scrutiny is needed. The Government had initially excluded this new office from the scrutiny of the Committee of Public Accounts. As this was unacceptable to Sinn Féin, Deputy Cullinane tabled a number of amendments to address this issue. Some of these amendments were accepted and the National Shared Services Office, once established, will now be fully answerable to the Committee of Public Accounts. The matter does not end there, however. Sinn Féin will continue to monitor the office and to argue for increased scrutiny.

**Senator Paddy Burke:** I congratulate the Minister of State on getting this Bill through the House and passed into law. It is very important legislation and the body that has been set up here is an important one that ultimately will employ nearly 1,000 staff. It has a huge task before it when it comes to bringing together most public service wage payments, some of which are paid at different rates. I presume there will be ongoing problems as to how people give notice of sick leave or holiday leave and how those messages are transferred from the relevant Departments to this new National Shared Services Office. There will be some teething problems. I wish the new office well, however, and I wish this new legislation well because it is a way forward. It will make for savings in and give a more efficient structure to all matters relating to pay, pensions and conditions in the public service.

**Minister of State at the Department of Finance (Deputy Patrick O'Donovan):** I thank all Members of the Seanad who participated in Tuesday's debate. It was a very robust debate, and I refer here only to my Fine Gael colleague. I would expect nothing less from him. We are, after all, a party that prides itself on openness, accountability and transparency and it is my colleague's job to hold me to account in the Upper House. He acquitted himself very well, as of course did Senator Gavan.

I will repeat what I said on Tuesday night. I want it put on the record that the Government never had any intention other than to comply with the Comptroller and Auditor General Acts. I said in the Dáil, at the committee and in this House that the Government accepted amendments to the Bill that made no material difference to its original construct. I had assumed that I had made this position clear on Tuesday to those Senators present. I made it clear that the Comptroller and Auditor General Acts always trump all other legislation for a body such as this one that has been established by the Houses of the Oireachtas. While the Government accepted

amendments, they made absolutely no material difference. Even had these amendments not been accepted, this office would still be subject to the Comptroller and Auditor General and the Accounting Officer would still be required to go before the Committee of Public Accounts. Under the Ministers and Secretaries Acts, along with the other legislation on accountability and transparency at various levels that have been around since the foundation of the State, there would also be a requirement to comply with a constitutional provision laid out under the role of the Comptroller and Auditor General and the position of the Committee of Public Accounts.

Speaking as a former member of that committee, and I am sure that the Senators who were present here on Tuesday would agree, the amendments the Government has accepted make no material difference to the Bill, which was always going to be subject to scrutiny anyway. I made this point in the Dáil, at committee and here in this House on Tuesday night. While some Members may be claiming to have won this great level of accountability, I can categorically state the Government must comply with existing legislation under the Comptroller and Auditor General Acts, as is completely appropriate. From the time this Bill was first mooted, the National Shared Services Office was always going to be required to comply.

In response to Senator Paddy Burke's comment about staff, it is important that this Bill went through so quickly and I thank the Senators for that. We wanted to give assurances to civil servants that their position is properly constructed on a legislative basis. That is now done. We also wanted to make sure the office, which, as Senator Burke has said, is quite wide in its remit, is allowed to get on with its job. As I said recently to my good friend, the de-quangoisation, as it were, of Ireland is something the Government wants to proceed with and this is an element of that process. This is a coming together of a number of entities that were operating in silos. It is also a blueprint for what we hope could be achieved in other areas. It is my hope that we, as the Department of Public Expenditure and Reform, can now push other line Ministers and Departments to do the same to look at shared services case by case. There is no need, especially in the big three expenditure areas of health, education and social protection, not to look at this option.

I thank the Seanad, the staff in the Seanad for circulating the script to Senators, and everyone from the national shared services office. I thank those from my own office and the Department, those who submitted amendments, those who took time out to be here on Tuesday night and again today, and our colleagues in the Lower House. I thank the Leas-Chathaoirleach and his colleague, the Cathaoirleach, for facilitating me with such courtesy during the passage of this Bill. I am delighted it has passed both Houses and I look forward to completing the implementation.

**Senator Gerry Horkan:** I did not mention the word "quango" and it is probably a bit of a sensitive word. I am sure if we were to look back at the 145 bodies that were identified in 2011 by Fine Gael, many of them-----

**Deputy Patrick O'Donovan:** The Senator never misses an opportunity.

**Senator Gerry Horkan:** -----might not fit the criteria to be redefined as a quango under the Minister's direction either. I welcome the Minister of State and I congratulate him on his new appointment. He is getting on very well, from what I can see, in his new Department with his new senior Minister with whom I do not doubt he has a wonderful relationship. It is the last sitting of the Seanad in this Chamber before we come back to it, it is hoped within 18 months or whatever time it will be. It was mentioned on the Order of Business. We are finally leaving the Chamber and will not be back here for a while. I hope I will be back and I hope other Sena-

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tors will be back. I thank the Leas-Chathaoirleach and all the staff. The Minister of State will make history as the last of the Ministers to speak in this Chamber before we come back. It is to be hoped we will still be here during this Seanad and let the works proceed with great haste in order that we can be back as soon as possible.

**An Leas-Chathaoirleach:** We will be in the National Museum of Ireland in the meantime.

**Deputy Patrick O'Donovan:** One of the ushers had told me this was the last sitting of the House in this Chamber-----

**An Leas-Chathaoirleach:** For a while.

**Deputy Patrick O'Donovan:** -----and on behalf of my Department, because the Office of Public Works comes under the Department of Public Expenditure and Reform, I wish those who will do the work here to work safely. As the Leas-Chathaoirleach and my good colleague, Senator Burke, know, I attempted to get a seat in the Seanad one time and I lost by one quarter of one vote.

**Senator Gerry Horkan:** But look at you now.

**Deputy Patrick O'Donovan:** I do not know if I am better off or worse off. I wish the Seanad and its staff well in its new home.

**Senator Paddy Burke:** I thank the staff, Martin, Bridget, the Seanad staff, the Cathaoirleach, the Leas-Chathaoirleach and all the Members of the House for their co-operation over the past while. I hope everyone will be back in this Chamber within the year and a half.

Question put and agreed to.

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

**Senator Paddy Burke:** At 2.30 p.m. on Tuesday, 26 September 2017.

The Seanad adjourned at 1.45 p.m. until 2.30 p.m. on Tuesday, 26 September 2017.