



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Déardaoin, 19 Deireadh Fómhair 2017

Thursday, 19 October 2017

Chuaigh an Leas-Chathaoirleach: i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

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

The need for the Minister for Public Expenditure and Reform to outline the steps being taken by his Department to implement a Labour Court recommendation to introduce a pension scheme for supervisors and assistant supervisors on community employment schemes.

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

The need for the Minister for Education and Skills to provide an update on the development of Roslyn Park and Harold's Cross stadium as educational facilities.

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

The need for the Minister for Health to outline the number of children in Limerick, Clare and north Tipperary who were referred for an assessment of need, and the number of these children who were assessed within the timeframe committed to by the HSE.

I have also received notice from Senator Catherine Noone of the following matter:

The need for the Minister for Health to approve funding for Kuvan to assist those suffering from phenylketonuria, PKU, which affects one in every 4,500 babies in Ireland, which is a rate above the international average.

I have also received notice from Senator Máire Devine of the following matter:

The need for the Minister for Housing, Planning and Local Government, in light of Irish League of Credit Union's proposal to fund the development of social housing, to give an update on the Government's engagement with EUROSTAT, and its engagement with the approved housing bodies, to deliver these proposals.

I have also received notice from Senator Fintan Warfield of the following matter:

The need for the Minister for Transport, Tourism and Sport to make a statement on the transfer of Fáilte Ireland's regional festivals and participative events programme to local authorities.

I have also received notice from Senator Maura Hopkins of the following matter:

The need for the Minister for Health to provide an update on the provision of increased ground and air ambulance services in County Roscommon.

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

The need for the Minister for Transport, Tourism and Sport to prioritise the Bandon southern relief road when making submissions for the ten-year national investment plan 2018-2027.

I have also received notice from Senator James Reilly of the following matter:

The need for the Minister for Employment Affairs and Social Protection to make a statement on the 23,000 female pensioners who are receiving reduced pension payments due to band changes and the marriage ban; and her proposal to deal with this discrimination.

I regard the matters raised by the Senators as suitable for discussion. I have selected the matters raised by Senators Ó Clochartaigh, Humphreys, Byrne and Noone and they will be taken now. The other Senators may give notice on another day of the matters that they wish to raise.

Commencement Matters

Community Employment Schemes Supervisors

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire Stáit, atá ina chuaríteoir rialta ar an Teach seo, bail ó Dhia air. Tá mé ag ardú ceiste inniu a bhaineann leis na maoirseoirí ar na scéimeanna fostaíochta pobail ar fud na tíre agus lena gcuid cearta pinsin. There is, rightly, a whole debate under way about pension entitlements and changes which were brought in in 2012, but I want to draw the Minister of State's attention to another pension inequality which was brought to Government's attention long before 2012. I am told the Minister of State has been talking about this issue for quite a while, but we have not seen anything done in respect of it. I was contacted by a constituent, on behalf of her mother who is a community employment scheme supervisor and is due to retire, in respect of the Labour Court recommendation, LCR19293, dated 22 July 2008, which determined that "an agreed pension scheme should be introduced for Community Employment Scheme Supervisors and Assistant Supervisors" and that such a scheme "should be adequately funded by FÁS". Following LCR19293, supervisors around the country understood that their pension rights were secured, but this woman, who is due to retire soon, has no pension provision, unlike her public sector peers. This matter has repeatedly been brought to the attention of the Departments of Employment Affairs and Social Protection and Public Expenditure and Reform but there has been no clarity on the future pen-

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sion entitlements of these people who have served their communities and the country. We often hear Senators say how wonderful our CE schemes and the people who work in them are, so the issue really must be addressed.

As far back as 17 November 2011, Deputies Ó Caoláin and Pearse Doherty raised this issue with the then Minister for Social Protection, Deputy Burton, who said that the cost of the introduction of any scheme would likely be of the order of €3 million, with retrospective costs in the region of at least €30 million. At that stage, Deputy Burton said there was an issue because we did not have the money in the State coffers to pay for it. Given that we have now an economic recovery and are told that we have emerged from recession and in light of the fact that CE played a supporting role in this regard, is it not appropriate that the issue be reviewed because the excuse to which I refer is no longer applicable?

I am informed that the woman to whom this matter relates did not make alternative pension provision because she always believed that provision - as obtained by other parties recognised under LRC 19293 - would be made through equivalent channels.

Other Deputies also raised this issue in 2011. A point of discussion arising out of that is the basis on which the Department can reject liability for these costs - to be met from public funds - falling on it as a result of the ruling of the Labour Court. The Department assumed responsibility for CE schemes from FÁS following the controversy in respect of the spending of resources by that agency, most notably, €48 million on advertising and, to add insult to injury, a retirement package for the director general - enhanced by €1.4 million - to leave five years early. The source for that information is the Comptroller and Auditor General's report. Using the Minister's own valuations, such expenditure would have adequately funded the spine of FÁS - the CE supervisors - until 2018. Does the Government not have a responsibility to the workers who embodied the true ethos of FÁS during that period?

Our current Taoiseach was Minister for Social Protection in 2016 when this issue was raised with him in the context of a CE scheme. He referred to places relating to that scheme being amalgamated and the issues of redundancy needing to be discussed. He obviously took on board the fact that this was an issue for the Department to at least examine.

I am told that the community sector high-level forum was convened and met on a number of occasions to give consideration to the issues involved. In that context and in light of the number of occasions on which this matter has been raised, will the Minister of State clarify the position? Aside from this working group being given another name, has a chair been appointed? What has the group achieved in the past two years? What were the objectives, targets and outcomes achieved? Do minutes of the meetings of this group exist and can they be made public? What budget was designated for it and why have we not seen any movement on this issue? I know the Minister of State appreciates the CE schemes. It is a bit hypocritical of Ministers - including the line Minister - to talk about the anomaly in the pensions system that has been the subject of discussion in recent days without seeking to address the anomaly to which I refer. I hope that a resolution can be found.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I thank Senator Ó Clochartaigh for raising this matter. I apologise that the line Minister cannot be present to deal with it.

The community sector high-level forum was reconvened in 2015 by the then Minister for

Public Expenditure and Reform, Deputy Howlin, to examine certain issues pertaining to the community employment sector, having regard to the consequences for costs and precedent. This includes community and employment supervisors and assistant supervisors who have been seeking, through their union representatives, the allocation of Exchequer funding to implement a Labour Court recommendation relating to the provision of a pension scheme dating back to 2008.

In considering the particular matter referred to, regard must be had to the costs and precedent of such an arrangement were one to be created. At the most recent forum meeting in April, the Department of Public Expenditure and Reform outlined its intention to conduct a detailed scoping exercise in order to comprehensively examine and assess the full potential implications of the issues under consideration. This exercise is currently being progressed and will be completed shortly. The next meeting of the high-level forum will take place on 2 November and the results of the scoping exercise will be made available to its members on that date.

It continues to be the position that State organisations are not the employer of the particular employees concerned and that it is not possible for it to provide funding for such a scheme. The employees are, or were, employed by private companies, notwithstanding the fact that the companies concerned are, or were, reliant on State funding. In considering the matter, regard must be had to costs and the precedent of such an arrangement were one to be created in view of the fact that the individuals employed in that sector are not employed by the State, even if many of the services they provide are funded by the State and are certainly essential because we can all see the benefits of the great work they do. There is, however, a desire to discuss the matter and arrive at an outcome.

Senator Trevor Ó Clochartaigh: The Government is engaging in rank hypocrisy in this regard. There is a legal basis to say that when programmes are directed and funded by the State - and the State really controls all the elements relating to the employment of those people - it has a *de facto* responsibility to recognise that fact. There has been a Labour Court ruling on the matter. Is the Government really saying that it does not need to abide by such rulings? What kind of precedent does that set for all the other people who have taken cases to the Labour Court? It is disgraceful that the Government would provide that type of example. In light of what is being said about other pension issues at present, the Government really needs to look at this scenario because people are retiring. It needs to rectify the situation and tell the group that is convening to make its deliberations far more quickly and resolve these issues for those people who, while we are speaking here, have no idea where they stand as regard their pension entitlements.

Deputy Damien English: It is best to let the forum do its work. It was convened by the then Minister for Public Expenditure and Reform and will meet again in November. A process is in place.

Senator Trevor Ó Clochartaigh: How long is it going to take?

Deputy Damien English: It is only a few weeks away. It is best to let that continue and see what comes out of it. We can debate the matter further at a later date. Again, I apologise. The Minister was caught up in the Dáil and could not be here to take the debate. The Senator must understand that a process is in place and it is best to let that continue its work for now.

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Schools Building Projects

Senator Kevin Humphreys: I rise to raise a serious issue relating to Shellybanks Educate Together school, which opened in 2014 as a single-stream school. At the request of the Department of Education and Skills, it expanded to a double-stream school to facilitate the demand for school places in the area. The Department of Education and Skills has purchased Roslyn Park, an old secondary school that served the Dublin 2 and Dublin 4 areas very well for many decades. My understanding is that a fee of approximately €25 million was paid to purchase the Roslyn Park site. I understand that the site is designed to accommodate both a secondary and a primary school.

I want to ask the Minister about timelines, particularly with regard to the Roslyn Park site. When will we see a design for the primary school? When will we see a timeline for planning permission? When will planning permission be applied for? Could the Minister provide me with information regarding the number and type of classrooms? Will a temporary school be placed there in the meantime? My understanding is that a 12-room school will be placed on that site temporarily. I am concerned about playing facilities and locating a primary school in the middle of a major construction site.

The Harold's Cross greyhound racing track was purchased or is in the process of being purchased by the Department for an educational campus but there has been very little clarity about this. My understanding is that approximately €25 million is being spent on the purchase of the site. Last month, Dublin City Council changed the zoning to facilitate building a secondary school there. When will the local community know whether a secondary school will be built on the site? When will we know what the catchment area is because there is huge pressure for secondary school places in the Dublin 8, Dublin 6 and Dublin 6W areas? Many parts of that overall area have no secondary schools other than those of the fee-paying variety. The local community is very anxious to see a plan brought forward for the provision of a secondary school with a proper playing field because there are no playing fields in the Harold's Cross-Terenure area. The Harold's Cross site could provide not just an educational facility but also one, in the form of a sports ground, that could be enjoyed by the community in general.

I am seeking clarity from the Minister of State on all these matters. There has been an expenditure, or a commitment to expenditure, of approximately €50 million in respect of these projects, but no clear timelines for the building works. When will we have certainty in this regard? I hope the Minister of State can offer comprehensive answers to the questions I have raised.

Deputy Damien English: I thank the Senator for raising this matter as it allows me to provide an update on the current position regarding the planned developments at Roslyn Park in Dublin 4 and at the former Harold's Cross greyhound stadium in Dublin 6. The Minister apologises for being unable to attend the debate. I will address most of the issues raised by the Senator, but if he requires any additional information, I will ask the Minister to contact him directly. Significant demographic growth in the Dublin south city centre area in recent years has led to the need for additional school accommodation in the area and the necessity of acquiring permanent sites for that purpose. Concerted efforts to acquire such sites in the area have been ongoing by the Department since 2012, in the context of expected requirements at both primary and post-primary level.

A number of site options were assessed in the south Dublin city area. When Roslyn Park

came onto the market, the Department recognised the valuable opportunity to acquire a site in the area that could help to address school provision requirements. The Department successfully completed the acquisition and it is intended to provide permanent accommodation for Shellybanks Educate Together national school and Dublin South City Educate Together secondary school on the Roslyn Park site. Plans for the site's development are currently being progressed. In the first instance, it is intended that the provision of temporary accommodation on the Roslyn Park site will allow Shellybanks Educate Together national school to move from its current temporary location in the RDS to Roslyn Park in September 2018. This will be closely followed by the development of a new permanent 16-classroom primary school on the Roslyn Park site from September 2019. It is intended that this level of accommodation will then facilitate the move to Roslyn Park of the new Dublin South City Educate Together secondary school from September 2019. Planning and design work is under way to ensure the permanent accommodation for the secondary school will be provided on the Roslyn Park site as soon as possible thereafter. Arrangements are being made in Dublin 4 for interim accommodation for the Dublin South City Educate Together secondary school for its first intake of pupils for September 2018. The Department is working closely with the patron body, Educate Together, on these arrangements.

In the context of meeting demographic needs, in addition to the above, the Harold's Cross greyhound stadium site was identified as a suitable location for the provision of further school accommodation in the south Dublin city area. A feasibility study of the site concluded that the property is suitable for the provision of a significant level of additional new school accommodation. Agreement with the Irish Greyhound Board on the proposed acquisition was reached, subject to a change of zoning on the property. That change was recently effected at a meeting of Dublin City Council. The acquisition of this site by the Department is currently at an advanced stage.

With regard to the specific school provision on the Harold's Cross site, the Department is currently engaged in a review of demographics which will determine the extent of additional school provision required nationwide. Until this final review of demographics has been completed, it would be premature to announce the exact configuration of permanent school provision at the site. The intention is to have that review completed by the end of the year, although it might be subject to some minor drift. Once a new school requirement has been established from the demographic exercise, a separate process will be conducted to establish which patron will run the new school. It will be open to all patron bodies and prospective patrons to apply for patronage of a new school under the patronage process. Parental preferences for each patron, together with the extent of diversity currently available in the area, are key to the outcome of this process. I assure the Senator that the Department is working to ensure sufficient and diverse school provision in the south Dublin city area in line with its emerging requirements.

I do not have the planning permission timelines to which the Senator referred, but I will get that information for him. The design stage is being worked out in conjunction with the patron and I will get the details of that to the Senator at a later stage. I do not share his concerns regarding the provision of on-site temporary accommodation. Such arrangements have worked out well elsewhere and the Department of Education and Skills has acquired a lot of experience in managing temporary schools on sites of new schools. It is a common way of managing the process which has helped us in recent years, under the Fine Gael-Labour Party Government and the current Government, to react to development pressures and provide accommodation where needed as quickly as possible. I am not aware of any ill effects of this approach.

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Senator Kevin Humphreys: I thank the Minister of State for his response and his commitment to ensuring the additional information I require will be forwarded to me as quickly as possible. My concern regarding the operation of temporary accommodation on the build site relates not only to building issues, but also to the question of how to maintain temporary access and the possible knock-on effect of such access. We need to have a full conversation around these issues to ensure any problems that arise are ironed out at an early stage.

In regard to the demographic study that was carried out of the catchment area, only Dublin 6 and Dublin 8 were included in that catchment area. In regard to the proposed secondary school on the Harold's Cross greyhound track site, there is an urgent need to incorporate Dublin 6W, including Terenure and Kimmage, into the consideration. Many of the local primary schools that will feed into the new school are in those catchment areas. It is not viable for a child in Terenure or Harold's Cross to travel to a secondary school in Sandymount, for example, on the coastal side of the constituency. There is an urgent need for clarity as parents of primary school children in the area are making decisions now as to where those children will attend at second level. The Minister of State indicated that a final review of demographics will be completed by the end of the year but we need clarity as to whether we are looking at a broader catchment area for Harold's Cross. Will all of Terenure and Kimmage and parts of Crumlin be included? That is the ultimate test for the viability of a secondary school there. Parents who have children moving into secondary school in the coming years are very anxious because there are so few places. There is a degree of panic as to whether they should be saving hard given that, as it stands, there are no secondary school choices in the area other than fee-paying ones. I would appreciate if the Minister could come back on those issues as soon as possible.

Deputy Damien English: I will make sure the Minister gets back to the Senator without delay. The purchase of this key site for educational purposes is something I would expect to be welcomed by all.

Senator Kevin Humphreys: It is very much welcomed.

Deputy Damien English: The intention is that the new facility will solve all the problems the Senator raised. I cannot comment, however, on which areas it will cover. The demographic analysis is looking at all the available options to ensure accommodation is found for all pupils who need it over the course of the coming years. Up to date data from birth certificates and child benefit records are utilised to work out predictions of numbers. Apart from dealing with the pressures of today and next year, we are looking at what will be required in five, six, seven and eight years time. The resulting analysis dictates where new schools are needed or extensions to existing facilities required. The Harold's Cross site was purchased in order to meet an identified need and I have no doubt it will provide a good solution.

On the necessity of having a conversation around issues relating to temporary on-site accommodation, that is what happens in the course of the planning process. I have no doubt there will be ample time for all those issues to be addressed. We have had great success in recent years in dealing with such matters. The conversation does have to happen, which is why we have a planning process.

Autism Support Services

Senator Maria Byrne: I welcome the Minister of State, Deputy Finian McGrath, to dis-

cuss this important issue. My query relates to the number of autism spectrum disorder, ASD, assessments of need being carried out in the Limerick, Clare and Tipperary areas. I understand there is a significant backlog in this regard. I was recently contacted by a family in north Tipperary who, when they applied for a place for their child at a school's autism unit, were informed they needed a full ASD report for that child before their application would be considered. Unfortunately, the parents have now been told the facility is full. The child's assessment was to be done in August, which would have provided eligibility for enrolment in September, but because of the backlog and waiting list, they have been informed their child will not be assessed until Christmas.

I spoke to the relevant people in the HSE and in the different Departments, to the school principal and to the family, and I have kept in regular contact with all of them. My understanding is that if people are out sick or on maternity leave they are not being replaced and this is causing a problem. I am not saying people cannot be out ill or for some other reason but in the context of these necessary appointments, people should be replaced to deal with these valid cases. The school principal told me there were six places in the school but they are now full. I was told this child will be accommodated for next year but that means the child has to wait for another year. I have dealt with a number of similar cases. There needs to be a review of what happens with assessments when a person in that unit is out on leave for the long term. Also, the lines of communication with the families need to be kept open. This family received a communication on the week in August they expected to be called for their child's assessment indicating that it would be Christmas before the child would be called. That is quite a long wait for the child. It is a serious issue for the families concerned. My understanding from my communication with the HSE is that there is an unprecedented number of applications this year with respect to autism spectrum disorder, ASD, seeking an assessment of need. I would like hear what the Minister has to say and any solutions he has for resolving this problem.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Senator Byrne for raising this matter. I have good deal to say on this issue and I share her concern about those particular cases. I will deal first with the broader issues involved and then respond to the issue she raised. I commend her on her work in the area of disabilities, particularly in the Limerick and north Tipperary areas. I thank her for her support of the Irish Sign Language Bill taken earlier this week. I appreciate that. I assure the Senator that the Government is committed to the provision and development of services for children with special needs and to improving access by these children to assessments and therapy services in so far as possible within available resources. That is a phrase that sometimes gets up my nose and I will speak about that later.

There has been a steady annual increase in the number of applications since the commencement of the Act in 2009. The current number of applications received in 2017 in the mid-west is 342, and the number is 362 for all of 2016. Of this number, 66%, or 237, of the applications have had assessment reports completed on time - the figure is 52%, or 222 for all of 2016. However, the HSE is facing significant challenges in respect of meeting the statutory timeframes that apply to the assessment of need process, given the number and complexity of cases. Assessment of need applicants whose needs are deemed too complex for assessment at primary care level are seen for assessment by the mid-west children's disability network teams. These applicants can require a longer period of diagnostic assessment. This can often require assessment observation across a number of settings such as home, school and with a number of allied

health care professionals to best identify the child's health needs. As such, these complex cases cannot be always completed within the 12-week statutory timeframe. Some require ten to 15 sessions under the assessment of need process in order to complete a comprehensive assessment of their health needs.

It is also important to note that the HSE has recognised that early intervention services and services for school-aged children with disabilities need to be improved and organised more effectively and this process is well under way nationwide. That relates to the concerns the Senator raised regarding the delays and the child not getting a school place. To me, that is unacceptable because every child has a right to education, particularly children with disabilities.

The HSE is currently engaged in the reconfiguration of existing therapy resources under the national programme on progressing disability services for children and young people aged from zero up to 18 years. The aims of this programme are to bring about equity of access to disability services and consistency of service delivery, with a clear pathway for children and their families to disability services, regardless of where they live, what school the child attends or the nature of the individual child's difficulties. The aforementioned reconfiguring of disability services for children is part of the progressing disability services for children and young people programme, as there is evidence that where integrated teams are operating, the assessment of need process runs more smoothly.

The HSE disability services have carried out substantial work on developing standardised operational procedures for assessment of need. These procedures are currently being finalised and will be implemented by the end of the year. I have just come from a meeting this morning with senior officials in the Department of Health in Hawkins House where we discussed disability issues and this matter also came up. I will convey to the Department of Health and to the senior Minister the concerns the Senator has raised.

Senator Maria Byrne: I thank the Minister of State for his interest in this issue and I am aware of his commitment to the area of disabilities. His answer was grand and I know that matters are being reviewed but it does not resolve the plight of the parents whose children have not got a school place this year because the HSE has failed to meet its commitment within the timeframe. I understand there are complications but there needs to be a review of how these issues are handled and that if people in the assessment unit are out on long-term leave, other people who are qualified need to be trained to carry out the assessments. I understand there may be a shortage of qualified people to carry out these assessments when people in the unit are out on long-term leave. Those are some suggestions I have for resolving this issue and I am sure the Minister of State will take them on board.

Deputy Finian McGrath: Absolutely, First, I give a commitment that I will take them on board and, second, the important element, as I mentioned in my reply, is the availability of resources. As a group, Senators, Deputies and Ministers must ensure they push for the maximum resources. We did a good deal of work during the Estimates process recently. There is also an issue regarding speech and language therapy services. We have managed to get an extra €2 million for 2018 to deal with that particular issue.

Regarding the issue the Senator raised, it is unacceptable that children with a disability are not getting their constitutional rights. I am a little taken aback by this and that no other solution was found for those particular families. I do not buy the idea that it is acceptable that a child cannot start school because there is a delay in an assessment. I will seriously follow that up.

As for the Senator's point about a review, we have an issue - there is no point in ducking and diving about it - with people being out on long-term leave and their places remaining unfilled. There should be some creative mechanism, as the Senator suggested, to address the issue of people who are out on long-term leave. People are out of work for legitimate reason, that is a fact of life and I accept that. If they are not replaced and the list of assessments builds up, that is unacceptable. There is a shortage of psychologists, speech and language therapists and occupational therapists - those are the professionals I hear regularly mentioned.

During my Estimates discussions with the Department of Health, the HSE and the Minister, Deputy Donohoe, these were all issues that I raised with them and I will continue to raise. I acknowledge we got an increase of €75 million in the disability services budget, which I welcome. I was looking for more but that comes down to the negotiations and that is life. The bottom line is that in the meantime, while we are trying to invest in and reform the services, we need to be able to deal with these types of situations. Every now and then when I return to my office following a meeting, I am contacted about emergency respite cases or cases of families in crisis and we have to deal with those situations. The issue the Senator raised about children with a disability not being able to go to school because of a delay in assessment is not acceptable. We have to act on that and come up with a solution. I give a commitment that I will go back to the HSE and all the senior people, particularly in the Limerick and Tipperary areas, and I will do my best for the Senator.

Senator Maria Byrne: I thank the Minister of State for that.

Medicinal Products Availability

Senator Catherine Noone: I thank the Minister of State, Deputy Catherine Byrne, for coming to the House on behalf of the Minister, Deputy Harris. I will be very happy to take her response and it is perfectly adequate to receive a response from the Department via the Minister of State.

The matter concerns the PKU issue and the drug Kuvan, on which there was a presentation in the AV room this morning. PKU is a rare blood disease that affects 13 or 14 babies per year in Ireland. It is known to be more prevalent in Ireland than in other countries - it is a Celtic gene, or so it was described this morning in the briefing I attended. The issue is that there is no known cure for this disease. It is diagnosed by a heel prick test and the Irish Government was revolutionary in introducing the heel prick test in the 1960s. As a young lad who suffers from PKU said this morning, we were really ahead of the game back at that time in dealing with PKU but, sadly, since then those affected by PKU have simply been advised to follow a strict no-protein diet. While that gives patients a certain amount of help and relief, if the levels of protein in their blood become too high, it affects them mentally and causes brain damage. We were shown videos this morning of young people who were behaving in a very distressed manner due to brain damage from high levels of protein in their blood.

The quality of life of patients and their families is a huge issue. PKU requires a highly regimented diet and lifestyle. The mother of the child who was at the presentation this morning described how they have to use a powder they buy in the pharmacy to make bread or an omelette. They colour it so the child knows it looks like bread, although the child has never tasted bread, but everything still tastes more or less the same. It is quite difficult for families to live with. The mother described how a sibling was very unhappy eating around the younger child because

of the nice smells and so on. It is a difficult dynamic for a family to deal with.

Many Western countries have adopted the drug Kuvan, which has been described as a wonder drug. My question to the Minister of State is why Ireland has not decided that we should keep up with our intentions in the 1960s in being one of the forerunners on this. Kuvan received EU regulatory approval in 2009 and is currently approved for use and reimbursed in Austria, Belgium, Bulgaria, the Czech Republic, Estonia, France, Germany, Hungary, Italy, the Netherlands, Luxembourg, Norway, Portugal, Romania, Russia, the UK, areas of Sweden, Lithuania and Denmark. The Irish PKU community cannot see any justification for the drug not being available here.

While I know everything comes down to budgets, the harsh reality is that even when the gruelling PKU diet is maintained, people managing the condition still suffer with long-term permanent health conditions such as neurocognitive defects, neurological side effects, growth defects, bone mass reduction and obesity. This is very serious. I hope the Minister can find the budget to help the individuals with this disease. The eldest of the people who were diagnosed with this disease in Ireland are only in their 60s, so it is relatively new in terms of science and the medical area. I am very interested to hear the Minister of State's response.

Minister of State at the Department of Health (Deputy Catherine Byrne): I thank the Senator for raising this very important matter. I am sorry the Minister cannot be here but he sends his apologies.

Medicines play a vital role in improving the overall health of Irish patients. Securing access to new and innovative medicines in a timely manner is a key objective of the Irish health service. The challenge is to deliver on this objective in an affordable and sustainable way. Under the community pharmacy schemes alone, more than 70 million prescription items will be dispensed in 2017 at an estimated cost of approximately €1.7 billion, taking account of fees and ingredients costs. In addition, the HSE will spend in excess of €500 million in 2017 on medicines through a range of other schemes, in hospitals and in other care settings, for example, in nursing homes.

Spending on medicines represents one of the largest areas of expenditure across the health service and it will continue to grow in the years ahead as our health service continues to meet the needs of our citizens. This is most welcome and can have a transformative impact on the health of patients in the future. However, as the Minister, Deputy Harris, has stated previously, the cost that some companies seek to charge for their medicines may result in a situation where certain treatments will never become available to patients. This is the case not only in Ireland, but across Europe. This is why it is essential that Ireland has a scientific, robust and evidence-based assessment process in place. This ensures that decisions in regard to the reimbursement of medicines are made on an objective and scientific basis, recognising the health needs of the population and other factors.

The Health (Pricing and Supply of Medical Goods) Act 2013 provides the legal framework in Ireland for such a process. This Act gives full statutory powers to the HSE to assess and make decisions on the reimbursement of medicines, taking account of expert opinion, as appropriate. The HSE follows the process set out in the Act for the assessment of all drugs. In reaching its decision, the HSE examines all the evidence which may be relevant, in its view, for the decision and will also take into account such expert opinions and recommendations it may have sought, including, for example, advice from the National Centre for Pharmacoeconomics,

NCPE.

In December 2015, the company Merck Serono advised the HSE that the market authorisation for Kuvan was transferring to BioMarin in 2016. The HSE met with the new market authorisation holder in May 2016 and it advised the HSE that it would be submitting a health technology assessment dossier for Kuvan. The NCPE assessment of the new dossier was completed in September 2017 and the NCPE did not recommend Kuvan for reimbursement as it was not deemed cost-effective. The HSE assessment process is ongoing and the HSE will take into account the expert advice of the NCPE when making its decision, in line with the Health (Pricing and Supply of Medical Goods) Act 2013. The robust nature of this evidence-based assessment process helps to ensure that the health service makes the most efficient use of its finite resources.

Senator Catherine Noone: It is a disappointing answer which basically states: “We are not funding this.” I cannot understand why, so I need to look into this further. I do not think we can leave it here, from what I heard earlier this morning. It is a disease that deserves attention. The individuals involved range from children to those aged up to 60. I need to get more information regarding the funding and how much the drug costs per patient, given the briefing did not go into that. I do not feel it is unreasonable to look for this and I am not going to leave the matter here.

Deputy Catherine Byrne: I note the concerns of the Senator and will bring back to the Minister the points she has made. At present, all I can give her is the information I have been given, although I wish I could give her more. I understand the difficulties people have, particularly when children at a very young age are experiencing difficulties within families, and in terms of how this affects them when they cannot participate, even by having a meal with their family. I will bring the Senator’s concerns to the Minister, Deputy Harris, and ask him to respond to the Senator on the cost if it is made available.

Senator Catherine Noone: I thank the Minister of State.

Message from Dáil

An Leas-Chathaoirleach: The following message was received from the Dail:

Dáil Éireann has passed the Legal Metrology (Measurement Instruments) Bill 2017 on this 18th day of October 2017, to which the agreement of Seanad Éireann is desired.

Sitting suspended at 11.25 a.m. until 11.30 a.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, motion re Broadcasting Act 2009 (Designation of Major Events) Order 2017, back from committee, to be taken at 12.45 p.m. and to conclude no later than 1.25. p.m. with the contributions of group spokespersons not to exceed five minutes and the Minister to be given four minutes to reply to the debate; and No. 2, Legal

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Metrology (Measuring Instruments) Bill 2017, Second Stage, to be taken at 1.25 p.m. with the contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes.

Senator Aidan Davitt: I rise today to discuss the tracker mortgage scandal which has been one of the most shameful examples of wanton greed and arrogance ever displayed since the foundation of the State. Approximately 13,000 defenceless citizens of Ireland who were mostly in a bad bind already had their positions exacerbated by the very entities for which this State surrendered its sovereignty in order to support and prop up. None of us expect charity from banks but to inflict misery and pain needlessly on the coping classes is not acceptable, either in 1917 or 2017. This was not the work of middle ranking bank managers or clerks but a systemic attempt by senior managers to rob and evict their own customers. I am calling on the Leader and his smiling Taoiseach to come out from the bankers' shadows and lead on this issue. We need some leadership.

Senator Jerry Buttimer: Senator Davitt must not be reading the newspapers.

Senator Aidan Davitt: I am reading them all right. I have seen the Taoiseach jumping down off ladders, looking into holes but -----

An Cathaoirleach: Please do not allow the debate to disintegrate.

Senator Aidan Davitt: Urgent measures are needed to ease the pain and suffering and to rectify the financial problems caused for all victims. I am calling on all banks to put an auditor and senior management team in place to liaise with and recompense all affected customers forthwith. I am also calling for the resignation of any board members who knew that these underhanded practices were in use. Those board members would not last in Ryanair or any other Irish listed company.

The Taoiseach must do us a favour, get down off the ESB man's ladder and tackle this problem. He must turn his pearly white teeth on the banks and their self-assured board members.

Senator Jerry Buttimer: They are very personal and intemperate remarks.

Senator Aidan Davitt: I am telling the truth. This is a serious matter that has been going on and on. It has been going on, under Fine Gael, for the last seven years. I am telling the truth.

(Interruptions).

Senator Jerry Buttimer: I was referring to the Senator's very personal remarks.

An Cathaoirleach: I do not think the Senator said anything particularly derogatory. Senator Craughwell is next.

Senator Gerard P. Craughwell: I am very interested to hear about Taoisigh being up ladders. The last time I recall one being up a ladder was when Charles Haughey was shaking hands with a window cleaner in Galway-----

Senator James Reilly: The Senator should look to the gentleman sitting beside him.

Senator Gerard P. Craughwell: -----who happened to be on the dole at the time. Let us

leave that aside-----

Senator James Reilly: Senator McDowell is a good man.

(Interruptions).

Senator Gerard P. Craughwell: In terms of the tracker mortgage issue raised by Senator Davitt, one of the questions we must ask ourselves is why someone is not taken out of a bank in handcuffs. Why is nobody in jail? What the banks did is outright fraud and they knew what they were doing. They set out to take money from citizens of this State, knowing what they were doing was wrong. Having being caught out, they have not been man or woman enough to actually repay what they have taken.

The Central Bank does not have sufficient powers to take these people on. More importantly, I believe we should be urging the acting Garda Commissioner to go in there and see exactly what happened. We need to know how it happened, when it happened, who took the decisions and who sanctioned them. We must get to the bottom of this.

We had a period in this country from the late 1990s until 2007 when bank managers were incentivised to throw out loans like confetti. At the end of the day, did anybody really pay a price for that? Did anybody really hurt as a result of that? The only people who hurt in this country of whom I am aware are ordinary, everyday citizens.

I listened to people on the radio this morning and to witnesses who appeared before the Oireachtas committee last week. One man spoke about having a stroke and his wife having a nervous breakdown. People were talking about having to take on second jobs. This morning I heard a woman on the radio who spoke about paying €1,600 per month when she should only have been paying €800 and that was after they tried to fix it.

I do not believe this is an issue for the Government alone; it is an all-parties-and-none issue. We in this House have a responsibility to those who put us here and the same applies to the Dáil. I do not believe anybody in this House wants to make political capital from this. We all want to come together and we all want to see this matter fixed quickly because it is unfair.

There is one further point I would like to make about our famous banks. I know of a couple who wanted to buy an apartment. They had paid €87,000 over seven years in rent and had a deposit of €30,000 that was given to them by their parents. The bank said “No” to them because they did not have any savings record. They paid €87,000 in rent. They had shown a capacity to repay far more their mortgage. It is time the banks of this country started to behave like citizens and treated the people of this country right.

Senator Trevor Ó Clochartaigh: Tá ceist agam maidir le cursaí diaspora. I have been calling for a debate on diaspora issues for quite a while. I raised an issue last week relating to the budget, which states in respect of budgetary line for the diaspora that it purports to serve our people at home and abroad and to promote reconciliation and co-operation. A total of €4 million in current and capital expenditure has been taken out of that budget. I have asked for clarification on this and I have not received it. I seek clarification from the Leader on this or will he ask the Minister of State, Deputy Cannon, to come to the House for a debate in order that we can find out what is happening? My understanding is that this strand of the budget provides

for the emigrant support programme and other programmes run by Irish organisations abroad.

Statements have often been made in the House about the undocumented Irish in the US and how the US Government should act, etc. We have had a great deal of debate about Brexit and what the British Government needs to do and about Scottish independence and what the parliament there should do. I find it extraordinary that there is such resistance to us having a debate on the issues in Catalonia. Serious situations are unfolding. This morning, the Spanish Prime Minister indicated that his government will meet on Saturday to put the wording together in respect of article 155 of the Spanish constitution, which would rescind the powers of the Catalan Government. There will be many knock-on effects. For us as a Parliament to say that is not an issue for us means we are putting our heads in the sand and to think this will not have a knock-on effect on every member state is absolutely preposterous. However, on the broader issues of human rights and civil rights, including the right to free speech, the right to assembly and so on, we need to have a voice and we should certainly have a debate. If we only considered this from an EU perspective, Catalonia has a massive, thriving economy. There are concerns and I understand Spain's credit rating has been downgraded because of this ongoing controversy. To think that will not have a knock-on effect on European economies, including the Irish economy, is to deny that there is an issue whatsoever. I do not know who is dictating to the Government. We should not be dictated to by other governments, no matter where they are from, as to what we can discuss in this House. No group in this House should allow that to happen but there is certainly a strong sense that the parties in this Chamber do not want to discuss the issue of Catalonia and Spain and the call for international mediation.

I propose an amendment to the Order of Business that we take No. 41, motion 16, on the Order Paper today and that we ask one of the relevant Ministers to come to the House to discuss the Sinn Féin motion tabled regarding the constitutional status of Catalonia.

An Cathaoirleach: The proposed amendment is: "That No. 41, motion 16 be taken before No. 1".

Senator Grace O'Sullivan: Here we go again. Met Éireann has just issued a status yellow weather warning for the coming weekend and, in addition, a status yellow rainfall warning. The Government sought reductions in Ireland's greenhouse gas emissions targets by 2020 in Luxembourg earlier this week. It is slinking away again from our commitments to our European and global partners. We know from Met Éireann and Professor John Sweeney that the intensity of hurricanes, storms and bad weather patterns will increase as time passes as a result of greenhouse gas-induced global warming. Will the Leader ask the Minister for Communications, Climate Action and Environment - or so-called climate action because we are not seeing a lot of it - to come to the House to explain the impact climate change and global warming will have on the economy and businesses and on society and communities in respect of flooding, droughts and so on? The Taoiseach said this is the number one issue we have to deal with in this country and we are not facing up to it. The Minister and the Department go to Europe and they slink around and use double speak while cutting poor deals for this country. The people are experiencing storms and the impact they are having and we need to face up to the reality before us. I would like the Minister to be called to the House once again to discuss climate change, global warming and its impact on Ireland.

Senator Gerald Nash: This time last week, the Chamber passed the sectoral employment order for the construction industry without debate. The order emanated from a Labour Court process, which was undertaken over the past few months and involved the Construction Indus-

try Federation and construction trades unions coming together to engage on a proposed sectoral employment order that would introduce basic minimum terms and conditions and a 10% pay increase for 50,000 construction workers. That is supported by construction trades unions and the major construction employers' body. Earlier this week, the order was passed by the Dáil, as is required under legislation, without debate. I implore the Leader to make contact with the Minister for Business, Enterprise and Innovation to implore her to sign that order urgently. There is nothing preventing her from doing that straightaway.

Under the legislation I introduced in 2015 to provide for sectoral employment orders, the orders have to go through a process. This order has gone through that process and it has scaled all the legislative hurdles in the way. It is, therefore, up to the Minister to sign it and to ensure the pay increase for 50,000 construction workers is introduced without further delay. This is something the key employers' body in the construction industry wants as well. I ask the Leader to urgently contact the Minister on behalf of the House to sign that order and give it statutory effect without further delay.

It would be remiss of me not to offer my condolences to the family of the late Eamonn Campbell. He was, at least in the public mind, a legendary Dubliner but, in fact, he was a proud son of Drogheda and a very good friend of my family. He had a close connection with my late grandfather who was also a musician of some renown. I want to put on record my condolences to the Campbell family, in particular, Jacko, Frankie, Emma Jane, Niamh, Ciara and, indeed, Eamonn's wife, on their sad loss. Eamonn was a great character a tremendous musician and somebody who many Members met over the years. He has a remarkable legacy in Irish music.

Senator Fintan Warfield: Hear, hear.

Senator Paul Coghlan: The Joint Committee on the Eighth Amendment of the Constitution has voted not to recommend the retention of the amendment in full. I am puzzled as to why this was decided in advance of hearing all the witnesses it was intended to hear before the end of the year. How much of the constitutional protection does the committee propose to remove and how much does it propose to retain? How much extinguishment of life is it envisaged will be permitted? The question of how many unborn children will lose their current constitutional protection is an important one, with probably none more important. In early course, perhaps the Leader will permit a debate on the matter. I appreciate that he may not be able to or want to answer me.

An Cathaoirleach: Do not presume. The Leader will deal with it in his own way.

Senator Paul Coghlan: I have to give him latitude.

Senator Robbie Gallagher: I propose an amendment to the Order of Business, that No. 10 be taken before No. 1.

I concur with my colleagues' comments on the banks and the manner in which they have treated their customers. It is difficult to comprehend that they would do such a thing. The ordinary person on the street is legitimately asking who is in charge of the banks. It is time that the Minister attended the House to answer that question so that citizens can be assured that it is the Government that is running the country and not the banks. The manner in which banks have turned their backs on rural Ireland and closed services is deplorable. Nevertheless, this criticism, which is rightly directed at the banks, is in no way directed at the men and women who stand in our branches the length and breadth of this country. It is time that the Minister

attended the House to address us on this subject and the future of banking.

We have discussed a matter in great detail this week, namely, Storm Ophelia and its consequences. Not that long ago, the House discussed the plight of people in Inishowen. Last year, we discussed the plight of people living along the Shannon and elsewhere in the west following the type of adverse weather conditions that we are experiencing now. The farming community is one of those worst affected by such events. This year has been a particularly wet one, with farmers unable to get their second cuts of silage done. For those who have been able to get a second cut, the quality of the silage leaves much to be desired. Many cattle are being housed much earlier this year than is normal. Given that there was the potential for the Minister for Agriculture, Food and the Marine to seek funding in the rural development plan to compensate those farmers who found themselves in financial difficulty, it is difficult to know why he did not take that opportunity. The plan, which runs from 2014 to 2020, can still have funding invested in it to provide compensation for farmers. Believe me, a serious situation is coming down the road, with farmers short of fodder to feed their cattle and the quality of that fodder leaving much to be desired.

Senator Victor Boyhan: I second Senator Ó Clochartaigh's amendment regarding Catalonia, and I will tell the House why. I spent a week on a private visit to Barcelona that included the day of the referendum. I witnessed what happened first hand. I am not interested in getting too involved in the internal affairs of Spain or other jurisdictions, but I will share with the House that I witnessed intimidation and severe violence against innocent citizens of the European Union. It is incumbent on the EU and all of its other member states to at least articulate their concern about the violence of that day. Every day, I made a point of engaging at some level with various activists in the referendum. Whether it was official or unofficial is an internal matter, but business people, many students from all of the five universities in Barcelona and thousands of ordinary people - men, women and children - with a particular view were there. They were behaving in a democratic way. They congregated at the city parliament. They wished to articulate a view in a peaceful way. It is not necessarily my view, but they wanted more autonomy within and control over their region. They wanted to send less tax to Madrid and retain it in their local economy. They wanted their unique culture to be respected and recognised. They wanted to play a real role in the self-determination of their people and their economy. These are fair and just causes.

It is a sad indictment of the EU and its member states-----

Senator Victor Boyhan: Hear, hear.

Senator Victor Boyhan: -----that they stood by and allowed such violence and anti-democratic behaviour to be carried out in the name of a cohesive, good and upstanding union. For that reason, it is important that we support the call for statements in the House next week. We have time in our schedule next Thursday. It would be a good time to have a debate.

Senator Jerry Buttimer: Senator Ó Clochartaigh wants the debate today.

Senator Victor Boyhan: I am happy to go along with that.

Senator James Reilly: In response to the first speaker, he is busy in the Chamber, but if he threw his eye over to the other Chamber occasionally, he would have heard the Taoiseach's comments about tracker mortgages, the Government's exasperation with same and the time for action. In that context, last week I mentioned Sparkasse in Germany. It has been in business

for 200 years and is a community not-for-profit bank that is anxious to help set up a bank in Ireland, one that it would not own but would be run by Irish people. It would be interested in talking to credit unions regarding their role. In Germany, it offers mortgages and loans at 1.1%, although that rate would probably be 1.5% in this country. The Department of Finance has had a report for the past two years. It is time that it be released and action taken on this matter so as to afford businesses the opportunity to borrow from a third party.

One of my reasons for speaking today is to highlight a scam that many people have experienced. It involves phone calls from Africa. I have already received some from Morocco, Chad, Comoros and elsewhere.

Senator Máire Devine: Me, too.

Senator James Reilly: People are phoned, the call cuts off before they can answer and, when they ring the dialler back, they are put straight through at an exorbitant rate to an answering machine speaking in an Arabic tongue somewhere else. People everywhere are being caught. The operator, 3, has blocked the number, so I wonder what the other operators will do to protect customers from this scam. The best protection is knowledge. If anyone who rings from an unrecognised number is interested in talking, he or she will leave a voicemail. Otherwise, do not return the call.

Senator Máire Devine: I also received one of those phone calls. I thought it was going to be a great surprise. I did not ring back. I just wondered where it came from. They must be making a fortune. They were pushing out calls all day yesterday.

I wish to discuss the Irish League of Credit Unions, ILCU. There are 235 million credit union members worldwide, with 3.6 million in Ireland. Our credit unions have €16.2 billion in assets divided between €13.6 billion in savings and the remainder in loans. I met the ILCU at this morning's launch of international credit union day, but I have also met it in recent weeks. There is fear among local communities about mergers and the idea of super credit unions being formed and not matching their remit of helping those without great incomes or in financial difficulty. We have been chatting about this matter.

Credit unions cannot do anything with the €13.6 billion that is resting in their accounts. Since 2014, they have been willing to fund the building of much-needed social and affordable housing. Will the Leader invite the Minister to the House to provide us with a necessary update on the Central Bank's intentions, EUROSTAT and when the negotiations are expected to be concluded and recommendations expected to be issued? We need clarity on the Government's intentions and commitment towards the funding of social housing by credit unions.

Senator Frances Black: I send my condolences to the family of Eamonn Campbell, who was a fantastic man and musician. He was a charismatic and wonderful personality.

He will be sadly missed in the music industry in Ireland and also by me.

I wish to raise a point about the schedule of the House. Yesterday we received the agenda for next week and, for the second time in a month, Thursday has been left blank. Not a single debate or motion is listed. We are supposed to sit on Tuesdays and Thursdays, and it is not good enough just to cancel one of the days.

Senator Jerry Buttimer: The Senator is wrong on that.

Senator Frances Black: We are here to do a job - to introduce and scrutinise legislation - so why has another day been left blank? Many Senators have Private Members' Bills waiting to go, just waiting on a slot. We have very limited chances to introduce legislation and, again, when time is tight, it is not good enough that days on schedules are left blank. I know I am harping on about this, and forgive me for doing so, but from my perspective, the reality is that we do not know when the Public Health (Alcohol) Bill will come back before the House. I thought it was coming back this week, I thought it was coming back last week and now I do not know when it is coming back. It has been over a year since it was last debated. During that time more than 1,000 people have died from alcohol-related issues. I again apologise for harping on about this but I go to funerals weekly and it is really upsetting that we cannot get this legislation back in here and sort it out once and for all. We need to ask the Minister for Health to update the House on the progress of this Bill.

Senator Tim Lombard: This is my first opportunity this week to address the House. I was stuck in Cork in the aftermath of a very unfortunate storm. It really was an amazing incident for those involved. In my part of the world the schools are still closed and the villages and towns still have no water. Approximately 15,000 people have no water and approximately 135,000 people have no power. We are not expecting power in my part of the world until the weekend at the earliest. Dairy farmers, businesses and communities do not have power, water or communications. Mobile telephone coverage does not exist at present. It was an amazing incident, in particular in the southern part of Ireland. No offence to Dublin or this part of the world but I do not think people here realised exactly how ferocious a storm it was. It was a frightening event for those of us involved. Great credit must go to the people who went out to ensure that things worked afterwards. I was speaking to the ESB crews that went out that evening. They were involved in really treacherous stuff. I compliment the people in the local authority, those in the ESB and the general communities that have worked together. The real message is that it is not over. We have another few days to go. There will be no power in places such as Minane Bridge until, according to what we have heard, the weekend at the earliest. Other areas are affected and from Skibbereen to Wexford were absolutely hammered by the ferocious gales, and it was unbelievable to see a gale coming in the daytime. We will have to ask an awful lot of questions afterwards, in particular about the lack of off-grid generators and generating stock. We must consider this not only from an industry perspective, specifically in respect of agriculture, but also from a community perspective. We must look at generators and the lack of generation. In many ways we have moved with the times but we now need to move in respect of the plant to ensure we have the ability to generate.

Senator Diarmuid Wilson: I second the amendment to the Order of Business proposed by my colleague, Senator Gallagher. I also endorse the comments of Senators Ó Clochartaigh and Boyhan regarding Catalonia. While I am not in a position to support the motion on the Order Paper in this regard, I urge the Leader through his good offices to try to come up with a consensus on the present difficulties in that part of Spain. This is not to suggest we wish to interfere in the internal affairs of another country. However, if we are to go by that logic, perhaps we should not be attempting to rectify the occupation of our own country. The Six Counties are recognised internationally as part of the United Kingdom but I do not recognise that, even though I respect it under international law.

I also endorse the comments of my colleague, Senator Coghlan, regarding the joint committee to consider the eighth amendment and to make proposals in that regard. I am disappointed

that it did not wait until all the evidence was heard before proceeding with its vote, in particular on foot of last weekend's Fianna Fáil Ard-Fheis, at which a motion to retain the eighth amendment was overwhelmingly endorsed by the membership of my party. I am disappointed that this endorsement was not reflected in the vote taken yesterday. With those few words, I thank the Cathaoirleach for his indulgence.

Senator Colm Burke: I wish to raise the issue of our policy on trying to assist the airports outside of Dublin and trying to increase traffic flow in and out of those airports, whether it be Shannon, Cork or Knock. A problem has arisen that has been brought to my attention by a number of people. I refer to the prices Aer Lingus is charging people flying out of Cork. For instance, if I were to book flights for two people to Munich in February, it would cost me €1,000 more to travel from Cork Airport and back than it would cost flying from Dublin. This is not a booking next week; it is a booking next February. I then found when I looked to book a flight last week from Cork to London on Wednesday, coming back on Friday, that it would cost me €700 return - over €300 to fly out, over €400 to fly back. It is outrageous that an airport such as Cork, where Aer Lingus now has increased the prices, is charging such amounts. As a result, people are now deciding to travel to Dublin to get flights out of Dublin rather than travel out of Cork. It is not helping the flow of traffic through Cork. We need to have the Minister in here to see what can be done about unfair pricing levels regarding the airports outside of Dublin. Dublin already has huge numbers of flights, so there is no need for this type of policy. We need to take this up with the Minister and the Minister then needs to take it up with the carriers, particularly Aer Lingus.

Senator Michael McDowell: Regarding some of the remarks passed earlier, I too, like many others, was deeply upset by the violence we saw in Catalonia on our television screens. However, I will raise one point by way of observation: it is strange that in this House and this country, there should be such active support for the right of a north-eastern portion of any country, which is more prosperous than the rest of that country, to secede. I will just make the point that there is a particular irony in that, especially when the Sinn Féin Party gets active about the right of people from a north-eastern corner to secede from their country-----

Senator Trevor Ó Clochartaigh: It is the right to self-determination.

Senator Michael McDowell: It surprises me.

Senator Trevor Ó Clochartaigh: We should have the debate then.

Senator Michael McDowell: The point I wish to make concerns the local property tax. I note in today's newspaper that a small one-bedroom worker's cottage in Colliers Avenue in Ranelagh sold for over €300,000. That is €1,000 per square foot. I looked at comparable prices - what one would get for that kind of money - in the midlands of this country on one of these property sites and noticed one house with six bedrooms, loose boxes, a one-acre paddock and tarmacadamed driveways for the same price in the midlands. I will not mention where it is because I do not want to wreck the prospects of whoever is selling it. That a tiny cottage - and it is tiny - could attract the same liability in taxes to support local government services as a very extensive house with outhouses, paddocks, loose boxes and six bedrooms in the midlands underlines the unfairness of the local property tax to people who live in Dublin. The Government is talking about reviewing the local property tax and such a review is more than overdue at this point. Due to no fault or action of their own, it is getting more and more expensive for people in some areas to live in very modest homes. Those individuals are entitled to some justice. I ask

the Leader to request that the Minister for Finance, Deputy Donohoe, come before the House to explain why he thinks the local property tax is working out fairly. I think it is deeply unjust.

Senator Fintan Warfield: I welcome the fact that the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, recently met transgender and non-binary young people. She said that she felt so inspired listening to these young people who are so articulate, self-aware, insightful and brave. She said that even though they have been hurt by their experiences, they are optimistic and witty about and even compassionate for those in our society who do not yet appreciate what it means to be trans or non-binary.

This House passed legislation, proposed by Sinn Féin, recognising the rights of transgender young people. The Gender Recognition Act provides for a review - which should have begun in September - to be completed within a year. Has the Minister begun putting the review group together? Have its terms of reference been released? Has the Minister met members of the trans community yet? Two years on from the Act, trans young people continue to live unrecognised by their State, while those under the ages of 16 and 17 face a process that is invasive, problematic and gruelling. We can do better. This House set the example for that review group.

This is all becoming increasingly important with President Trump picking off certain sections of society. It began with a suggestion that President Barack Obama was not an American citizen and continues with President Trump's bar on transgender people serving in the military. It is most important now that Ireland goes in the other direction and that our response is to be truly inclusive. I would like the Minister to address this House and tell us where the review stands and whether trans people will play an important part in it.

Senator Maria Byrne: I wish to raise awareness of a report compiled by Professor Emer Smyth of the ESRI in respect of the transition of students from primary to second level. It found that students who like maths in third and fourth class settle in to secondary school better than students who do not have a love of maths instilled in them. Two thirds of 13 year-old girls and 57% of boys surveyed were found to be happy. The report also showed that it all boiled down to relationships with their teachers, friends and parents. The Department of Education and Skills is now looking at the mindfulness and well-being programme. The findings of this research have to be taken on board in terms of keeping students happy and calm, as well as enhancing their friendships and teaching them how to make new friends and be kind to one another.

Senator Lynn Ruane: I have been reading news reports in the past few hours about the Minister for Justice and Equality, Deputy Flanagan, reneging on the commitment he inherited from the Tánaiste when she held his position in respect of funding a successor to the Sexual Abuse and Violence in Ireland study. This made me angry but also extremely sad. We have only begun to scratch the surface in respect of understanding the experience of those who have been victims of sexual violence. We need to know the reality of these experiences in order that we can properly respond and invest in front-line structures. It is appalling and disgusting that the Minister would take a step backwards with regard to such an important study. In the context of our national budget, it is a drop in the ocean. It would have cost €1 million to fund, which is only one fifth of the budget provided for the strategic communications unit. We really start to see where people's priorities are when they pull money for such important studies in the area of sexual violence. I call on the Leader to ask the Minister to address the Seanad in order that he might justify this decision and state whether he will consider honouring the commitment made by his predecessor by making the relevant funding available in the forthcoming finance Bill.

Senator Jennifer Murnane O'Connor: We all received CSO figures this week. Campaigners are calling for flexible careers for Irish women to prevent a decline into poverty after the CSO statistics revealed that 98% of carers and those carrying out household duties are female. More than six out of ten, or 61% of nearly 200,000 carers are female while 30% of those women carers provide 29 hours or more of unpaid work weekly, which limits their potential to earn and progress into careers. That is absolutely true. This is 2017 and there should be equal opportunities for men and women. We should also have equal wages for men and women, an issue that has been addressed lately and on which people have been campaigning. It is not good enough. We need to highlight this and us women need to stick together. I can guarantee that we work every bit as hard as men if not even harder. These figures need to be addressed.

I give my support to the 13,000 people who have been taken off their tracker mortgages. I will be calling on the Taoiseach to come in to the Seanad to address this. We need accountability. One's home is one's castle and that is the reality. It is unacceptable that there are 13,000 people in this position.

Senator Jerry Buttimer: I thank the 18 Senators who contributed. I join Senators who paid tribute to the late Eamonn Campbell on his sad passing. We will all remember him for his part in The Dubliners. Senators Nash and Black paid eloquent tribute to him; he was a very fine human being. On behalf of all Senators and of the Fine Gael group, I extend our deepest sympathies to his family.

I agree with Senators Davitt, Craughwell, Murnane O'Connor, Gallagher and Reilly on tracker mortgages. The behaviour of the banks is nothing short of scandalous. The banks have a responsibility to treat their customers in a due and proper manner by refunding them and giving them recompense. We all have friends, family members or people in our own communities who have lost everything in terms of physical health and well-being and financial loss. What the banks did to our country is absolutely appalling. As I said yesterday, the Government has lost patience with the banks. I would say to Senator Davitt that the Taoiseach has made matters very clear. I am not sure whether the Senator read the Taoiseach's remarks.

Senator Aidan Davitt: This tracker mortgage scandal has been going on for ten years. Fine Gael has been in power for the majority of that period.

An Cathaoirleach: Allow the Leader to conclude.

Senator Jerry Buttimer: I did not intend to be political in respect of this matter but if Senator Davitt wants to have a debate about his party's stewardship of the banks, I would be happy to facilitate that any day.

Senator Aidan Davitt: This did not happen on our watch.

Senator Jerry Buttimer: I remind Senator Davitt of one thing: regardless of whether he likes it, the banking system collapsed when his party's regime was in power.

Senator Aidan Davitt: It was due to the same guys who are still there.

Senator Jerry Buttimer: The fundamental point is that we are all united in our condemnation of the banks and their failure to look after people and treat them fairly.

Senator Aidan Davitt: Agreed.

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Senator Jerry Buttimer: That is why the Government is bringing the banks in next week and it is the reason the Taoiseach made his very forceful comments. I understand that the Central Bank is independent, but if it needs more power, let us provide it. I am happy to support any action on behalf of citizens who have been treated appallingly by the banks. As a country, we bailed them out and they have an obligation and a duty to work with people, whether businesspeople or farmers who are going about their daily work, to maintain businesses and create jobs, or the private householder who has been absolutely decimated by the banks in some cases. I would be very happy to have a debate on that in the House and to support any measure to address the issue.

I am disappointed that Senator Davitt considered the Taoiseach going out to thank ESB and local authority workers a PR stunt when it was in fact a fine gesture by him to express appreciation and gratitude to the men and women who have been out since last Monday to clear up our streets and communities. It was a very good gesture for the Head of Government to go out and thank them in person. I am sure the Senator agrees.

Senator Aidan Davitt: I would have no problem if he had not got on top of a ladder for a photo opportunity. He did not have to put on the gear and go to the top of a ladder for a photo opportunity.

An Cathaoirleach: I ask Senator Davitt to respect the Chair.

Senator Aidan Davitt: I am being honest.

An Cathaoirleach: Senator Davitt, please.

Senator Jerry Buttimer: He cannot win. If he had not gone out, Senator Davitt would be in here giving out about him.

An Cathaoirleach: When the Leader is responding, there should be no argy-bargy. He has listened to 19 Members this morning without a murmur. He is entitled to respond, so please allow him to do so. Some people may not like it but they should let him off.

Senator Jerry Buttimer: The Cathaoirleach is a very patient man. On a serious note, I thank on behalf of the House everyone who was so proactive in the recovery from the storm. I thank local authorities, the ESB, Met Éireann, our first responders, the Army and everyone else who has been involved, including volunteers. Senator Lombard understated the damage done to his property and we lost three people, which we should never forget. We could have lost more of our fellow citizens and should be mindful of the families in mourning today. Senator Grace O'Sullivan referred to the code yellow alert, which I will come back to. It is important that people remain vigilant.

While I agree with Senator Craughwell that it is extraordinary that no one has been put in prison, we have a judicial system with which we cannot interfere. It is something we need to look at.

I do not have the answer for Senator Ó Clochartaigh on the budgetary matter. I have asked the Minister of State, Deputy Cannon, to come to the House. He has, unfortunately, been away for the past couple of weeks, but it is on the agenda to have him attend. I would love to be able to facilitate the Senator's debate on Catalonia today, but the Minister for Foreign Affairs and Trade, Deputy Coveney, is not available. It is somewhat premature to have a debate on Catalo-

nia at this stage given that it is an evolving situation.

Senator Trevor Ó Clochartaigh: So is Brexit.

Senator Jerry Buttimer: If I may, Brexit affects us specifically as a country and as an island.

Senator Trevor Ó Clochartaigh: This could also affect us.

Senator Jerry Buttimer: A decision has been taken on Brexit but no decision has been taken in Catalonia as of yet, at least not by the Spanish Government.

Senator Trevor Ó Clochartaigh: There absolutely has been.

Senator Jerry Buttimer: My point is that rather than divide the House, we should accept that the Minister is unavailable. I understand the Senator's motivation in seeking the debate. If he wants to have it without the Minister, he can do that this afternoon, but it will not serve what I think is his purpose. If the Senator withdraws his proposal to amend the Order of Business, we will endeavour to facilitate a debate next week or, if that is not possible, the week after we come back from the mid-term break. I have checked for the Senator and it is genuinely the case that the Minister is unavailable.

Senator Grace O'Sullivan referred to climate change. We have already had a debate in the House on that and have four further debates coming on the national transition standards and with the Department of Agriculture, Food and the Marine, the Department of Housing, Planning and Local Government and the Department of Communications, Climate Action and Environment itself. The Minister for Communications, Climate Action and Environment, Deputy Naughten, will be in the House. The Minister has gained in the budget an increase in funding for energy efficiency and the move away from diesel and petrol to electric cars. He is taking renewable energy very seriously as part of our plan to meet emissions reduction targets and he is very committed to meeting our commitments, not to renege on them. I would be happy to have him come to the House to discuss the matter Senator O'Sullivan raised. She referred to the status yellow warning for the weekend. It is another issue that is not going to go away. We are going to have more severe weather alerts and events as a consequence of global warming. Senator Warfield referred to President Trump and there are other Members of the Oireachtas who think global warming is not here when it is. It is not going away. As a nation, we have a duty to work to ensure our environment is protected and that we mitigate the effects of global warming to improve our outcomes. I would be happy to have that debate.

I will come back to Senator Nash with the signature of the Tánaiste on the order. He will have that. The issue the Senator raised is important as it is about construction workers. However, I do not have the answer for him now.

Senators Coghlan and Wilson raised the issue of the Joint Committee on the Eighth Amendment of the Constitution which met yesterday. The committee's work is continuing to the end of the Dáil and Seanad terms on 20 December or thereabouts. Yesterday, the committee decided to have a vote, but some members of the committee were not of that view. However, we decided as a committee to vote in a modular manner. It is a very complex and sensitive matter and there are differing viewpoints. I challenge and urge all Members to read the papers presented to the committee. It is fine to have a predetermined outlook, but the whole purpose of the committee is to have an informed debate on a very complex matter which has bedevilled our society.

There are differing viewpoints which we must respect. What the committee took a decision on yesterday was to vote not to retain Article 40.3.3o. The committee is continuing to examine the matter but no decision has been made by it on the question to be put to the people. What was decided was that there would be a referendum in which the people will decide. That is all that has been decided. Ultimately, the people will vote “Yes” or “No” in whatever way they want.

Senator Paul Coghlan: But not to retain it in full.

Senator Jerry Buttimer: It is the people’s decision. The Government has decided that there will be a referendum and the people will vote on it. Senator Coghlan will have an opportunity, as will everyone else, to vote as he chooses. That is the principle of democracy which we fought to have. It is the right to delete or retain. That is the prerogative. The debate will happen at a later time in a referendum campaign in which I am sure the Senator will play a full and frank part.

Senator Paul Coghlan: Please God.

Senator Jerry Buttimer: I am happy to accept Senator Gallagher’s proposed amendment to the Order of Business. The Minister for Agriculture, Food and the Marine, Deputy Creed, has been before the House to deal with the fodder crisis issue in the past. I am happy to have the debate as the point the Senator raises is a valid one.

Senator James Reilly referred to Sparkassen banks and also to the fraudulent phone calls issue. The advice is not to return the calls and I welcome the fact that 3 has blocked the number. It is important to provide a mechanism whereby vulnerable citizens are prevented from having to return those calls.

Senator Devine referred to credit unions on international credit union day. I do not have the information on the specific issue she raised to hand but I will be happy to have the Minister revert to her.

Senator Black referred to the Public Health (Alcohol) Bill. I know she had to leave but it is a pity she did not talk to her colleagues. We hope to have the Bill back in the House after the mid-term break. The sittings of the House are a matter for the House and it ill behoves Members to come in and be critical of what we do. There are enough people doing that. We do not have to sit three days, two days or one day. It is for us to determine our schedule. We do not mirror the Dáil. If one looks at the timetable or agenda for the Dáil, one will see that there are built-in set pieces around Question Time, Leaders’ Questions and the Order of Business which we do not have. If one strips that away, what happens in the Dáil is no different from what happens here. As Leader, I have met with the group leaders every week to agree business. We have made provision for additional Private Members’ business. We have tried to be inclusive. If Members have other ideas, that is fine. There is no point enacting legislation that is flawed and going nowhere. That would not serve the House well. The alcohol Bill is important. It is not being blocked or held up by me or the Government. We must ensure that the Bill as drafted can be passed and enacted to benefit people. I agree with Senator Black on the need for a collective response to the issue of alcohol and the misuse of alcohol.

I have already responded to the points raised by Senators Lombard and Wilson.

Senator Burke raised the important point of costs in relation to flying out of Dublin. I agree it is an issue on which we need to have a debate.

In regard to the point raised by Senator McDowell, I would be happy to have the Minister come to the House for a debate on the local property tax. I note that the matter was the subject of a newsletter issued to people the Senator purports to represent. However, the point raised by the Senator is an important one and I would be happy to ask the Minister to come to the House for that debate.

On the point raised by Senator Warfield, I do not have information on the status of the review. This Government, like the previous Government, is committed to the rights of transgender people. I am happy to discuss with the Senator how we can have that matter progressed. It is to be welcomed that we have a Minister who is so supportive. Equally, the work being done by Senator Warfield is commendable.

Senator Byrne raised the issue of the ESRI report produced by Emer Smyth. It is an important report which points to the importance of mindfulness and well-being in our schools and the relationships and synergies that can be built up.

In regard to the point raised by Senator Ruane, I was not aware that the Minister for Justice and Equality, Deputy Flanagan, had made those remarks. The Government is committed to legislating for and funding initiatives to tackle sexual abuse and violence. Legislation in this area has been already passed in this House and there is further legislation coming down the tracks. While I can follow up on the matter, the Senator might get a quicker response if she tables it for discussion as a Commencement matter. I am happy to discuss the matter further with the Senator.

On the point raised by Senator Murnane O'Connor, we are all agreed on the need for equality of opportunity for men and women although the Senator raised the issue of women in particular in terms of pay and so on. I would be happy to work with her to advance that issue.

I would appreciate it if Senator Ó Clochartaigh could defer his motion because the Minister is not available today.

An Cathaoirleach: Senator Ó Clochartaigh has proposed an amendment to the Order of Business, "That No. 41, motion 16, be taken before No. 1." Is the amendment being pressed?

Senator Trevor Ó Clochartaigh: I note the Leader's comments but I am concerned that if we do not have this debate soon, the urgency will be missed. I am concerned also that there is a mid-term break coming up. I would expect to see this matter on the schedule for next week, as otherwise it will not be taken for a very long time. I am willing to withdraw the amendment today but if I do not see the matter on the agenda for next week, I will be pushing for it on Tuesday, Wednesday and Thursday.

Senator Jerry Buttimer: I am not trying to be awkward. The Minister is not available today and he may not be in the country next week. I am not sure of his schedule - he may be travelling - but I will endeavour to have the matter scheduled for debate next week. If not, I will put it on the agenda for discussion when the House resumes.

An Cathaoirleach: The Senator can liaise with the Leader.

Senator Trevor Ó Clochartaigh: In that case, it will be about a month before we get to it.

An Cathaoirleach: The Senator has the prerogative-----

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Senator Jerry Buttimer: I cannot schedule a debate if the Minister is not available.

Senator Trevor Ó Clochartaigh: I will push it next week.

Senator Jerry Buttimer: We can have the debate today without the Minister, if the Senator wishes.

Senator Trevor Ó Clochartaigh: No, I want the Minister to be attend.

An Cathaoirleach: I thank Senator Ó Clochartaigh for his understanding. He may table the matter for discussion again next week.

Senator Trevor Ó Clochartaigh: We have a very tight schedule next week but I will expect to see it on the schedule.

Amendment, by leave, withdrawn.

An Cathaoirleach: Senator Gallagher has proposed an amendment to the Order of Business, "That No. 10 be taken before No. 1." The Leader has indicated that he is prepared to accept this amendment. Is the amendment agreed? Agreed.

Order of Business, as amended, agreed to.

Landlord and Tenant (Ground Rents) (Amendment) Bill 2017: First Stage

Senator Robbie Gallagher: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 so as to better enable a lessee to acquire fee simple; and to provide for related matters.

This Bill seeks to amend the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 to make it easier for lessees to acquire fee simple in commercial property.

An Cathaoirleach: Is there a seconder?

Senator Diarmuid Wilson: I second the proposal.

Question put and agreed to.

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

Senator Robbie Gallagher: Next Tuesday.

An Cathaoirleach: Is that agreed? Agreed.

Second Stage ordered for Tuesday, 24 October 2017.

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

Broadcasting Act 2009 (Designation of Major Events) Order 2017: Motion

An Leas-Chathaoirleach: The Minister for Communications, Climate Action and Environment is very welcome, as ever.

We are here to discuss the motion regarding the Broadcasting Act 2009 (Designation of Major Events) Order 2017, which is back from committee. I call on Senator Lombard to move the motion.

Senator Tim Lombard: I move:

That Seanad Éireann approves the following Order in draft:

Broadcasting Act 2009 (Designation of Major Events) Order 2017, copies of which Order in draft were laid before Seanad Éireann on 22nd June, 2017.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I thank the Leas-Chathaoirleach for the opportunity to address the House today and I thank the Seanad for the invitation. This is the last step on a long but worthwhile process and I welcome this opportunity to have the final stage in Seanad Éireann.

The motion put forward for approval relates to the designation of major events or the designation of events of major importance to society. The Broadcasting Act 2009 provides that I may designate certain sporting and cultural events of major importance to society in order to make them freely available on national television. In accordance with this legislation, a review of the list of designated events is conducted every three years after the conclusion of the previous review. My Department began the current review in June 2014, receiving a number of submissions from the public and relevant sporting organisations and broadcasters. Following an initial consultation, the Cabinet approved the launch of a further public consultation seeking submissions from interested parties on the current list and the possible designation of additional events.

A total of 493 submissions were received as a result of the public consultation. The consultants, Indecon, were hired to conduct a full review of the current designated events, the proposed events and the submissions received during the public consultation. Having considered this report, and consulted the Minister for Transport, Tourism and Sport, I decided to retain the events on the current list since 2003 and to add the All-Ireland Ladies Football and Camogie finals. The ladies' senior finals deserve this special recognition that is already afforded to the men's senior finals. The designation of these events is an acknowledgment of the valuable contribution that the representative associations make to women's sport throughout Ireland. Ladies football and camogie players are hugely valuable role models for girls around the country who they inspire to get involved in their local clubs. The quality of both football and camogie would teach many a young player, male and female, the skills of the game. In fact, in some cases but definitely in hurling, the camogie and ladies football championships have been far more entertaining than the men's championships. As a result, both attendance and viewing figures continue to increase for these events. This year alone as many as 46,286 people attended the senior and intermediate ladies football finals in Croke Park. This is an increase of approximately 13,000 on the 2016 final and makes it the best attended female sporting event in Europe this year. Not only that, attendance at the event was on a par with a number of other top sporting occasions

this year such as the Munster senior hurling final, which had an attendance of over 45,000 or the PRO12 final between Munster and Scarlets that had an attendance of 44,000 people.

In accordance with the audiovisual media services directive, the proposed designation list was submitted for EU approval in February of this year. Following consideration by the EU Commission, approval was granted for the designation of the ladies football and camogie finals in May 2017.

The final stage in the process requires a resolution of both Houses. At the request of both Houses, the draft order designating these events was referred to the Oireachtas Joint Committee on Communications, Climate Action and Environment. The committee has approved the draft order and fully supports the designation of these events. Earlier this week, Dáil Éireann passed this motion recognising the importance of the senior ladies finals. As one can see, this has been a comprehensive process with a thorough examination by a number of parties. It has provided the public, sporting bodies and broadcasters the opportunity to decide which events they would like to see designated free-to-air for the next three years. I am confident that all Senators will agree with the value of designating these events. I welcome any questions that members may have or clarifications required at this time.

An Leas-Chathaoirleach: I call Senator Terry Leyden and he has five minutes.

Senator Terry Leyden: I welcome the Minister to the House and congratulate him on the motion. It is a great news story. I commend him on the way he proceeded with the consultation. People had an opportunity to put forward their ideas. I presume that the rugby Six Nations Championship is included. Is that correct?

Deputy Denis Naughten: They are listed on the order.

Senator Terry Leyden: Plus the other six, which are the All-Ireland finals. The list includes the All-Ireland Senior Ladies Football Final and All-Ireland Senior Camogie Final, which is a tremendous step forward.

As the Minister said in his statement, there has been a massive increase in attendance at these events. It is phenomenal to think that as many as 46,286 people attended the senior and intermediate ladies football finals in Croke Park, which is an increase of approximately 13,000 on the 2016 final. With the broadcasting unit, this is all going to act as a tremendous encouragement. My granddaughter has taken up camogie etc. and I believe that young people seeing their peers play in Croke Park and the matches being broadcast on national television will lead to a phenomenal increase in the number of women playing camogie and football. Funnily enough, I am not a great advocate of women's rugby. I am not over enthusiastic about it from a health point of view. Soccer and football are much different but I am not a medical expert. I would not totally encourage women to play rugby but the jury is out in that particular regard. Rugby is a very physical game. I think there are certain games more suited to women and I do not mean to be discriminatory. I mean from the point of view of the future health of women rugby players.

The Minister has done the State some service in this particular regard. I welcome his officials here today. The way that he went about this matter, the consultations that have taken place and the number of submissions that have been made certainly make it something on which we can unanimously agree is a good day's work. I presume the matches will be broadcast from 2018 onwards.

Wearing another hat, I must declare an interest in a certain establishment called Castlecoote Lodge, bar and replica Dáil and Seanad lounge. Broadcasting sports, from a rural point of view, helps rural businesses, which are under pressure from many areas. Live broadcasts of sports are phenomenally successful. These events attract people. One can see the interest in both camogie and football by the attendance figures. I know that the viewership would be very large, not only at home but abroad as well via the Internet, which is a wonderful phenomena. I was in Liverpool the other day to attend the British-Irish Parliamentary Assembly like the Leas-Chathaoirleach. While I was away I could listen to Shannonside Radio, for instance. Last Monday I listened to the news and to a live radio broadcast by Anne Norris on Shannonside Radio. As the Minister can confirm, technology means that someone in San Francisco, for instance, can watch live broadcasts. Technology has created a global village and we are now all one. An event in any part of the world can now be broadcast on the web. That is why broadband is very important, which is the other portfolio under the remit of the Minister.

Last night, I met the head of Eircom at a reception. He pointed out the number of connections through eir. I hope that he will attend a meeting of the Oireachtas Joint Committee on Communications, Climate Action and Environment. I say that to outline and support what the Minister has said about the whole area of broadband and its development.

Without further ado, I want to say, “Well done” to the Minister and congratulate him. He has many portfolios and this one is being handled extremely well. Future generations of camogie and football players will benefit from this legislation. This day, 19 October 2017, is a very important day for sporting events and the recognition of women in sport, which is vitally important.

Men’s senior football finals have been broadcast on television for the past 50 years but this is the first time this is guaranteed to be free-to-air, which is a great success story. Well done and congratulations.

Senator Tim Lombard: I compliment the Minister on piloting this important order through both Houses. It is positive and groundbreaking to have these important finals designated as free-to-air. They are overseen by two different organisations. In my part of the world, both sports have great following. This year, in particular, we had great success in camogie but traditionally, the ladies football final would be a great source of pride in Cork.

This order is an acknowledgement of the progress these sports have made and of where the recognition of female sports has to go. This is an important step and we have to push the boundaries in other parts of the country and the world. Elsewhere there is a women’s sports week where women’s sports are proactively promoted. I hope the Minister of State with responsibility for sport will take this into account in his review of sporting codes in Ireland.

It is also important when it comes to our national broadcaster that there is balanced commentary on these sports. It is important to have women participating in the commentary panels on both sports to give their views. Traditionally, the commentary teams for ladies football and camogie have been male. The female voice has to be heard. That boat must be pushed in broadcasting, which is an important part of the Minister’s remit.

This is a good news story. Participation in women’s sports has to be a priority for the Government. The Minister of State has to prioritise that whether it is through the sports capital

grants that will be announced in the next few months or other initiatives he brings forward because, unfortunately, they do not get the recognition they require. More than 50% of our population is female and, therefore, we need to cater for them through sports promotion and role models. The camogie and ladies football players in my part of the world are role models and they carry weight in the community. We learn from people like Brieghe Corkery who is a fantastic ambassador for both codes. These are the people my young girls and every young girl in the parish looks up to. This is a major step forward but work has to be done in broadcasting when it comes to the panels that commentate on the sport and the initiatives to be introduced by the Minister of State with responsibility for sport to promote participation in women's sports. If we can tie all those bows together, hopefully we will have a strong community going forward.

I acknowledge the Minister's input into this order and it is important that both codes are covered by it. Support for them will go from strength to strength. More than 46,000 attended the All-Ireland Ladies Football Final, which was a fantastic event. I am sure if Cork had been in the final, the attendance would have been higher. Next year, the numbers will hopefully be higher because both sports have gone from strength to strength.

Senator Pádraig Mac Lochlainn: The designation of the ladies football and camogie finals as major events is welcome. The attendance at this year's All-Ireland Ladies Football Final was fantastic.

While it is not the Minister's direct responsibility, I would like to raise the issue of access to the broadcasts of games involving our international soccer team in the North of Ireland. If Sky Sports has the rights to the games, it denies access to them to free-to-air viewers. There is a sense of grievance about this. The man of the match and goalscorer in the Republic's most recent game was James McClean from Derry while the manager is Martin O'Neill, another Derryman. There is a strong contingent from the North of Ireland.

Unfortunately, the nationalist community in the North of Ireland follows the Irish football team. They do not connect to the football team in the North of Ireland for reasons that are well documented historically. There is a grievance and this issue needs to be addressed.

Parity of esteem is provided for under the Good Friday Agreement. There is a wider issue. Ryan Tubridy recently visited Belfast and Enniskillen. He said that by design in the North people are pushed towards BBC and UTV and, therefore, they are connecting to news that keeps them disconnected from the rest of the island of Ireland. Nationalists, in particular, have no desire to be disconnected. They want to be more connected to the rest of the island culturally and in every other way. Is there a way to resolve this issue to make sure Irish citizens in the North of Ireland who want to watch their football team the same as everybody else free-to-air can do so and not have to pay through Sky Sports? It is an important issue and I appreciate it is not the Minister's direct responsibility. It is part of the collective challenge we face and it would be very much appreciated. The issue has been brought to our attention repeatedly. My colleague, Senator Ó Donnghaile, has championed this. He is a native of Belfast and a former mayor of the city. He is a passionate supporter of our football team.

This order is positive news on a positive day.

Senator Alice-Mary Higgins: I join in the welcome to the Minister. I also welcome the positivity of the designation of these new events. I commend the Minister not only on the order he has brought to the House but on the process that led to it. It is positive to have that level of

public engagement and discussion around what we value as a society, what we want broadcast free-to-air and what we feel is part of our national culture and sporting heritage that we should share together. It was a commendable process with a positive outcome.

It is significant for Gaelic football and hurling. I am particularly pleased, because my cousin played in nine all-Ireland ladies football finals, that these events are being recognised. I commend all the women in sport in Ireland who have in recent years pushed strongly to demand parity of recognition like women in so many other areas. As Senator Lombard said, this should be reflected in commentary panels and management teams, and other aspects of sport. It is not just about playing. Women have extraordinary physical and mental abilities and there is excellence in all sports played by women in Ireland. I hope more women's sports will be added to this list in future.

As previous speakers said, 46,000 people attended the All-Ireland Ladies Football Final this year and that number will increase. The signal from the State of improved parity of esteem and parity of recognition is important. I hope that the semi-finals in both codes will make the list following the next three-year review. The semi-finals and finals of the men's football and hurling competitions are free-to-air.

This is a positive moment for women in sport and free-to-air broadcasting. The reason we get to make this decision and can have a list to which we add events that should be publicly available to view - the reason we have a national broadcaster at all - goes back to 1993 and the *exception culturelle*. I refer to the General Agreement on Tariffs and Trade, GATT, talks. Jacques Delors and other Ministers, including our own culture Minister at the time, took a stand and insisted that, in these trade agreements, culture had to be treated differently. The translation of the *exception culturelle* states that we need to recognise that cultural goods and services encompass value, identity and meanings that go beyond their strictly commercial value. That was an important marker that was laid down back in the 1990s. At the time, it was said that only Europe was in a position to demand that culture be treated rightly in those trade agreements. It is notable that one year later, in 1994, Canada copied the exception. It became a standard and, within the World Trade Organization now, we see much stronger rights for nations in areas like broadcasting and the right to shape cultural identity. It has become a principle in trade.

I am raising this now because I have been urging Ireland and Europe to take a stand again in trade negotiations and to demand higher standards. When we do put down a marker, as I have urged this House, the Government and the European Commission negotiators to do, when we demand better standards and ensure that we protect the public interests of citizens across Europe, we get a better outcome and contribute to a better kind of trade. This wonderful moment today, when we can discuss what matters outside the commercial context, was won by bravery in the 1990s. I ask the Minister to feed this point back to the Government. Are there other areas which encompass values and meaning that go beyond strictly commercial value? How are we working to protect them in trade today? I commend the Minister, the process and the outcome and I look forward to watching all these matches further via our national broadcaster.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): In response to Senator Leyden, I am looking forward to next year's under 12s camogie championship. The Senator will be shouting for Athleague but I will definitely be shouting for Roscommon Gaels. There will be skin and hair flying I am sure.

Senator Terry Leyden: The Minister might be shouting for Roscommon Gaels but I have

more right to Roscommon town. He should never forget that.

Deputy Denis Naughten: Senator Leyden pointed out that Irish people right across the globe can now listen in to matches in their home parishes through local radio. I urge colleagues to encourage the Irish people they meet abroad to utilise the Irish radio app. It is a great way to find out what is going on in one's own community. While I have the chance, I also wish to acknowledge the role that all the national broadcasters and local radio stations played in providing clear information to the public last Monday during the terrible storms.

Several Senators have touched on the numbers that attended the all-Ireland football final. There were mixed emotions, whether one was shouting for Dublin or Mayo but it was a great achievement to see Dublin win on this occasion. Even though there were smaller viewership and attendance numbers, the all-Ireland camogie finals were really entertaining this year. It was a cracking game between Meath and Cork. There was debate as to whether Meath should have won on the first day, but we will not go into that. Meath went on to win on the second occasion. The performance of Rena Buckley, in becoming the first person ever to lift both all-Ireland senior hurling and football trophies, really needs to be acknowledged. She is a sportsperson with 18 all-Ireland medals. Not even the best in Kerry have ever come anywhere near that. Even the former Deputy, Jimmy Deenihan, never came within an ass's roar of it. She is a phenomenal athlete and it was great to see the match.

Senator Mac Lochlainn raised the issue of broadcasting rights in Northern Ireland. That is a matter for the sporting organisations and how they allocate those rights, although I have no doubt that RTÉ would be quite willing to facilitate it.

Senator Higgins made reference to her cousin. My own cousin also has an all-Ireland camogie medal with Galway. The Senator is right on the issue of trade. Far greater debate could be had in both Houses on the broader issues of trade, not just in respect of the benefit for us in this country but also in respect of the developing world. Rather than overseas development aid, ODA, I think there are huge opportunities for trade such as assisting countries to build up capacity in order that they can directly import into high-value areas such as the European Union. I made my views strongly known in the sugar debate that took place here. I was a very lone voice in the Lower House at that time but I have been proven right.

I want to raise one issue about which I feel very strongly, namely, women's participation not just in sport but on State boards. There are quite a number of State boards under my control. I am very anxious to put more women on State boards. On some occasions, I have been very limited in respect of the lists that have come to me through the Public Appointments Service, PAS, system. I ask colleagues in the Upper House to actively encourage women to register with the PAS system and apply for positions on boards and as chairpersons of boards, particularly those under my own aegis but also right across Government. I especially encourage women from outside the Dublin area to do so. It is important that we have a good mix of people, not just from Dublin but from throughout the country, who can bring different perspectives to bear. In one instance, where I had two positions to appoint, three names came up to me and all three were men. I know there are very capable women out there who are willing to participate on boards. I actively encourage colleagues in this respect. We all know very good, competent, capable women who would add to many of our State boards.

An Cathaoirleach: I thank the Minister.

Senator Terry Leyden: If I may-----

An Cathaoirleach: No, it is over.

Senator Terry Leyden: It is not over.

An Cathaoirleach: It is over. The Senator got his five minutes.

Senator Terry Leyden: I just want two seconds for a supplementary question. All I want to ask the Minister is whether TV3 can apply for this free-to-air as well as RTÉ.

Deputy Denis Naughten: Anyone can broadcast.

Question put and agreed to.

Sitting suspended at 1.20 p.m. and resumed at 1.40 p.m.

Legal Metrology (Measuring Instruments) Bill 2017: Second Stage

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

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): I am delighted to be here. I apologise for the delay but there was ongoing voting in the Dáil for which I had to stay back. I dealt with this Bill on Committee Stage in the Dáil and am delighted to present it to the Seanad today on Second Stage. It is a technical Bill which is required to transpose Articles 1 and 3 of Directive 2014/32 EU of the European Parliament and the Council dated 26 February 2014 on the harmonisation of the laws of member states of the European Union relating to the making available on the market of measuring instruments. The remaining 52 articles of the directive will be transposed into Irish law by way of a ministerial regulation under section 3 of the European Communities Act 1972.

The purpose of the directive is to establish a requirement that measuring instruments must satisfy with a view to their being made available on the market or put into use. The Bill applies to the putting into use of measuring instruments that are set out in the Schedule to the Bill. These instruments, which we all know, are: water meters; gas meters and volume conversion devices; fuel dispensers, for example, for petrol; measuring systems on road markers; measuring systems for loading road tankers; measuring systems for milk; automatic weighing instruments; taximeters; material measures of length and capacity-serving measures; and exhaust gas analysers. For all these instruments, the requirements of the recast Directive 2014/32/EC apply for the putting into use for the purpose of levying taxes and duties and fair trading, except for exhaust gas analysers, which is for the purpose of protecting the environment. I wish it to be clear to the Seanad that this does not represent a change in policy; the Bill is merely required to transpose the recast directive into Irish law. These measuring instruments are the same ones that are currently subject to this type of regulation.

The deadline for the transposition is overdue and, in light of that, the Bill was prioritised in the spring-summer legislative programme of the Office of the Chief Whip, as published on 17 January 2017. The Department has also consulted with the Joint Committee on Jobs, Enterprise and Innovation, which decided on 21 June last that, given the urgent need to enact the legislation, it would not undertake pre-legislative scrutiny of the Bill. I thank all Seanad Members on the committee for their input. It was extremely important and shows what can be done when we collaborate on important Bills like this.

By way of background to the Bill, the Attorney General's office advised that the operational provisions in Articles 1 and 3 of the directive must be transposed separately through primary legislation by means of a stand-alone technical Bill. A Schedule is attached to the Bill, setting out the categories of measuring instruments and prescribed uses to which the directive will apply. The other articles of the directive can, however, be transposed by way of a ministerial statutory instrument by making regulations under section 3 of the European Communities Act 1972. The Bill and the statutory instrument should both come into effect on the same date.

Legal metrology is primarily concerned with measuring instruments used in trade which are themselves legally controlled. The main objective of legal metrology is to assure citizens of correct measurement results when used in trade and commercial transactions. As I said, this is a short technical Bill to transpose Articles 1 and 3 of the directive. There are no technical changes arising from the Bill which affect the instruments concerned. The aim of the recast directive is to improve compliance with existing legislation relating to harmonised products in this area. The only additional burden on operators will be the requirement to have a more detailed and standardised itinerary of instruments.

My officials have been in formal contact with the European Commission on a quarterly basis via our permanent representation in Brussels to update it on the transposition of the directive. Since the Bill commenced its progress through the Houses of the Oireachtas on Friday, 14 July 2017, my officials have been updating Commission officials informally on a weekly basis due to the possibility of infringement proceedings and a formal reasoned opinion which issued in December 2016. The passage of this technical Bill through the Dáil commenced when the Minister, Deputy Frances Fitzgerald, moved that it be read a Second Time on 14 July 2017. I handled Committee Stage on Wednesday, 28 September 2017, and Report and Final Stages were taken by the Minister of State, Deputy Helen McEntee, who has responsibility for European affairs. This demonstrates clearly that we are making efforts to transpose the overdue directive into Irish law as soon as possible.

I acknowledge the supportive approach of Dáil Members when the Bill went through our Lower House. They did not table any amendments to the Bill. As the Bill is technical, it consists of only four heads. The Bill and the statutory instrument giving effect to the remaining 52 articles of the directive should both come into effect on the same date. I ask Senators to adopt a similar approach to their colleagues in the Dáil by passing the Bill as soon as possible. I understand from my officials that the Seanad's secretariat has provisionally scheduled Committee, Report and Final Stages in the Seanad for Tuesday, 24 October, which is next week. The supportive approach of the Seanad is very much appreciated by all of us, in particular my Department. I commend the Legal Metrology (Measuring Instruments) Bill 2017 to the House.

Senator Aidan Davitt: I acknowledge that the Dáil has a busy voting schedule at present. We are all aware of that in the House. The Bill is an important one, as the Minister of State said, and there are quite a lot of technical matters in it. Fianna Fáil supports the Bill and the active work the Minister of State is doing to upgrade the diktats from Europe on this. As a strong member of the European Union, it is important that Ireland is to the fore in regulations and the measuring of instruments. Fianna Fáil supports the Bill fully and is delighted to see it progress through the House.

Senator Pádraig Mac Lochlainn: I am happy to convey my party's support for the Bill, albeit I express concern at the delay which has turned the passing of the legislation into a matter of urgency. Although it is not the most thrilling piece of legislation, it is important as it

transposes into Irish legislation two articles of an EU directive on the legality of measuring instruments.

Metrology is the science of measurement and is one of the oldest sciences in the world, if not the oldest. Metrology is vital to science and to the measurement of temperature changes due to global warming, earthquakes and their aftermath and the pollutants in our air, water and soil. The legislation will ensure that inaccurate measuring instruments are prevented from reaching the market for sale in Ireland. The Metrology Act 1996 established a legal metrology service which provides customers with reassurance that measuring instruments used in everyday life are regulated and legally accurate. The legislation before the House will extend protection for consumers in this area. I have come to understand how important metrology is. For example, it protects tourists from inaccurate taximeters and it ensures families know with how much gas they have been supplied.

This short Bill is needed to transpose two articles of the directive which cannot be transposed through a statutory instrument. It will bring Ireland into line with European standards in this area. While the committee to which the Minister of State referred supported the progress of the Bill, its members felt there should in future be more time provided for pre-legislative scrutiny, regardless of how technical or uncontroversial a Bill is. I thank the Oireachtas Library and Research Service for its comprehensive digest on the Bill which, as always, made an obscure topic like legal metrology easy to understand. They really provide a great service here and should be recognised for it. The Bills Digest is a great resource to be able to lean on when it comes to being in opposition and the work of democracy in holding Governments to account. I was a justice spokesman in the last Oireachtas and would have been totally lost without the help of that service in dealing with the huge volume of justice legislation. The library and research staff provide a tremendous service and I want to formally recognise their hard work here today.

I welcome this Bill to the Upper House and look forward to its speedy passage.

Senator James Reilly: I welcome the Minister of State to the House and I fully understand the exigencies of his duties in the Lower House and how that can interfere with timekeeping. I echo Senator Mac Lochlainn's comments with regard to the Oireachtas Library and Research Service. The staff there are invaluable in what they bring to Bills and in helping Members understand the purpose of proposed legislation.

As the Senator rightly points out, this is not perhaps the most exciting piece of legislation but I nevertheless welcome the chance to address it because it serves the purpose of reminding ordinary people of just how important these mundane items are to daily life. It is important that people know that they can trust the accuracy of the meter when they are filling their car with petrol or diesel; that the household meter is accurate in calculating their gas bill; and the taxi driver can be held to account if his or her meter is not running at the appropriate rate. It is, then, a very important piece of legislation.

We obviously want to be in line with Europe on this. This will not change anything that we have been doing because, as the Minister of State has pointed out, we have a very good record in this area. Part of me, however, thinks it a pity that we do not have metrology applying to hotel rates for big events in Dublin but we will not get into that. We had representatives from the hotel industry appear before the joint committee recently and this is an issue that they will have to address.

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This Bill is also very important in terms of our reputation at European and international level, and also when we consider how many people now buy goods online. It will further benefit those selling goods online out of Ireland. We have a great success story in the company eShopWorld in Swords, which started with just six people and a turnover of €40,000 or €50,000 in its first year, but now boasts an annual turnover of €200 million and hopes to employ over 200 people. The success of such enterprises is also contingent on having a reliable metrology system in place.

I commend the Minister of State and the Bill and I look forward to its swift passage.

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): I thank all three of the main political parties, Fianna Fáil, Sinn Féin and Fine Gael, for their excellent co-operation with this Bill. Senator Mac Lochlainn pointed out that he would have liked to have had the Bill go through more quickly. It is left to us, of course, to decide the appropriate constitutional methods for transposing this matter into domestic law. The issue concerned is a very complex one and the directive required detailed discussion over a number of months between officials from the Department and the office of the Attorney General.

Directive (2014/32/U) is also a particularly technical directive and such technical directives can be difficult at times. The transposition of the directive also required officials to work closely with and draw upon the expertise of the legal metrology service of the National Standards Authority of Ireland. I thank the NSAI for its technical contribution to the drawing up of the provisions of the Bill and also for its work in drafting the regulations under the European Communities Act 1972 for the remaining articles of the Directive. I know that the three Senators here today understand the urgency of the Bill itself in helping us avoid infringements on and penalties from Europe. I sincerely thank all of them for their support for the swift passage of this Bill through the Upper House today so that we can avoid such scenarios. I understand that Committee, Report and Final Stages of the Bill will also be taken and I again thank the Senators for their support on this.

Question put and agreed to.

Acting Chairman (Senator Diarmuid Wilson): When is it proposed to take Committee Stage?

Senator James Reilly: Next Tuesday.

Acting Chairman (Senator Diarmuid Wilson): Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 24 October 2017.

Acting Chairman (Senator Diarmuid Wilson): When is it proposed to sit again?

Senator James Reilly: Next Tuesday at 2.30 p.m.

The Seanad adjourned at 1.55 p.m. until 2.30 p.m. on Tuesday, 24 October 2017.