



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Déardaoin, 16 Samhain 2017*

*Thursday, 16 November 2017*

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

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Business of Seanad**

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

The need for the Minister for Justice and Equality to introduce legislation to make perjury a statutory criminal offence.

I have also received notice from Senator Victor Boyhan of the following matter:

The need for the Minister for Housing, Planning and Local Government to confirm the number of so-called fast-track applications submitted to An Bord Pleanála in 2017, the number of housing units involved, the number of applications granted under the scheme, and if An Bord Pleanála is ready to roll out an IT interface with the public in terms of online submissions.

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

The need for the Minister for Transport, Tourism and Sport to consider undertaking a feasibility study for the provision of a rail commuter line connecting Shannon Airport to Limerick city.

I have also received notice from Senator Keith Swanick of the following matter:

The need for the Minister for Culture, Heritage and the Gaeltacht to outline the qualifying criteria for the allocation of a language assistant as part of the Cúntóir Teanga scheme.

I have also received notice from Senator Frank Feighan of the following matter:

The need for the Minister for Employment Affairs and Social Protection to outline the number of former miners who worked in Arigna and in other mines who have availed of disablement benefit due to work related illness, and whether there are enough resources currently available to expedite existing applications from former miners seeking disablement

benefit.

I have also received notice from Senator Brian Ó Domhnaill of the following matter:

The need for the Minister for Housing, Planning and Local Government to review the 2014 Local Government Reform Act to provide for timely responses, consistency across local authorities and substance in answers given to representations made by local elected representatives to their respective local authorities.

Of the matters raised by the Senators that are suitable for discussion, I have selected the matters raised by Senators Ó Céidigh, Boyhan and O'Donnell, and they will be taken now. Senator Swanick has withdrawn his Commencement matter which I had selected. I regret I had to rule out of order the matter submitted by Senator Ó Domhnaill on the grounds that the matter raised is an operational issue for the local authorities and the Minister has no official responsibility in the matter. Senator Feighan may give notice on another day of the matter that they wish to raise.

## **Commencement Matters**

### **Court Procedures**

**An Leas-Chathaoirleach:** I welcome the Minister of State, Deputy Stanton.

**Senator Pádraig Ó Céidigh:** Cuirim fáilte roimh an Aire Stáit. I welcome the opportunity to address the Minister of State at the Department of Justice and Equality on an issue that is very important to me and to many people, particularly those who have small businesses who have been hurt by it.

It might come as a shock to people who are unfamiliar with the court and legal system that every person who stands up and swears or affirms an oath before a judge does so with no real reality of facing criminal prosecution if they are later to be have been found deliberately telling lies. Anyone with a cursory knowledge of how the court system operates knows that every week there are many people swearing an oath and telling lies before the court.

Contrary to popular belief it is not just the person who is relaying the event or speaking about his or her injuries who is telling lies under oath. It is also well-heeled people, big corporations and sometimes people in banking and institutions who present affidavits to say that they are repossessing houses, quite frankly without those affidavits being properly checked to be foolproof and without any repercussions. It is a very significant issue.

In spite of this day-to-day practical reality of court life in both our criminal and civil court systems, including in some cases where judges have gone so far as identifying facts that could give rise to a perjury investigation, according to figures supplied to me by the Central Statistics Office, CSO, there are few or no recorded instances of perjury taking place. I have a figure supplied by the Garda Síochána to the CSO for the past ten years. There have been only 31 recorded instances of perjury, with not a single incident of perjury recorded in the past year, by

way of example.

Does anybody seriously believe that in the past decade there were just 31 instances of perjury in Irish courts? Most decent people, if asked to swear an oath before a court, recognise the symbolic significance of what they are about to say in court before a judge, but with so many proceedings going on through our court system on affidavit with no oral evidence whatsoever, I question how seriously this oath is taken in the absence of a threat of legal prosecution.

I am sure the Minister of State will remind me that perjury is a common law criminal offence in Ireland, which is true, but the statistics speak for themselves. Not a single incidence of perjury was recorded last year. My view, and this view is shared by the Irish Small and Medium Enterprise Association, ISME, and also by many solicitors and barristers in the legal profession, is that the only way in which we can signal to the public and to the Garda Síochána that this is a real criminal offence in Ireland with real consequences is to make perjury a statutory criminal offence. I welcome the statement delivered by the Department of Justice and Equality at the beginning of August that the question of introducing perjury legislation is under review. I look forward to hearing an update on the outcome of the review.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):**

I thank the Senator for raising this important matter in the House today on behalf of the Minister for Justice and Equality, Deputy Charles Flanagan, who, unfortunately, cannot be here today.

Perjury, as the Senator has pointed out, is already established as a common law offence in Ireland and there have been prosecutions of this offence. There are specific offences which have been created in circumstances which would amount to perjury, such as the specific offence in section 18 of the Commissions of Investigation Act 2004 of giving false evidence to a commission, and section 3 of the Tribunal of Inquiry (Evidence) (Amendment) Act 1979. Section 25 of the Civil Liability and Courts Act 2004 makes it an offence to give false or misleading evidence in personal injury actions. If convicted of this offence on indictment, a person can be sentenced to imprisonment for up to ten years or a fine of up to €100,000 or both.

From representations received recently by the Minister for Justice and Equality, this would seem to be the type of circumstance which is of particular concern. In response to these representations, the Minister, Deputy Flanagan, has asked officials to examine the case for legislating for a statutory offence of perjury, in consultation with relevant authorities.

Separately, it is understood that the matter of perjury and whether the Government should consider legislating for a statutory offence is being examined by a working group chaired by the Minister of State at the Department of Finance, Deputy Michael D'Arcy. This group is examining the cost of insurance and identifying what measures can be introduced to help reduce these costs for consumers and businesses.

It is understood that the group reported its first phase of work and is now considering legally related matters. These matters include the examination of, among other things, the personal injuries court process and, in particular, the effectiveness of the Civil Liability and Courts Act 2004. It is understood that the trigger for this has been the working group's consultations with stakeholders where examples of fraudulent and exaggerated claims have been outlined, including how the impact of such behaviour has had a damaging effect on businesses.

As part of this review, it is understood that consideration is being given to finding ways of more effectively applying a number of provisions, including section 25 of the Civil Liability

and Courts Act 2004 which, as stated, creates an offence for giving false or misleading evidence or giving false or misleading instructions to a solicitor or expert, and section 26 of the same Act which requires a court to dismiss any personal injuries action in which the plaintiff gives or causes to be given false or misleading evidence or swears a false or misleading affidavit. This working group was attended by relevant stakeholders. It is understood it is still deliberating these matters. At this stage, it would be premature to anticipate its findings, but I can assure the Senator, on behalf of the Minister for Justice and Equality, that the analysis in the report, once published, will be considered in the Department's examination of the need to legislate to make perjury a statutory criminal offence.

**Senator Pádraig Ó Céidigh:** I appreciate the Minister of State's feedback and active engagement in the consideration of whether to put perjury on the Statute Book, similar to what was done in the UK in 1911. We are a little behind the curve on that.

The Civil Liability and Courts Act 2004, to which the Minister of State referred twice, does not tackle the issue from the perspective of an individual citizen or a business. It deals with personal injuries, which is a very narrow category. The Minister of State mentioned section 25, which applies only to false evidence adduced in court. It does not apply to false claims submitted to the Personal Injuries Assessment Board. It is far too narrow in scope and I urge the Minister of State to consider broadening it out to cover many more areas. We have done some research on the area. There has only been one prosecution under the Act since 2004. It does not appear to be very effective.

The criminal justice (corruption) Bill from 2012 is still undergoing legislative scrutiny and has not been enacted into law. We do not have a definition of what constitutes perjury in this country, which makes it difficult for courts and judges to assess whether perjury has taken place. I appreciate the Minister of State coming to the House and stating what he has, but I urge him to do a lot more work.

**Deputy David Stanton:** I thank the Senator for raising this matter and giving me the opportunity to show the attention it is already receiving. I listened carefully to what the Senator has said and will convey it to the Minister for Justice and Equality, asking him to take note of what the Senator has said. It is a very important issue.

As outlined, there is already a common law offence of perjury which can be availed of now. In addition, there are already specific provisions in relevant legislation where the matter of giving false information could impact significantly on the outcome of proceedings. An expert group is also considering how such instances can impact daily on the public and businesses and is specifically looking at the matter from a legal perspective. I will ensure it gets notification of the concerns raised by the Senator.

The Minister, Deputy Flanagan, has also asked me to assure the Seanad that this matter is receiving attention. He is committed to keeping under review the matter of whether the Government should legislate to make perjury a statutory criminal offence. In this regard, it would be important that this group is offered the opportunity to complete its deliberations in order that an informed and considered decision is taken by Government on any measure, including any possible legislative measures to ensure that they are necessary, targeted appropriately and acted on.

I again thank the Senator most sincerely for raising this important matter and encourage him to keep it under review.

## **Planning Issues**

**Senator Victor Boyhan:** I welcome the Minister of State, Deputy John Paul Phelan, to the House. I will be brief. I am raising this matter in the context of Rebuilding Ireland. In the preparations for it and the ongoing and concluding legislation to underpin it, officials in the Department made a very strong case for the fast-tracking of planning and a lot of concern was expressed by local councillors, in particular, as well as people throughout the country about the interface with the planning system. Plean-IT is an internal platform developed by An Bord Pleanála. I understand it is working very well but it is internal at this point.

We were given assurances by the then Minister, Deputy Coveney, that he would fast-track the process and that it was a critical part of the public engagement process and the right of the public to engage in planning consultation processes. I am not expecting to hear significant figures in respect of the fast-track system because I am conscious that it was only introduced in July, and that there is a nine-week pre-application process and a 16 week planning process after that. The entire process takes 25 weeks. If we roll on 25 weeks from July, I would anticipate that between four and eight applications have gone through the system.

My real concern is that we keep an eye on the fast-track element, in particular as it pertains to student accommodation and major business initiatives that want to get going. It is important that they are not stuck in an archaic planning process and are allowed to go through due process. My concern is that, as of today, people in Cork, Kilkenny, Wicklow and Donegal cannot engage online with An Bord Pleanála. They cannot make a submission, which was confirmed by An Bord Pleanála today. They cannot inspect the drawings, etchings, vision, concept or montage associated with a planning application. All of this is unsatisfactory at a time when we want to encourage development and stakeholders to make observations. They do not all have to be negative and involve objections. Many people in our community want to make positive contributions to planning applications.

I am keen to hear what the Minister of State has to say about how we can fast-track the roll-out of Plean-IT throughout the country and local authorities, and encourage citizens to engage in our planning process.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan):** I thank Senator Boyhan for raising the issue. This is a timely issue to discuss in light of recent planning decisions in other parts of the country which were delayed and caused significant problems. The Planning and Development (Strategic Infrastructure) Act 2006 was introduced to ensure that designated national strategic infrastructure would be subject to a faster planning process. The Senator's question revolves around the new arrangements for certain housing developments to be dealt with directly by An Bord Pleanála.

These fast-track arrangements cater for developments of 100 housing units or more or student accommodation developments of 200 bed spaces or more, and planning applications are to be made directly to An Bord Pleanála for determination, as introduced under the Planning and Development (Housing) and Residential Tenancies Act 2016.

Following the preparation of the necessary supporting regulations that set out the procedural and administrative matters relating to these applications, the new arrangements were brought into operation on 3 July. In brief, they involve a two-stage process. First, prior to making a planning application, a prospective applicant must make a request to the board to enter into the

mandatory pre-application consultation process for a proposed strategic housing development. This consultation process which also involves the relevant planning authority is required to be completed within a maximum timeframe of nine weeks following the receipt of the pre-application consultation request. At the end of the initial consultation process, the board will issue its opinion as to whether the documents submitted with the pre-application consultation request constitute a reasonable basis on which to submit a planning application or, alternatively, require further consideration and amendment in order to allow the documents to constitute a reasonable basis on which to submit an application. This step facilitates the board in providing advice on the proposal to ensure the highest quality application is submitted.

Second, after the pre-application stage, there is the formal planning application stage. It includes the opportunity for the public to make submissions and observations in the normal way on the proposals. The details of a proposed development are made available for inspection at the offices of the board and the relevant planning authority in functional area of which the proposed development is located. The planning application is also made available online on a dedicated website set up by the developer for this purpose.

Following receipt of a planning application for a proposed strategic housing development, the board is required to make a determination on the application within a period of 16 weeks. This results in a potential overall timeframe of 25 weeks, as outlined by the Senator, from beginning to end for the final determination of a planning proposal.

In the period since the new arrangements came into operation on 3 July this year, the board has received 25 valid pre-application consultation requests. It has issued an opinion on 19 of the requests. In the same period and further to the satisfactory completion of the pre-application consultation process, four formal planning applications have been lodged with the board. There have been two for student accommodation developments comprising 3,006 and 388 bed spaces, respectively. There are two other developments comprising in total 478 houses and 562 apartments. These applications are under consideration, with the decisions due in early 2018. It is expected that further requests for pre-application consultations and strategic housing development applications will continue to be received by the board in the near future.

We are extremely pleased with progress to date on the new arrangements and the very positive impact they will have in accelerating the delivery of much needed large-scale housing developments at the earliest possible date. Owing to the level of interest in the new process, the board has published on its website a general overview and update, including information on the number of pre-application requests and applications received. It will provide further updates on a regular basis.

With regard to staffing resources to support the new arrangements, a new strategic housing division has been established in the board. It involves the recruitment of an additional ten staff members to work solely on strategic housing developments. In addition, two board members are expected to be assigned to the division shortly when strategic housing development applications are due to be referred to board level for final determination.

In the broader context of the national roll-out of electronic or e-planning, the Planning and Development (Amendment) Bill 2016 which is progressing through the Oireachtas will provide the legislative underpinning for e-planning. The legislation will facilitate the introduction of online planning applications, appeals and associated payments both at planning authority and board level.

The board is also implementing a major ICT strategy that will see the introduction of online planning services as part of an upgrade and replacement of core systems. The first phase of the project has commenced with the implementation of a new case management system to support internal business processes, a matter referred to by the Senator. It is expected that the full range of services, including the online submission of appeals, applications, observations and other transactions, will be available to the public in 2018. All of this will help to further streamline and modernise the planning system. The board expects to provide the full range of services for the public in 2018, but I will try to ascertain a tighter timeframe for the Senator.

The Department liaises closely with the board to ensure it has appropriate resources to perform its functions, including staffing and the development of its new ICT systems. The Minister for Housing, Planning and Local Government is satisfied that the board has sufficient and necessary resources assigned to it in that regard.

I again thank the Senator for raising the matter and giving me an opportunity to update the House on the issues involved.

**An Leas-Chathaoirleach:** I thank the Minister of State.

**Senator Victor Boyhan:** I, too, thank the Minister of State. I note that there have been no approvals under the fast-tracking system, despite the provision being put through in legislation last December. It is a slow process. One of the big difficulties with the policy document Rebuilding Ireland and planning is keeping track of statistics. Every time one asks a question one is given different figures. Interestingly, on this very day I received a letter, dated 15 November, from An Bord Pleanála about six kerbside car parking spaces. The board wrote: “It will not be possible to determine the case within the statutory objective period due to capacity constraints at Board level”. The six car parking spaces in south County Dublin are not critical infrastructure and clearly not a priority, but the board is under enormous pressure because of the lack of resources. We need to keep key indicators and regular statistics online for its performance.

The Minister of State represents a rural constituency. Rural communities must have as quickly as possible the right to access planning systems and lodge objections. A professional system must be put in place. It is not appropriate that somebody from Kilkenny, Carlow, Cork or County Donegal must travel by bus to Marlborough Street in Dublin to look at a drawing or a visual of a planning proposal planned for next door to his or her home. As soon as we have this facility online and it is available in public libraries, public spaces and county halls the better because people need to access this information quickly.

**Deputy John Paul Phelan:** I agree with the Senator that a person should not have to travel to Dublin to view a planning application. Under the terms of the legislation, such applications will be displayed in his or her local authority area, as well as in the board’s headquarters. The usual facilities are available in county council and city council offices to facilitate members of the public who wish to make observations or study planning applications. The Senator is right. The ability of the general public to make observations on planning applications in their immediate area and community, potentially next door to where they live, is central to the planning process. Equally, the legislation aims to ensure the planning process, as we witnessed in the west recently, will not drag on interminably. I will try to ascertain for the Senator when the full range of services will be rolled out in 2018. It is not unreasonable to ask when they will be rolled out. We should be able to provide a more exact date as to when the system will be available online.

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There are ten additional staff. Also, two additional board members must be appointed, which will bring the total to 11. Recent vacancies on the board were filled, returning it to its usual level of nine members.

I do not want to discuss the specifics. However, in the context of strategic infrastructure and the development of much needed housing, I do not know whether the provision of six car parking spaces is an item that should ever go before the board.

**Senator Victor Boyhan:** I know and the Minister of State is right.

**Deputy John Paul Phelan:** I take the points made by the Senator about the other issues involved.

**An Leas-Chathaoirleach:** I thank the Senator and the Minister of State.

### **Rail Network Expansion**

**An Leas-Chathaoirleach:** I welcome the Minister for Transport, Tourism and Sport back to the House. He is always welcome back.

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I thank the Leas-Chathaoirleach.

**Senator Kieran O'Donnell:** I thank the Minister for coming to the House after the amazing result yesterday when the decision was made to award the Rugby World Cup to France. We were looking forward to welcoming the Irish team and others to Thomond Park. I hope it will happen at some stage in the future. The decision was amazing as Ireland's application was the best, bar none. The proposal made by the Minister; his Minister of State, Deputy Brendan Griffin, and the Taoiseach was by far the best.

The issue I raise this morning is one that has been there for many years in the Limerick, Shannon and mid-west region. There is both a logistical and financial logic to providing a spur from Shannon Airport onto the existing Limerick to Galway rail line. I will put the issue in context. In 2004 when I was first elected as a member of Limerick County Council I was a member of the Mid-West Regional Authority and the issue was very much to the fore. The feasibility of the project was examined. Since that time there has been a significant investment in the Limerick to Galway rail line. Prior to 2010 the Limerick to Galway rail line was not in use. The Limerick to Ennis line was in use and there was a major upgrade from Ennis to Athenry costing in the order of €160 million. The line was reopened in 2010 so there is a functioning line in place and if a spur is added it will not only link Shannon Airport to Limerick but to Galway as well. Certain railway stations were upgraded, including Limerick, Cratloe, Sixmilebridge and Ennis. Sixmilebridge would appear to be the logical location for a spur to Shannon Airport which would involve a distance of approximately six miles. However, Cratloe, which is prior to Sixmilebridge is another option. A spur could be run along the existing road, the N18, into Shannon Airport. That would be a shorter distance.

I am looking ahead in terms of forward planning. I do not expect the project to happen overnight but it must be considered in terms of the overall public transport network, regional development and the serious issues that arise in the capacity of Dublin Airport. Shannon Airport has excess capacity available. We can deal with 4 million passengers and the current level

is approximately 1.6 million. In the future we could have a super train commuting from Limerick to Dublin in an hour. Anyone flying into Ireland is willing to accept commuter time of one and half to two hours from their landing airport to their final destination. I want the Minister to build in the option into the transport plan. It should be examined as part of the overall review of Irish Rail, public transport and other related issues. We must have a counter-pull to Dublin along the western seaboard involving Limerick, Galway, Cork and Sligo.

I commend the Minister on the bravery of his initiative in allowing the M20 to go ahead in terms of pre-planning last November and his announcement that he is considering it as a priority project in terms of the capital plan. This initiative is feeding into that. In five to ten years' time we should have a spur on the existing Limerick to Galway rail line into Shannon Airport and passengers could then travel to both Limerick and Galway. That would be predicated on having a high-speed rail link from Limerick to Dublin. The plan is in the context of taking the burden off Dublin Airport and putting it on Shannon Airport in order to promote balanced regional development.

**Deputy Shane Ross:** I will respond to Senator O'Donnell's remarks. I had hoped we would have this exchange in the context of Ireland having won the bid to host the Rugby World Cup. Unfortunately, we will not see any of those games in Thomond Park in 2023. I congratulate the French but the result was disappointing. This is the first opportunity I have had to speak on the issue since coming back from yesterday's meeting. I pay tribute to wonderful effort that was made. The fantastic bid we made was pretty well faultless and this country was recognised by world rugby as being a suitable and very good host for a world cup. All three candidates were considered to be in that category. We came out with our heads held high even if we were not the winners on the day.

Deputy O'Donnell has raised a very ambitious project. He is used to coming up with ambitious projects. He was the first person under my Ministry to raise the M20. He brought it onto our radar and to my notice in this House. His contribution to the project was influential in the Government's decision to bring it to the planning stage, which culminated in the announcement by the Taoiseach that the M20 will go ahead in the foreseeable future. It is indicative of the usefulness of debates of this nature, which on the surface relate to very ambitious projects due to the cost. However, raising the previous matter was influential in getting it going. If what I say to the Senator is depressing because of the figures involved he should not give up on it. Things change.

**Senator Kieran O'Donnell:** Yes.

**Deputy Shane Ross:** This is an ambitious Government which is not frightened of spending on infrastructure and is absolutely determined to do so. That said, we will not do anything irresponsible. Projects of this nature which have an intrinsic merit should be raised and taken seriously. Nothing is impossible.

As Minister for Transport, Tourism and Sport, I have responsibility for policy and overall funding of public transport. The operation of the rail network is a matter for Iarnród Éireann. As the Senator indicated, in 2007 a feasibility study was carried out on behalf of Iarnród Éireann with input from a steering group representative of local interests on a rail link to Shannon Airport and it concluded that the economic case for the rail link was poor. The feasibility study indicated the cost of a Shannon rail link would range from €246 million to €440 million at 2006 prices, excluding enhanced onward links to Galway which were also assessed.

A Shannon rail link is not identified as a priority in the Government's capital investment plan, *Building on Recovery 2016-2021*. As Senator O'Donnell is aware, to say the least, Iarnród Éireann remains in a challenging position financially and has limited resources of its own available to fund new projects. That said, the role of heavy rail in Ireland's transport sector is currently under review. The National Transport Authority, NTA, held a public consultation process to start a national debate on the current and future role of rail transport in Ireland. The public consultation process was launched with the publication of a rail review report in 2016. That report is a comprehensive analysis of issues facing the rail network, including the level of funding required to support its maintenance and development. It highlights the considerable amount of taxpayer support currently provided to support the rail network and provides an overview of the estimated required amount of additional funding needed to support the network going forward. The report did not make any recommendations as regards the size of the rail network but does outline issues for consideration.

A consultation document, *The Role of Rail in Ireland and Funding its Delivery*, was also published. The consultation process elicited more than 300 submissions which have now been examined and the NTA submitted a report on those submissions recently. I will be considering the report and bringing it to Government. No decisions have been taken regarding matters such as the future of individual rail lines or investment in the company and relevant infrastructure.

As noted within the rail review report, its analysis predates the finalisation of the national planning framework, NPF, being developed at present under the leadership of the Department of Housing, Planning and Local Government. Clearly, the role and potential of rail is intrinsically linked to where people live, work and wish to travel and those issues form the core of the framework. Once agreed by Government, the approach which that framework adopts toward land-use planning and settlement patterns for the country will have significant impacts on the potential of rail and other transport infrastructure and services into the future and will form an important context for consideration of issues raised by the rail review report and for any recommendations brought to Government. As the House will be aware, any future investment in the rail network is also dependent on availability of funding. The Government's recently announced budget 2018 provides for an increase in the multi-annual capital investment for public transport with a four-year capital envelope of €2.7 billion over the period 2018 to 2021, including investment of more than €400 million next year. This represents a 30% increase over the original capital plan allocations for 2018 to 2021 and includes increased funding for the heavy rail network. As I have outlined, my Department's first priority under the capital plan is to ensure the maintenance of our existing transport infrastructure at steady state levels in order that it remains safe and fit for purpose.

Total funding of €860 million from 2018 to 2021 is being provided for the heavy rail maintenance programme. This programme protects investment already made in our national railway system by funding projects needed to maintain safety and service levels in railway operations. Work has begun on a ten-year capital envelope, and this will provide further clarity on the investment available for heavy rail projects in the future.

**Senator Kieran O'Donnell:** I thank the Minister. Today I want to plant a seed. I fully appreciate that there are issues in Irish Rail concerning existing infrastructure. I very much hope the Labour Court recommendation will bring about a resolution in Irish Rail. I am a great believer in public transport, especially rail transport, which I use. It has enormous potential. Broadband and mobile telephone coverage on trains need to be improved. What I have done today in proposing a spur from Shannon Airport to the existing Limerick-Galway rail link is

plant a seed.

It is a project for the future. It is a question of looking outside the box, perhaps running a line alongside the existing motorway, the M18, or using land that may already be in public ownership along the route. Such land might have been acquired by the NRA many years ago. The proposal is very much to the fore.

With the M20, the Minister was willing to think outside the box and allow TII to get pre-planning under way. I have not before seen a Minister doing that. The proposal I am putting forward is in the same vein. I commend the Minister on the M20. I hope my proposal finds its way to becoming a project in the future based on proper, balanced regional development. Would it not be fantastic if people wishing to fly to Dublin, whom I hope would stay in Limerick because it is my home city, but who did not want to face the chaos of Dublin Airport flew into Shannon and got a train there with a view to being in Dublin in an hour and a half? That is what I am thinking outside the box. I am planting a seed.

**Deputy Shane Ross:** The seed the Senator has sown is welcome. All seeds are welcome. Other seeds the Senator has sown and nurtured here will come to development. When the Senator put the ideas to me initially, I was not sceptical but felt it was difficult to realise them. The proposed project should be considered in that light. It will be for the future. I am not coming in here just to eliminate imaginative and ambitious projects of this sort and say they are out of the question; not at all. I referred to the financial difficulties associated with carrying out the project, which the Senator will understand, particularly considering the state of Iarnród Éireann. He should not rule out the possibility for the future and should keep pushing it.

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

### **Order of Business**

**Senator Jerry Buttimer:** The Order of Business is No. *a1*, motion re Fourth Report of the Committee of Selection, to be taken on conclusion of the Order of Business, and No. 1, statements on councillors' conditions, to be taken at 12.45 p.m., with the time allocated to group spokespersons not to exceed eight minutes and the contributions of all other Senators not to exceed five minutes.

**Senator Catherine Ardagh:** I congratulate the gardaí in Ashbourne on two successful raids. We learned from the assistant commissioner this morning that these drugs raids were worth not less €5 million. This seizure is a major disruption to the drug gangs and organised crime gangs in our country. It was a joint effort on the part of the national drugs and organised crime bureau and the special crime task force. I congratulate the gardaí and say to them to keep up the good work and the momentum. Unfortunately and disappointingly, I also learned yesterday from a constituency colleague, Councillor Dáithí de Róiste, who chairs Dublin City Council's joint policing committee, that 19 murders have been committed in the city so far this year. The figure is up 33% on this time last year, and only one of those murders was linked to the Hutch-Kinahan feud. I call on the Minister to ensure more resources are provided for the special crime task forces as well as the regular community gardaí. We have had many representations from both urban and rural councillors on the lack of visibility of gardaí on the ground. Having gardaí on bikes and in cars can be useful in preventing crime, especially burglaries around the city and in rural areas. I call on the Minister for Justice and Equality to attend the

House today, or next week, to have a serious discussion on crime.

**Senator Gerard P. Craughwell:** I deeply regret revisiting the Jadotville issue this morning but I have no choice. Somebody somewhere is not telling the truth. I received the a copy of a message which I understand is from the Department to members of veteran associations. I will spare the House the introduction but it goes on to state that this is not a medal parade or a medal ceremony but a medal presentation and that the reason for this is the time of year and the possibility of inclement weather. It further states that it is necessary to have the recipients and families indoors for the presentation, which is why a marquee will be used, and that it is important to note that, in order to have a dignified event, which will take some time to present medals to 49 Jadotville veterans and 170 Jadotville family representatives, they must be as comfortable as possible. It further states that the limitation of guest numbers is due to the restricted space in both the marquee and the dining complex.

I served in Athlone. The barracks square in Athlone is as big as this complex. There is no shortage of space. The veterans concerned deserve the right to go up to the Minister. Incidentally, I believe the Minister has nothing to do with this. I understand he is out of the country on business-----

**Senator Jerry Buttimer:** Given that this is the third day he has raised the issue, I ask Senator Craughwell to distil and outline his concerns and what exactly is the major issue.

**Senator Gerard P. Craughwell:** I will do that.

**Senator Jerry Buttimer:** I cannot give him any information unless I know exactly what it is he wants rather than a general-----

**An Cathaoirleach:** It might also be helpful if Senator Craughwell were to send a letter setting out his concerns to both the Leader and the Minister. If he does not get a response, he can raise the matter again next week.

**Senator Jerry Buttimer:** I am trying to be helpful, as the Senator knows. I am not against what he is trying to achieve.

**Senator Gerard P. Craughwell:** I know that and I know that Senator McFadden is also deeply concerned about the reaction of veterans and deeply committed to the military in Athlone. Very simply, veterans want to be able to go up to the Minister, salute him, and have their medal pinned on their chest. Those who are not able to walk will happily be wheeled up and those who are not in wheelchairs and still unable to walk will be carried up because they deserve that level of respect. They want their colleague veterans on the square in Athlone to witness this event.

**Senator Jerry Buttimer:** Which colleague veterans?

**Senator Gerard P. Craughwell:** Members of the Irish United Nations Veterans Association and the Organisation of National Ex-servicemen and Women.

**Senator Jerry Buttimer:** Does the Senator mean a representative group or everybody?

**Senator Gerard P. Craughwell:** Every one of them who turns up.

**Senator Jerry Buttimer:** How many are there?

**Senator Gerard P. Craughwell:** For starters, there will be two bus loads from Galway.

**Senator Jerry Buttimer:** Put a number on it.

**Senator Gerard P. Craughwell:** I cannot put a number on it today. Will the Leader tell me a number? One hundred?

**Senator Jerry Buttimer:** I do not know. I am trying to be helpful, a Chathaoirligh.

**Senator Gerard P. Craughwell:** I think 100 would be a reasonable number to expect.

**An Cathaoirleach:** I do not think we can resolve this today. The Senator has made his point on successive days and his time is more or less up. I suggest that he, through the Leader or the Minister, have this resolved by next Tuesday. If not, I will allow him to raise the matter again on Tuesday.

**Senator Gerard P. Craughwell:** I deeply appreciate that, a Chathaoirligh. I wish to say to the Leader that I do not believe anyone on that side of the House is doing anything to obstruct this. I believe the Leader himself and Senator McFadden are bending over backwards to try to get this solved. I want to acknowledge that on the floor of the House.

**Senator Jerry Buttimer:** That is why I am asking the questions. It is to be helpful. We are not trying to obfuscate or to obstruct-----

**An Cathaoirleach:** I ask the Senator to correspond directly with the Leader and the Minister, setting out precisely the problem. It seems to be back and forth every day here *ad nauseum* and I am not sure if we are going forwards or backwards. I think we are standing time.

**Senator Gerard P. Craughwell:** I thank the Leader for his understanding on the matter.

**Senator Trevor Ó Clochartaigh:** Tá muintir na Gaillimhe arís i mbun tóraíochta ar dhuine a chuaigh amach ón droichead ansin i nGaillimh.

Unfortunately, another search and rescue operation is under way in Galway for a person who has been lost in the river. It has become a regular occurrence in the city in recent years. We hope that the operation is successful and commend all those involved in search and rescue for the incredible work they do under difficult circumstances. It highlights some of the issues that we see in Galway in the area of mental health and particularly among young people. Recently, a suicidal teenager was rescued from the Corrib and was subsequently turned away from University Hospital Galway. It was reported that she was dripping wet from a drowning attempt at the Wolfe Tone Bridge. She was assessed by a triage nurse in the back of an ambulance and deemed unfit to be admitted to the hospital. She kept insisting that she would take her life and was brought to a cell in Mill Street Garda station for her own safety. When her father collected her from the Garda station she was insisting that she would repeat the suicide attempt. They drove to the emergency department where she pleaded with medical staff to be admitted. She was once again refused and she remained in a distressed and unco-operative state. On the night in question, she had taken a cocktail of alcohol and drugs prior to jumping in the water at the Wolfe Tone Bridge. Her life was saved when she was rescued by a garda and a member of the public. There are reports of similar cases, such as the man with self-inflicted open knife wounds, and another man enduring a paranoid psychotic episode who were left waiting in the emergency department until he left and jumped into the Corrib, taking his own life.

There is a very serious issue with mental health services in the west. It is something I have highlighted on many occasions, particularly regarding drug and alcohol services in the Galway-Roscommon area which seem to be significantly understaffed in comparison with other regions. This crisis arises from chaotic mental health services across the country. The Psychiatric Nurses Association has informed me that a high dependency unit will be closed by the end of the month, and the Minister has confirmed this. Members of the association have quite rightly balloted 80% in favour of industrial action for the safety of patients and staff. They have not done so for personal gain but from a duty of care. Where is the Government's duty of care to the people of Galway and the staff who have been pushed to the end of their tether? I would like a debate on mental health services, particularly in the west, because the Galway-Roscommon mental health area is completely understaffed compared with other areas, where I know there are problems, but the situation in Galway-Roscommon is particularly acute.

**Senator Grace O'Sullivan:** On 11 July last, just one week after onshore fracking was banned in Ireland, the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, granted consent to Providence Resources PLC to commence drilling for oil in the Porcupine Basin off the coast of Kerry. This is one of a slew of drilling operations which the Minister has recently permitted, with the north Celtic Sea Basin off the coast of Cork and Kish Basin off Dalkey's 40-Foot swimming area next in line. They will drill for 45 to 60 days throughout the summer without a proper strategic environmental assessment. In a desperate plea for investment they have stated that they expect to find 5 billion barrels of oil.

I want to ask the Minister to the House to debate the social, environmental and economic impact of these drilling licences. In June 1991, the Irish Government declared all waters around the Irish coast to be a whale and dolphin sanctuary, the first of its kind in Europe, however the seismic blasts from exploration and drilling are deadly for marine mammals and cause disorientation, deafness and internal bleeding within 100 miles. One blast killed 64% of zooplankton, the basis of the marine ecosystem for up to 0.7 miles.

We cannot afford to explore for or exploit any more fossil fuels. International climate experts warn that 80% of known fossil fuels must stay in the ground in order to avoid exceeding the 2 degrees limit of global warming. The Minister recently spoke to the Irish Congress of Trade Unions and the IMPACT trade union on the need for a just transition to a low carbon economy. In banning fracking in working on climate action, the Minister claimed that he would protect workers in Bord na Móna, farmers and tourism, but here he shows that he has no intention of protecting their transition or providing a consistent policy pathway for green investment. In complete double speak, he is inviting the destruction of our coastal fishing, seaweed and tourism industries and our marine ecosystems for one of the lowest Government tax takes for oil and gas in the world. Extraction of oil and gas from Irish seas is not even profitable. Shell Oil recently left the Corrib gas field with losses of €2 billion. The granting of these licences is a slap in the face for young people of Ireland. As one peer-reviewed study in *Earth System Dynamics* has noted, "if massive emission reductions do not begin soon, the burden placed on young people to extract CO<sub>2</sub> emitted by prior generation may become implausibly difficult and costly."

This new fossil fuel infrastructure investment will lock Ireland into a completely discredited economic model that serves neither people nor planet. Recently, I put down amendments to the fracking Bill to ban offshore fracking and all fossil fuel exploration which was very well received in the south. I call on the Minister to revoke these licences and follow France's lead by halting permission for oil and gas exploration in Irish waters.

**An Cathaoirleach:** I think that matter might be better dealt with in a Commencement notice, to ask the Minister to come before the House to secure a response. It is difficult for the Leader to respond to everything. The matter would be appropriate for raising during the Commencement debate, if the Senator would consider doing so.

**Senator Grace O’Sullivan:** I thank the Cathaoirleach.

**Senator Tim Lombard:** I wish to raise the matter of school transport which was previously raised in the House by a Member of the Opposition. I want to concur with the remarks made by Senator Conway-Walsh earlier this week. I was not present then, but it is something that the Minister needs to address in the House. It is farcical that a leaving certificate student must apply in April for a bus pass the following September. There are students in Cork who having failed to get sufficient points, are repeating their leaving certificate examination but after six years of taking the bus to school, they now have to make their own way there. This is illogical and there is no give and take on the matter in the Department of Education and Skills, which does not seem to grasp the issue. Its view is that the students did not apply in time. That does not work, it is a farcical scenario.

It is important that the Minister come before the House to address this situation. If he does not, I will have to tell anyone who comes to me that pupils in sixth year should apply for their bus pass in April just in case they have to repeat their leaving certificate. It would be farcical if 100,000 extra children had to apply for school transport who most likely would not need it but it is the only way that those who repeat will be able to get a seat on the bus. The system is broken. There is no leeway and this must change. The Minister must address this incredible anomaly that he appears to have walked away from. It is something which has caused great trouble to families who not only have to put up with the expense but also the stress. The Minister must come to the House next week and give the parents and students clarity. At the moment, we are getting nowhere.

**Senator Diarmuid Wilson:** I congratulate the Garda on the excellent drugs find in Ashbourne last night. I echo my party leader’s call this afternoon for the Minister for Justice and Equality to come before the House to discuss rural crime in particular. As my colleague, Senator Leyden, pointed out last week, rural crime is on the increase. If the State authorities do not tackle this, local communities will be forced to provide policing themselves. None of us wants to see that. It can end in tragic results and people can end up before the courts as a result of defending their own property, as we have seen in recent weeks. We have had a farmer brought before the courts because he produced a gun in an attempt to protect his own property, while those who were attempting to rob him got away without any charge.

That is only an example of what is happening on a daily basis in rural Ireland. While I welcome the fact there is an initiative in the Laois-Offaly Garda district, where the chief superintendent has charged a sergeant and eight gardaí with specifically mounting roaming checkpoints to prevent these gangs coming into rural areas, terrorising the local community and robbing from them, this is something I would like to see addressed in other parts of the country, in particular the Border region of Cavan, Monaghan, Donegal, Louth and Leitrim, the area I come from. I would very much welcome it if the Minister could come to the House so we can have a full discussion in regard to crime, in particular rural crime.

**Senator Victor Boyhan:** I want to talk about the Housing (Homeless Families) Bill that was discussed in Dáil Éireann yesterday. I welcome the Government support for it. This is a

Labour Party Private Members' Bill which attempts to compel the housing authorities to recognise the needs of children and families who become homeless, which is valid. I am greatly encouraged by the response of both parties to the confidence and supply agreement that underpins this current Government, Fianna Fáil and Fine Gael. They clearly indicated yesterday in the other House that they would support this very important legislation, which has to be acknowledged. It is great to see that sort of co-operation in the Houses of the Oireachtas.

The Fine Gael Minister with responsibility for housing, Deputy Eoghan Murphy, told the Dáil yesterday that the Bill was well-intentioned and that it would receive Government approval and support, which is to be welcomed. Deputy Barry Cowen, Fianna Fáil spokesperson on housing, said in the Dáil yesterday that his party would be supporting the legislation, which also has to be welcomed. It is important to note that, speaking in the Dáil on the Bill yesterday, Deputy Jan O'Sullivan, who is sponsoring the Bill and is the housing spokesperson for the Labour Party, said that when families present as homeless, they should be recognised and there should be particular reference to the needs of their children, and that the relevant housing authorities should have regard to this.

This is important. We all know there is currently no explicit recognition in law of the need of homeless families, as a family unit, or of the importance of keeping the family unit together in terms of statutory legislation, regulation and requirements. I believe this legislation, which I have read, will underpin and give status to this important issue. Hopefully, it can be fast-tracked through the Houses of the Oireachtas, given it has such broad appeal and support. I am sure other parties that I have not mentioned are committed to it as well, but those are the parties I quoted from as they were on the record during yesterday's Dáil debate.

I thank the Leader for organising and facilitating a discussion this afternoon in regard to councillors' conditions, which is welcome. It is something we have all talked about in this House and we will have an opportunity this afternoon to engage with the Minister.

**Senator Neale Richmond:** I would like to share in the disappointment of many in the House at the decision by the World Rugby Council not to award Ireland the 2023 rugby world cup. I commend the efforts of the Executive in Northern Ireland, the Irish Government, all political parties and, most importantly, the IRFU, led by Philip Orr and Philip Browne, for their efforts in what was a very worthy endeavour. Unfortunately, it was not meant to be and there are lots of reasons, which we are not going to go into now. However, it gives us a great opportunity to look at the sporting infrastructure of this State and the importance of sport to our society, health and mental well-being, especially of the younger generation. Therefore, in light of the fact we are expecting an imminent announcement on sports capital grants, I ask the Leader to call in the Minister of State at the Department of Transport, Tourism and Sport, Deputy Brendan Griffin, to discuss the context of those grants, but also to discuss a strategy for sport in Ireland and how we can get more people participating across the community, across the age groups and across the gender gap.

**Senator Máire Devine:** I want to raise the issue of the interim report regarding the Grace case. When will members be given the opportunity to receive the interim report in our hands? We have dealt with foster care issues quite comprehensively and there was the launch last week of a comprehensive report by the Joint Committee on Children and Youth Affairs following a HIQA inspection and the finding of significant failings, including in my area of Dublin South-Central. Today, I read in the media that the Grace interim report has somehow fallen into the hands of journalists yet I, as a member of that committee, and other Members of the House

have not seen it. It is like what happened with the budget in early October, when I was trying to get clarification on the overall budget for mental health for 2018 and it took a tweet to me from an NGO to clarify that. I am concerned that Members are being left behind and, somehow, somewhere, journalists or other agencies are getting the information before we are. Will the Leader let me know when this interim report will be available to Members? I want it noted that it would be nice if Members got the information prior to the wider public.

**Senator Frank Feighan:** Like Senator Richmond, I share the disappointment regarding the failure of Ireland to secure the rugby world cup. Although I do not come from a rugby background, I want to put on record that our Celtic cousins in Scotland and Wales, the people who play with us on the British and Irish Lions, let us down. This was a unique opportunity for the island of Ireland, North and South, to have a world premier. I believe they let us down. Ireland only got eight votes. I want to thank England, which gave us three of those eight votes, as well as Canada and the USA. I feel it is a lost opportunity for the island of Ireland.

A few months ago I raised the distinct possibility of the island of Ireland hosting the Commonwealth Games in 2022. Durban had withdrawn and an opportunity arose. I felt that €500 million from the UK taxpayer could come to Belfast and, as an island, we could share the facilities. I do not think that was taken seriously by some Ministers here because they had their eye on the ball of the Rugby World Cup. While I can understand that, I believe these are two lost opportunities to have a world event on the island of Ireland. Sport reconciles and unites us. We need to look much more closely at this issue.

Many of us said yesterday we wanted an all-Ireland soccer team. We have an all-Ireland rugby team. What I am trying to do, hopefully, is have an all-island hockey team competing in the Commonwealth Games on the Gold Coast in Australia in 2018. Would it not be symbolic to have players from the island so we can cheer them on in the Commonwealth Games? I hope we will have that, although it will depend on world rankings. I hope we will have acceptance of an all-Ireland or all-island hockey team competing in the Commonwealth Games. The significance of it is that this is not a one-way street; it is a two-way street. That is the way we should think.

**An Cathaoirleach:** From one Roscommon Senator to another, I call Senator Leyden.

**Senator Terry Leyden:** It is crying over spilt milk at this stage as far as the Rugby World Cup is concerned. Quite frankly, they made a bags of it. Let us call a spade a spade.

**Senator Neale Richmond:** What would the Senator know? That is a ridiculous comment. Retract that.

**Senator Terry Leyden:** There was an inability to negotiate. The Taoiseach was not able to negotiate.

**Senator Neale Richmond:** What did you contribute? Slagging off women playing rugby. That really helped.

**Senator Terry Leyden:** The Minister, Deputy Ross, was more concerned about North Korea.

**Senator Neale Richmond:** It is a ridiculous point. On a point of order, Senator Leyden comes into this House and gives out about women playing rugby. Then he gets up here and

tries to complain about the efforts of both Governments and all political parties. If he knew something about it, it would be one thing, but he does not know anything about it. He should stick to what he knows.

**A Senator:** He is right.

**An Cathaoirleach:** That is not a point of order. The Senator might not agree with Senator Leyden but the Leader can respond.

**Senator Neale Richmond:** He should stick to the facts.

**Senator Terry Leyden:** I will tell the Senator one thing. When we were in power we could negotiate for world events.

**Senator Neale Richmond:** They could negotiate bailouts. That went really well too. Stick to what you know.

**Senator Terry Leyden:** I would not lose the Scottish connections. I would not lose the Scottish vote and I would not lose the Welsh vote. Where were they going? What kind of amateurs are they sending? Give me a break. They could not negotiate a piss-up in a brewery.

**Senator Neale Richmond:** Send a letter to the IRFU. The Senator wants to ban women playing rugby. What else does he want to do?

*(Interruptions).*

**Senator Neale Richmond:** The Senator is not helping Ireland.

**Senator Terry Leyden:** Whether it is rugby, soccer, or football, I am not concerned. As long as it is held in Ireland I am happy.

*(Interruptions).*

**An Cathaoirleach:** Senator Leyden, you used an inappropriate adjective.

**Senator Terry Leyden:** I will withdraw my earlier remark, a Chathaoirligh, but it explains their inability to win friends and influence people.

**Senator Jerry Buttimer:** The Senator is still Charlie's man.

**Senator Terry Leyden:** Circumstances may not allow me to appear here later today.

**Senator Jerry Buttimer:** Rise and follow Charlie.

**Senator Terry Leyden:** Timing is impeccable but in this case it is not too impeccable-----

**Senator Jerry Buttimer:** The Senator has not changed in 40 years.

**Senator Terry Leyden:** The circular-----

**An Cathaoirleach:** The Senator is already over time and interruptions from the Senators

are only prolonging it.

**Senator Terry Leyden:** The circular from Deputy Phelan of 5 November is being rejected by councils throughout the country. It is a disgrace and people are so disappointed. If the Leader of this House is facing the councils next time I am putting a warning to him now. He will be run from every council's door unless he does something about these expenses and costs. Councillors are not getting the minimum wage. They are not being paid the minimum wage. They are being used as public representatives and they are doing the work of public representatives.

**An Cathaoirleach:** The Senator is over time.

**Senator Terry Leyden:** That is not being recognised. It is about time now that we recognised them and not come around with this type of circular, which is an insult. It has been written by civil servants and not by politicians. It is time the Leader rewrote these expenses proposals. They will be rejected.

**Senator Colm Burke:** I refer to the UK Supreme Court decision yesterday on minimum alcohol pricing in Scotland. The court unanimously ruled that minimum pricing could be introduced. The Scottish Whisky Association, SWA, has now accepted the decision. If we are now going to have minimum pricing in Scotland the implication of the UK Supreme Court decision is that there is a need for both Northern Ireland and this jurisdiction to also introduce minimum pricing. It is important therefore that we put through the alcohol Bill at the earliest possible date so that we can set up the structures and that it would be a co-ordinated approach about introducing minimum pricing. It is interesting that the UK Supreme Court decision yesterday was unanimous. One of reasons why it progressed this whole issue - the Scottish Parliament Bill was originally published over five years ago - was that last year over 1,265 people died as a result of the consumption of alcohol. This is something we also need to progress.

There has been a lot of debate over the past week on homelessness. It is important that we have a clear picture of the challenges that face us. Particularly as we come into the Christmas period it is important that we do not ignore that issue. It is an issue that we need to deal with and it might be appropriate to set aside some time before Christmas for a debate to set out what is the strategy between now and the next six months.

**Senator Rose Conway-Walsh:** I want to ask the Minister for Agriculture, Food and the Marine to come in to the House. The Agricultural panel in the Seanad is a very important one. We do not see the Minister here often enough. I have asked him to come in on two occasions.

The first issue, one we considered yesterday, is to have a full and proper debate about the future of native breeds and how they can be sustained in the future. The second issue I want the Minister to debate with us is the commonage management plans that are being considered at the moment. These plans are unworkable because only the green low-carbon agri-environment, GLAS, applicants are included to make commonage eligible and reach stocking levels. The Department of Agriculture, Food and the Marine and the National Parks and Wildlife Service need to adopt a more hands-on approach to these plans because farmers and planners should have an input from these two stakeholders about what is allowed in terms of boundary fencing, burning and temporary fencing as well. There is no point in them penalising farmers afterward when they should be pro-active in the first place in advising farmers how best to manage the hills as they are. However, they are nowhere to be seen when there needs to be a resolution for the commonage management plans.

I want to commend as well the Irish Natura and Hill Farmers Association, INHFA, on its launch in Mayo last week. I thought it was excellent. It is filling a void in terms of farming representation, particularly in regard to the more marginalised farmers. I want the Minister to address the issue of the current status of the review of areas of natural constraint, ANCs, and when we can expect the mappings and so on to be completed. The GLAS payments are due out soon and I hope we do not have the same debacle as we had last year in terms of delayed payments that have led to some farmers still not being paid. That is unacceptable at this stage for the Department to come out and use computer glitches and problems as an excuse for not paying out to farmers. It will not be accepted this year. I would appreciate if the Minister, Deputy Minister Creed, could come in here on two occasions in the next couple of weeks to address those matters.

**Senator Paddy Burke:** Yesterday I wanted to support the proposal for an All-Ireland soccer team. It is a good proposal and a good idea. We should have only one international soccer team.

There is great support for sport in Ireland. Last weekend we had four international teams playing around the world, with our Gaelic footballers in Australia, the Northern Ireland soccer team in Switzerland, the Republic of Ireland soccer team in Denmark and the Irish rugby team in the Aviva stadium. All of those venues were packed out. Sport in Ireland is alive and well despite what happened to our soccer team on Tuesday night. It is a great nation for sport and the proposal for an All-Ireland soccer team is a worthy proposal and it should be looked at by both associations. I would urge them to come together and to have a look at having one association.

Almost 12 months ago I raised the issue of driverless cars. They are coming on stream at a very fast pace and at some stage in the future the Leader should look at bringing in the Minister of Transport, Tourism and Sport here to see what has to be done in our major cities and roads to accommodate them. There will be many benefits. Commuters going to work in them will require some changes to traffic lights and to other infrastructure. There will be a lot of technology coming on stream. There may be fewer cars on the roads, car sharing and hopefully less crashes, less people in our accident and emergency departments, and less insurance costs. It will have many benefits. Many countries throughout the world are carrying out trials for the driverless car and it is not beyond the bounds for us as a technology leader in so many fields that we should be trialling the driverless car here as well. I ask that the Leader consider bringing in the Minister for Transport, Tourism and Sport to see what may have to be done to accommodate the driverless car.

**Senator Keith Swanick:** I would like to follow on from the comments made by Senator Colm Burke in regard to the important issue of minimum unit pricing of alcohol. Many Senators very eloquently on this topic last week. I welcome the court ruling in the United Kingdom with regard to minimum unit pricing of alcohol. Essentially, it paves the way for the implementation of legislation passed in the Scottish Parliament five years ago. It also highlights and reinforces the fact that we need to follow suit as soon as possible. I look forward to the Public Health (Alcohol) Bill 2015 being brought back to the House before Christmas on Report Stage. We need to crack on and have the Bill passed.

**Senator Fintan Warfield:** I welcome the vote in favour of marriage equality in Australia. Some 63% of voters supported the call for equal marriage rights for LGBTQI citizens. There remains something problematic about putting the issue of human rights to a referendum, especially in Australia where the parliament had the ability to legislate for them. I hope the format

adopted in Ireland of holding a referendum on the issue of marriage equality which was a necessity in our case is not one which will be adopted by other governments which just do not have the guts, vision or political will to show leadership on the issue of LGBT rights. While I am delighted and congratulate the LGBT community and people in Australia generally, this conversation has been had around the world and ideally the matter should not be put to a non-binding vote, although I expect there to be marriage equality in Australia before Christmas.

Closer to home, it is two and half years since the Children and Family Relationships Act 2015 was signed into law. This historic Act truly embraced the realities and diversity of families. Sections 2 and 3 of the Act which provide for parentage through donor assisted human reproduction have yet to be commenced by the Minister for Health, Deputy Simon Harris. Many families are running into difficulties with birth certificate and passport registration. This leaves parents vulnerable in terms of kinship rights, emergency decision-making powers and succession rights. The Minister has said it is intended to commence the sections later this year. Will he address this House and provide an update on whether the relevant sections will be commenced in 2017? Same-sex families have waited long enough to be recognised by the State.

**Senator Kevin Humphreys:** I thank the Leader for organising the debate on the report on Airbnb and the effect it is having. He always tries to respond to requests as quickly as possible.

I refer briefly to the expert report which ranks Ireland as one of the worst when it comes to emissions. I have requested a full debate on climate change. I again call for such a debate to be organised. Could we possibly look at doing so slightly differently? We need a whole-of-government response to climate change. Three Departments are key - the Department of Transport, Tourism and Sport; the Department of Agriculture, Food and the Marine and the Department of Communications, Climate Action and Environment. Could we have a proper debate at some stage, in particular on the effects turf and coal burning stations are having, as well as on the increasing emissions from the transport sector?

**Senator Catherine Noone:** I support Senators Colm Burke and Keith Swanick on the Public Health (Alcohol) Bill, my views on which are well documented. Does the Leader have any idea as to when it will proceed to Report Stage?

I refer to social media and the need for legislation to deal with many of the issues that arise in that regard. They are evolving and we are behind the curve in legislating to deal with many of the issues, legal and otherwise, which arise. We have become desensitised to the activities of keyboard warriors. Common decency, courtesy and standards of respectability have to apply to the Internet. Just because we have become desensitised to the degree of vitriol and bile encountered on social media does not mean that it is acceptable. We need to deal with this issue. It is not acceptable for people to be continually referred to in a derogatory manner. Just because we are politicians and sort of deserve it we put up with it.

**Senator Terry Leyden:** We do not deserve it.

**Senator Catherine Noone:** We have to stand up for ourselves. The reality is that this is an issue-----

**Senator Terry Leyden:** The Senator should see the abuse I have received.

**Senator Catherine Noone:** Excuse me. I am trying to finish my point, although I know that the Senator is supporting me.

**Senator Terry Leyden:** I am actually elaborating on the Senator's point.

**Senator Catherine Noone:** It is an issue on which we must stand up and be counted. It will get completely out of control if it is not called out in some way. I apologise to the Cathaoirleach, but I have not been able to get here for a while and briefly wish to raise another point.

I attended the launch of the National Women's Council of Ireland's document, Every Woman. It is a very important one. I will not go into it for obvious reasons, but it is something on which the Leader might facilitate a debate in due course, perhaps once the Joint Committee on the Eight Amendment of the Constitution has conducted its business, because at that point everybody will be keen to air his or her views. The document is not just about the issues with which the committee is dealing, which I know that the Leader does not want to have discussed. It is for that reason that I will not go into it. I compliment the National Women's Council of Ireland, but I will park the issue, perhaps until after the committee has reported. At that point the Leader might facilitate a debate on women's health issues, including issues about which many men are afraid to hear such as breastfeeding and general women's health issues, issues which to a large extent have been brushed under the carpet for many years.

**Senator Brian Ó Domhnaill:** I refer to the national planning framework. Very often politicians can be accused of taking the short-term view, but the national planning framework is a 20-year strategy to drive the future development of the country and the development of the areas where people live, work, socialise and obtain State services. The closing date for the receipt of submissions was last Friday. I have no doubt that the unit within the Department of Housing, Planning and Local Government is now going through the submissions received. Ultimately, the matter will be debated in both Houses of the Oireachtas when firm proposals will be placed before us. I ask the Leader to facilitate a debate in the medium term, before Christmas, to discuss some of the proposals made in the draft plan which focuses exclusively on five urban settlements - five cities which are all south of a line from Dublin to Galway. There is no focus on urban settlements in the midlands or north of that line. There is a need, in the north west in particular, given the difficulties associated with Brexit, to recognise a cross-Border perspective or narrative in respect of the recognition of Derry, Letterkenny, Strabane and a proposal from Donegal County Council. Ultimately, regional European development funds will be allocated based on urban settlements. If, therefore, there are no urban settlements focused on north of a line from Dublin to Galway, funding will not be focused on these areas. I ask the Leader to facilitate a debate with the relevant Minister in the coming weeks, if possible.

**Senator Jerry Buttimer:** I thank the 19 Members who spoke for their contributions on the Order of Business. Senators Catherine Ardagh and Diarmuid Wilson referred to the issue of crime. I commend and congratulate members of An Garda Síochána on their extraordinarily courageous work in the apprehending of individuals and the carrying out of successful drug crime operations in Ashbourne. It is wonderful that they have put so many people away and decommissioned such an amount of drugs. The work being carried out by An Garda Síochána shows that Operation Thor has been a success. I agree with Senator Catherine Ardagh that there is obviously a need for a greater police presence on the ground. As she knows quite well, the Garda College in Templemore, the closure of which was supported by Senator Terry Leyden, was reopened by the previous Government.

**Senator Terry Leyden:** Not again. The Leader is obsessed with the Garda College in Templemore.

**Senator Jerry Buttimer:** We have seen an increase in the recruitment of new gardaí. I am sure the Senator will agree with me that it is good news for rural Ireland. I wish to remind Senator Leyden of a point he raised last week. CCTV cameras are already being used on our motorways and high streets. They play a key role in combating crime.

The establishment of the independent Policing Authority by Government will allow for the commission to look at how resources are distributed and spent. As Senators know well, the Garda Commissioner is responsible for operational matters. It is important that all of us unite as communities to combat crime. The recruitment of more gardaí and the allocation of extra gardaí for community policing is important and will play a role in this regard. The issue around community alert and community involvement is equally important. If people have information, it should come to the fore in the combating of crime. I serve on two policing fora in the city and county of Cork. The work An Garda Síochána is doing is to be commended. The Senator is right in that regard.

Reference was made to the increase in murders. This loss of life is tragic, for a variety of reasons. No one can condone the increase in murders. The point Senator Ardagh made is that we need to see everyone playing a role in combating the horrific murders that are taking place for a variety of reasons. Some relate to gangland crime but others are not related.

The reason I interjected when Senator Craughwell spoke was to be helpful. Senator McFadden has been involved with the Department of Defence and has made representations. I am keen for this to be a celebration of the heroes of the men of Jadotville. I know from talking to the Minister of State, Deputy Kehoe, and the people in his Department that they are fully aware of the concerns expressed by Senator Craughwell. It is important that the House, through Senator Craughwell making the information available, communicates and engages constructively with the Department. I hope the Senator will do that.

Senator Ó Clochartaigh raised the tragic issue of the search and rescue operation in Galway this morning. I hope that we have a positive and successful outcome to that search and rescue situation. It is a harrowing time for family members. Again, it illustrates the extraordinary work and commitment of people who go out in difficult situations on behalf of all of us. I wish to express my hope that there will be a successful outcome to the search and rescue mission. I praise the men and women who are involved in the matter raised by Senator Ó Clochartaigh.

I wish to make a point on mental health. It is important to note that there has been recruitment in the mental health area. The budget for mental health now stands at €853.1 million, a significant increase since 2012. Some €140 million has been added to the mental health budget. I do not have the specific details regarding the issue of the west to which the Senator referred, but recruitment has taken place in the mental health area. From talking to the Minister of State with responsibility for this area, Deputy Jim Daly, I know that the creation of an all-party committee is something on which we are keen to see further progress. If the Senator wishes to give me the details of the matters he addressed this morning, I would be happy to pass them on to the Minister of State, Deputy Daly.

Senators Grace O'Sullivan and Humphreys raised related issues connected to the provision of a drilling licence by the Minister for Communications, Climate Action and Environment, Deputy Naughten, as well as the issue of climate change, raised in particular by Senator Humphreys. I would be happy for the Minister to come to the House to address Senator O'Sullivan's position. I am not familiar with the issues. However, with regard to the remarks made by

Senator Humphreys on climate change, I am happy to work with him to allow the planned national mitigation statements to evolve. If Senator Humphreys wants tweaks or changes, we can arrange it. There are plans to have statements in the coming weeks. The point Senator Humphreys made is important. I am happy to work with all Members to continue to prioritise climate change.

The issue we have is that the Minister, Deputy Naughten, is committed to the national mitigation plan, which was published in July last year. The Minister for Agriculture, Food and the Marine, Deputy Creed, the Minister for Communications, Climate Action and Environment, Deputy Naughten, and the Minister for Transport, Tourism and Sport, Deputy Ross, will appear before the House in the coming weeks as part of the agreement in that regard.

Senators Lombard and Conway-Walsh raised the issue of school transport. It is actually extraordinary. I have made enquiries since. I have been a teacher. No one knows where these students will be in April or May of a leaving certificate year. It is extraordinary to come back and claim the position stands because the deadline has passed. It is a small cohort of people. Senators Lombard and Conway-Walsh are correct to raise the matter. What has been done is mind-boggling. Perhaps Senators Lombard and Conway-Walsh could table a joint Commencement matter as a matter of urgency, because we have a full couple of weeks with legislation. I have no wish to mislead the House, but I think that might be a better way of getting an answer. I have already raised the matter with the Department on their behalf and I will do so again this morning.

Senator Boyhan raised the issue of housing and the homeless. It is important that we are solutions focused and that we work together as politicians to tackle the issues of homelessness and the housing crisis. It is about ensuring that people, citizens of the Republic, are housed in a proper, decent and respectful way and that their needs are met. I assure the House that the Government is absolutely prioritising the matter. This is about treating people with respect and dignity. It is about understanding the needs of people who are homeless and have different needs. People are homeless for a variety of reasons. It is about ensuring that these people of the Republic are treated with respect and dignity.

We have a cross-party committee on housing. Senator Boyhan rightly raised the issue of the Oireachtas committee. I hope all of us can work together to solve this issue. This is not about playing politics. It is about working together to prioritise the problem. The Government has prioritised it through Rebuilding Ireland. That is why we have allocated €6 billion with an evolving budget and multi-annual funding. It is not that the Government is unaware or living in an ivory tower; the opposite is the case. I welcome the remarks of Senator Boyhan about the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy.

Senator Boyhan and Senator Leyden referred to the issue of councillors' pay and conditions. This afternoon we will have a debate on the matter. Some councillors are unhappy at the decision and the amount of money allocated in terms of an increase in their salary. I hope all of us can continue to work on their behalf. It is not about making glib statements in the House to try to get a headline or to be seen to get a vote. It is about all of us working to prioritise the work of our councillors who are doing extraordinary work. I have made the point this week that I would much prefer to see local authority members be made full-time and be given a proper salary, thereby ending all the anomalies in the system. I would love to see that happen. Perhaps it might not happen in the short term but it is something we should work towards.

Senators Richmond, Feighan, Leyden and Burke raised the issues of the Rugby World Cup, the all-Ireland soccer team and the all-Ireland hockey team. I wish to join Senator Richmond in commending all involved in the Irish bid for the Rugby World Cup. It was an extraordinary presentation.

**Senator Terry Leyden:** It was an extraordinary failure.

**An Cathaoirleach:** You have made your point, Senator. Let the Leader respond.

**Senator Jerry Buttimer:** I welcome Senator Leyden's new-found interest in sport. This Member did not want women playing rugby and had to retract his statement in that regard. I welcome his new-found interest in sport and I wish him well. All those of us who are sport-people will educate Senator Leyden on the different rules of the game. We would be happy to bring him to any game he wishes to see.

It was an excellent cross-party all-Ireland approach.

**Senator Terry Leyden:** It was about bringing an organisation to Ireland and bringing a major event to Ireland.

**An Cathaoirleach:** The Leader might get a ticket for him for the Ireland-Fiji game.

**Senator Neale Richmond:** Was Senator Leyden at the women's Rugby World Cup in August? I did not see him there. Has he ever been to a rugby match? Has he ever been to a women's match?

**An Cathaoirleach:** Allow the Leader to respond.

**Senator Neale Richmond:** I will take him whenever he wants.

**An Cathaoirleach:** Allow the Leader to respond. Do not drop the ball, Senator.

**Senator Jerry Buttimer:** I will try not to play the ball forward. We are all disappointed at the bid. It was not for the want of trying by the sporting organisations, the Government and communities and sporting bodies North and South. It is disappointing. We should look at World Rugby's critique of how it awards the Rugby World Cup. Perhaps that should be questioned rather than Ireland's bid in terms of the type of country preferred, the amount of money available and the stadiums.

The all-Ireland soccer team is a matter for the Irish Football Association and the Football Association of Ireland. Obviously, we are disappointed. It is a perennial chestnut that comes up when one of us does not do well but the other does well. That is sport, a Chathaoirligh, as you know. You played yourself, and you are a fine sportsman. You win some, you lose some. It is better to have tried than not to have tried at all. I refer to the aspiration and the ambition we have. Senator Richmond has brought up the need to have a debate on not just infrastructure, but on sport in general. It binds us as a nation. It unites us, but it also divides us, as we saw this morning with the flippant, populist nonsense we heard from Senator Leyden. I will not dwell on the issue of the all-Ireland hockey team and the Commonwealth Games but the all-Ireland hockey team-----

**Senator Terry Leyden:** I played for a Connacht vocational school, very successfully by the way.

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**Senator Catherine Noone:** I would say it was indebted to the Senator.

**Senator Terry Leyden:** Very successfully. Thank you.

*(Interruptions).*

**Senator Jerry Buttimer:** There is no doubt that Senator Leyden will be-----

*(Interruptions).*

**Senator Jerry Buttimer:** -----waving letters on the sports capital programme which Senator Hopkins and Senator Feighan have delivered in Roscommon. That is probably what he will be trying to do next, but that is all right.

**Senator Terry Leyden:** They are not doing too well so far.

**Senator Jerry Buttimer:** Senator Devine raised the issue of the interim Grace report. Like Senator Devine, the first I read about it was this morning-----

**Senator Kevin Humphreys:** I always thought the sports capital grants were independently assessed. I did not realise different Senators deliver for different counties.

**Senator Jerry Buttimer:** As the Senator knows quite well, we all receive representations. He received them when he was in the Department of Employment Affairs and Social Protection. One gets representations, as he knows, and one does one's best for the people who ask.

**Senator Kevin Humphreys:** That is not the case when there is an independent assessment.

**Senator Jerry Buttimer:** That is why there is one. What I am saying-----

**Senator Kevin Humphreys:** Why is Senator Buttimer saying that particular Senator deliver for different counties?

**Senator Jerry Buttimer:** Senator Humphreys has misinterpreted what I said.

**Senator Kevin Humphreys:** Is the Senator saying-----

**Senator Jerry Buttimer:** What I said was-----

**Senator Kevin Humphreys:** Senator Buttimer should listen to what he said.

**Senator Jerry Buttimer:** I was congratulating them on their success. That is what I was saying.

*(Interruptions).*

**An Cathaoirleach:** Senators should speak through the Chair.

**Senator Jerry Buttimer:** As Senator Humphreys knows quite well, when he was in the

Department of Employment Affairs and Social Protection, he was not immune from representations, and he was very open to meeting with delegations as a Minister of State. Every Minister is open to meeting delegations. All of us live in and work in communities, and we recognise the importance of the sports capital programme.

I will go back to the interim Grace report. I have not seen the report which the sole member of the commission has, according to the newspaper reports, presented to Minister for Health and the Minister of State, Deputies Simon Harris and Finian McGrath. I am not aware of what the next steps are. However, I accept that it is disappointing to read about it in the newspapers. That should not happen. Information is only leaked by people who give it out, and I would be very confident that the eminent commission chairperson did not leak it. I am sure the Ministers did not do so either, so I am not sure how it got out. This poses another question about leaking, and shows that we should all be very careful of the material we have so that we do not inadvertently give it away to people who should not have access to it. That is important.

Senators Colm Burke, Swanick and Noone raised the issue of minimum unit pricing. We all welcome the decision by the Supreme Court yesterday on minimum unit pricing. In tandem with the North, we should introduce minimum unit pricing. That is the next step. The Public Health (Alcohol) Bill 2015 is due back in the coming weeks. I do not have a timetable for it yet, but I will endeavour to facilitate its passage through the House, with its co-operation, prior to Christmas. That is the intent of the Government following Committee Stage.

Senator Colm Burke also referenced the issue of housing. It is important that we have that debate again in the House. In response to a query from Senator Conway-Walsh, I am afraid that the Minister for Agriculture, Food and the Marine, Deputy Michael Creed, is away this week on a trade mission, but I would be very happy to have the issues the Senator discussed debated in the House in the coming weeks. That request will be put to the Minister.

Senator Paddy Burke raised the issue of driverless cars. This is an important issue that, as he said, will become part of our lives. I would be happy to have that debate, and to bring the Minister for Transport, Tourism and Sport, Deputy Shane Ross, to the House.

In response to Senator Warfield-----

**Senator Terry Leyden:** Leave them at home.

**Senator Jerry Buttimer:** Senator Warfield was missing yesterday. To be fair to him, he could not be here. I join him again in congratulating the people of Australia. I agree with him that it should not have had to be done through a non-binding vote. He is 100% correct. There should have been enough political leadership to pass a Bill to allow everybody to get married. Again, I pay tribute to Tiernan Brady, who spearheaded the campaign. It is wonderful to have an Irish person in Australia leading a campaign-----

**Senator Catherine Ardagh:** He is a good Fianna Fáil man.

**Senator Jerry Buttimer:** He was probably the only Fianna Fáil man who campaigned for marriage equality here. However, it was wonderful, and I think what Senator Warfield is indirectly saying, which we should also put on the record, is that the political landscape of the world is changing, but there are many parts of the world where change is not happening, where there is regression on the rights of LGBT citizens. It seems that western democracies have to take up this cause, because we have the leadership and we have courage. It is important that

we continue that work.

In response to the question on the Children and Family Relationships Act 2015, I do not have that information, but I would be happy to revert on that. I know it is an issue that is vexing people, and I have forwarded a request to the Department of Justice and Equality previously. It is something that is coming up a bit.

I have raised the issues that Senator Humphreys mentioned around climate change. Senator Noone raised the issue of social media and the need for temperance and moderation in views and expressions on social media. I am sure that everybody who is a politician has at some point in time been subjected to horrible vilification and vitriol. The Senator is right that there is a need for some type of curb in this evolving medium. I will be happy to have that debate in the House. Apart from the issue of cybersecurity, we need to look at security around social media, concerning what people can and can not say.

Senator Ó Domhnaill raised a very important point about the national planning framework. I would be very happy to have a debate on the future of Ireland in the context of the debate on the national planning framework. I will try to have that before Christmas. I thank the Members for their contributions.

Order of Business agreed to.

#### **Committee of Selection: Motion**

**Senator Paul Coghlan:** I move:

That the Fourth Report of the Committee of Selection be laid before the Seanad.

Question put and agreed to.

*Sitting suspended at 12.38 p.m. and resumed at 12.45 p.m.*

#### **Councillors' Conditions: Statements**

**An Leas-Chathaoirleach:** I welcome the Minister of State back to the House.

**Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy John Paul Phelan):** I am aware that this a matter close to the Leas-Chathaoirleach's own heart, which is why I made myself available at short notice. I thank Senator Buttimer for the invitation to attend this afternoon so as to update the Members of Seanad Éireann on the important issue of supports for elected members of local authorities across the country.

Effective local government structures are an essential part of our democracy. In turn, effective local government cannot be achieved without the hard work and commitment of elected members in service of their communities. A range of financial supports are already in place to assist councillors in their vital work. These include a representational payment that, I think, was

introduced in 2002 or 2003, an annual expenses allowance, travel and subsistence allowances, a mobile phone allowance, a retirement gratuity as well as conference and training provisions.

It is recognised that the workload on councillors has increased following the implementation of the 2014 local government reforms and the introduction of municipal districts across the country. In general, councillors now have a broader portfolio of functions at sub-county level and represent larger local electoral areas than before. At the same time there has also been a substantial decrease of 41% in the overall number of elected members from over 1,600 down to 949.

The Programme for a Partnership Government includes a commitment to review the supports provided to councillors, in consultation with representative bodies, to enable councillors to continue their important work. During his time as Minister for Housing, Planning, Community and Local Government, my colleague, Deputy Simon Coveney, gave consideration to the issue. In January of this year he announced intended new measures to better support councillors. It was intended that these new measures would be implemented with effect from 1 July. However, the Association of Irish Local Government, AILG, requested that further consideration be given to the terms and conditions that would apply. I subsequently met an AILG delegation shortly after assuming office to understand its views on the matter. A particular concern raised, which I acknowledged, was to ensure there was an appropriate recognition of the workload of all councillors at sub-county level throughout the country. While the matter took longer than intended, it is important that the measures are implemented in a manner that is fair to all councillors from the outset.

One of the changes introduced in 2014 was the removal of a dual system of local representation. I refer to a situation where town councillors were treated differently from county councillors and, indeed, electors in towns were given two local election ballot papers as opposed to electors in the rest of the country, including the big cities, that only got one ballot paper. It is one of the most important, equitable and fair changes that was introduced by the former Minister, Phil Hogan, when he was in office. It was important that any change to the allowance provided to councillors would not reintroduce a two-tier system by the back door. Ensuring that city councillors are treated the same as county councillors is largely responsible for the delay.

I am pleased to inform the House about the following. Last Friday, 10 November, my colleague, the Minister for Finance and Public Expenditure and Reform, and I signed amending regulations to introduce these important new measures to support councillors in all local authorities. The regulations give effect to the commitment given in the Programme for a Partnership Government.

I am also pleased to inform the House that the main provisions of the Local Government (Expenses of Local Authority Members) (Amendment) Regulations 2017 (SI 494 of 2017) will be applied retrospectively to all councillors with effect from 1 July 2017. Directions concerning the implementation of the new regulations have now issued to local authorities, representative associations for councillors as well as to the members of this House.

The new arrangements for councillors will comprise of the following new elements. There will be a new allowance for elected members of all local authorities worth €1,000 per annum to reflect the additional work carried out by elected members following the local government reforms of 2014. There will also be an optional vouched annual expenses allowance worth up to €5,000 per annum that councillors may opt for in place of an existing unvouched fixed rate

annual allowance of approximately €2,500. This vouched allowance will bring the annual expenses regime for councillors more in line with that available to members of this House.

Councillors will be able to claim vouched expenses against the following categories of eligible expenditure: the purchase of home office furniture or equipment; the purchase of stationery; the hiring of meeting rooms; leaflet and newsletter printing and distribution; advertising relating to functions as an elected members; and the purchase of temporary secretarial support from a licensed employment agency. We are also examining whether the list might include more categories. These categories of eligible expenditure are similar to those allowed for Oireachtas Members. I have had the great privilege of being audited for the past two years and I am sure that other Members of this House have also been audited. I can attest to the fact that it is a rigorous audit process. It is equitable that all local representative are treated in the same manner when it comes to audits of expenditure.

Councillors will be required to retain relevant documentation that shows proof of purchase and payment. They must also submit the documentation to their local authority on a monthly basis. All documentation submitted may be reviewed by the internal audit of a local authority or the Local Government Audit Service. The directions issued to local authorities also provide for the alignment of the annual travel rate component of the annual expense allowance for councillors, with the general travel rates set by the Minister for Finance and Public Expenditure and Reform. The revised annual travel rates will come into effect from 1 January 2018. I appreciate that this sets a lower rate for councillors travelling shorter distances to attend meetings. In terms of those who accumulate fewer than 1,500 km annually, and in the interest of fairness and equity, it is important that the travel rates that apply to councillors are consistent with those that apply to local authority employees and other groups across the public sector.

It should be noted that the revised rates set a higher travel rate for councillors who drive intermediate to longer distances of up to 5,500 km annually. Councillors in this range will stand to benefit under the new arrangements. This is consistent with the position set out by the Minister for Finance and Public Expenditure and Reform with regard to the general travel rates.

Finally, while these measures address the issue of the impacts of the 2014 local government reforms on workload, it is important that the supports provided to councillors will continue to be fit for purpose into the future. In particular, it is important that experienced and hardworking councillors are incentivised to continue to stand for election while at the same time new entrants are encouraged to stand and participate in local democracy. It is my intention that a broad ranging review of the supports provided to councillors, as well as associated terms and conditions, should take place. The review should focus on the evolution of pay trends in the public sector and on how remuneration provided to councillors compares with other jurisdictions. Further details will be announced in due course. The current system of remuneration is tied to that of Senators, a fact that is not mentioned in my notes. That situation is unsustainable and instead the system should be tied to a grade in the Civil Service.

**Senator Gerard P. Craughwell:** Hear, hear.

**Senator Máire Devine:** Yes.

**Deputy John Paul Phelan:** The public service commission will be employed, in advance of the next local elections and regardless of who the Minister is in the future, to ensure that councillors' pay is related to that of civil servants, and that councillors and their representatives

will not have to go cap in hand to a Minister. Instead, they should get the same incremental supports that the Civil Service grade would achieve in national wage agreements.

I think that we can all agree that this issue would benefit from a structured approach that is consistent with that applied to other groups in the public sector. Let us remain mindful that supports provided to councillors must compete with other demands placed on local authority finances.

In conclusion, I thank everyone who has previously engaged with me on this issue, which includes many Senators. I thank them for their interest and patience in bringing this matter to a satisfactory conclusion.

**Senator Paul Daly:** I welcome the Minister of State to the House. I am glad to have an opportunity to address this issue. I wish to apologise on behalf of my colleague, Senator Jennifer Murnane O'Connor, for her unavoidable absence. She is the Sinn Féin spokesperson on this area and a constituency colleague of the Minister of State. She has done Trojan work on this issue and has made an enormous amount of representations.

Like most of the Senators here, I am a former local representative. I genuinely believe that what is on offer here today is, to coin a phrase, tokenism. Expenses are expenses just like it says on the tin. The additional money that has been bandied about has been wrapped up in ribbons and bows. It is a token gesture to satisfy a long time request from councillors to be treated fairly. Expenses are expenses so the Government is just reimbursing councillors and local representatives for money that they have already paid out of their own pockets. I for one can vouch, as a rural representative, that during my days on the council it was a miracle if I broke even at the end of the year. The work costs the vast majority of local representatives money, in particular rural ones. These people choose the job because they are local activists and community workers. They take the step to become public representatives in the interest of representing their areas and improving conditions in their local communities.

As all Members will be aware, the councillor is the politician who operates at the coalface of society. They meet the people they represent on a daily basis in their communities. A councillor is the go-to person. Irrespective of what problem an individual or constituent has, the councillor is the go-to person.

It is a 24/7 job. Based on the new rates to be announced today by the Minister of State, Deputy Phelan, whereby €1,000 will be added to the representational fee, which is taxable, the average earnings of a councillor who works 24/7 will be far below the minimum  
*1 o'clock* wage. This is not acceptable for the hours of dedicated work that councillors put in. It is tokenism. The Minister of State inherited this issue which was on the desk of his predecessor. The offer today is made in the hope that this issue will go away, but let me assure him that it will not go away. I think I would have the support of all Members, because most of us would have been local representatives. We know first-hand the workload and how minuscule the remuneration is.

The change in the travel allowance that is also being introduced will in essence reduce the net income of many councillors. The taxable representational increase, the vouched expenses, which are already in existence, means councillors have been out of pocket for the period they have been public representatives, and in my opinion some councillors will quite possibly have a net reduction in income when all is taken into consideration. The requested 40% increase in the

representational fee from the Association of Irish Local Government, AILG, would be a more realistic move. It would be a start.

I believe the powers that be are afraid to be seen to give something meaningful to fellow politicians as this would be frowned upon. The Minister of State, his predecessor and all involved are shirking from the issue. I do not think that is fair, and there is no justification for it. There is no recognition of the local representatives, be they members of political parties, Independent and non-party councillors who work at the coalface and are the people who are the first port of call for constituents.

While progress is being made, this is the first baby step in a long journey and we are a long way from satisfaction.

**Senator Gerard P. Craughwell:** I congratulate the Minister of State at the Department of Housing, Planning and Local Government, Deputy Phelan, for being a man of his word. He said he would deliver within a period, and I think he was probably a week or two late. I also welcome his remarks on putting a review in place. It is about time that somebody had the guts to stand up and say we need to look at the work of our local representatives. Let us reflect on the role of our councillors. They are the foot soldiers for the political system in Ireland. They are the people who will go out on a rainy night when an election is called and will walk the length and breadth to get those of us who are elected to this House elected one way or the other. What reward have we given them down through the years for this? Very little. What recognition have we given them? Very little. As my colleague, Senator Paul Daly, said the local councillor is the first point of call for members of their community. One councillor told me that he cannot go to the toilet but some fellow will stand beside me and talk to him about a planning issue, a medical card, a bus pass or a septic tank, you name it. Nobody else in politics suffers the same level of exposure to the community as county councillors. They are in their community 24/7 for 365 days a year.

Naturally in the course of the election for the Seanad I met councillors. I met councillors who sit into their cars and drive to people's homes to help them with official documentation. They sit in people's houses late at night, filling in forms and helping people because they understand the system. There is nothing sharp about what they are doing, they are doing what they were elected to do.

I cannot understand why we always take the mean approach. Why can we not stand up, clap these people on the back and recognise them for what they do? We should not be ashamed to tell the public that we are going to pay these people a decent wage. What is the problem with that? I know Deputy Phelan is a decent man who is trying to do a decent job. I make no apology to anybody in Ireland for the salary I am paid, for the salary that Deputies are paid or for highlighting the miserable pittance that county councillors are paid. I make no apology for asking for the 40% increase that my colleague just adverted to for county councillors. In fact 40% is too little.

I want to focus on the word "allowance", because I get a representational allowance as a Senator that is not my salary, on which tax and PRSI is not charged. Why do we have a different rule for county councillors? They are not employees. There is no contract of employment and yet we apply tax, social insurance and the universal social charge to the miserable few shillings they get. Let me illustrate what the knock-on effect of that for a councillor who lost his or her job that paid €60,000 per annum. Having lost his or her job, he or she moves to a social welfare

payment and now this individual councillor has been told, following an appeals process, that his or her entitlement is €4 a week. Why? He or she has a county councillor's salary. It is not a salary. It is an allowance. We need to go back and look at this. It is an allowance and not a salary.

I cannot dwell on PRSI because I have a High Court case pending on class K PRSI, which I intend to win and I think that Members will find at the end of day that I will win the case. I am not going to comment on class K PRSI. Under the auspices of the PRSI system the State has been stealing 4% of the income of councillors, if we are going to call it income, and we need to sort out whether it is an allowance or an income, from men and women over 66 years of age. There is no other citizen in this country who pays PRSI beyond that age. When will that PRSI be refunded to them? Better still, could the Minister get councillors their contributory old age pension from the money they paid, because they have paid the equivalent? The pension entitlement for county councillors needs to be looked at retrospectively. Anybody who paid the 4% is entitled to it.

I do not want to dash what the Minister of State has done regarding the increase. He inherited an issue on which he delivered and for which he must be complimented. An increase of €1,000 works out at €10 a week after tax. That would not put three gallons of petrol in the car. It is an outrage, an insult. We need to go back and I would like the Minister of State to give us a timeline for the review.

I wish to raise the issue of equality that applies to the female representatives in Leinster House and in every county council in the country. A county councillor delivers a baby on Friday and on Monday he or she-----

**Senator Catherine Noone:** We have not got to that point yet.

**An Leas-Chathaoirleach:** The Senator is a true believer in equality.

**Senator Gerard P. Craughwell:** She is expected back in the Chamber straight away. We need to implement a system whereby elected representatives can have maternity leave. That will require using technology to allow remote voting, child care facilities in the councils and to allow facilities for mothers who are feeding in the council offices. We need to do that.

The travel allowance is very beneficial for those who are travelling 50,000 km, 60,000 km or 70,000 km a year. It is of no value whatsoever to a councillor living in a city, it is of very little value to councillors who are living close to their council. We have to go back and look at that. We have to look at a more egalitarian way of dealing with transport. Perhaps we should look at something like a fixed transport allowance based on something similar to what we have in Leinster House for elected representatives which, depending on how far away one is from the local authority, one would get a fixed travel allowance. Perhaps that is the way to look at it.

I am glad to hear the Minister of State say today that he will look at additional items on the expenses list published because the list excludes certain issues. It excludes: rent; rates; utilities and other charges of office accommodation; electoral expenses, which I can accept; services purchased from a person who is on the pay role of a local authority, which I can accept; and expenses incurred which are covered by other allowances, which I can accept. There are county councillors all over this country who have offices where they hold their clinics. There are full-time county councillors all over the place. When the Minister of State is reviewing those issues, he may do us a favour and include utilities, rent and all of the other items that are associated with running an office.

**An Leas-Chathaoirleach:** I thank the Senator.

**Senator Gerard P. Craughwell:** The Leas-Chathaoirleach is telling me to sit down.

**An Leas-Chathaoirleach:** I am telling Senator Craughwell he is into injury time.

**Senator Gerard P. Craughwell:** I thank the Minister of State for coming here today. I sincerely hope that we can get from him clear indications of where we are going regarding the reviews and the modification of the expenses. One would need Senators' expenses for councillors.

**An Leas-Chathaoirleach:** Senator Craughwell has everything covered.

**Senator Gerard P. Craughwell:** That is very close to Senators. We need to break that as well.

**Senator Paddy Burke:** I welcome the Minister of State, Deputy Phelan, to the House and I congratulate him and thank him for making a move forward on expenses for councillors. He stated that he would do it and he has done so. While it is a small move, it is a move in the right direction.

It is nearly 20 years since I was a member of a local authority but I am a bit mixed up when I read the 20-page regulations that confirm how much extra a councillor gets, whether in travelling expenses, an increase in pay or an increase in an allowance. I was certain in my opinion in certain circumstances but I am much more mystified when I listen to Senator Craughwell. I was of the belief that I was familiar with some of the issues but, certainly, Senator Craughwell is not familiar with the full facts either. The Minister of State might outline how much councillors get and how their expenses are broken down. They get a representational payment for expenses on the same basis as we in the Seanad do. Senator Craughwell stated that they did not.

A councillor's pay was linked to a Senator's salary, a Senator's salary was linked to a TD's salary and a TD's salary was linked to a certain grade in the Civil Service. When the late Deputy Brian Lenihan was Minister for Finance, that link with the Civil Service was broken but I always was of the belief that the Seanad was tied to the Dáil and councillors' salaries was tied to those of Senators. This extra €1,000 that the Minister of State is giving them seems to be a special payment. Is that because it would break the link to a Senator's salary?

**Deputy John Paul Phelan:** Yes.

**Senator Paddy Burke:** If that is the case, I would hope that it would be index-linked. Otherwise this €1,000 will be hanging out there on its own and it will never increase or decrease. I hope it will not decrease. How will it increase? Will it be by ministerial regulation or will it be index-linked? I would ask the Minister of State to look at that. My reading of the €1,000 is that it would be different. Therefore, the councillor's salary will still be linked to the Senator's pay in all other aspects and this is an additional payment.

As regards travelling expenses, it is complex the way the Department has it all put together. Councillors' pay and expenses, and the regulations, should be simplified. Councillors have gone through those regulations and they do not seem to know what they are entitled to or how their pay and expenses are made up. There should only be one band of expenses per kilometre, whether it is 30 cent, 50 cent, 60 cent or whatever, rather than for a certain number of miles here and there because it will balance out at the end of the day anyway.

Members who choose to claim vouched expenses for the period 1 July 2017 to 31 December 2017 must provide written notification to the local authority within ten days of the circular letter that the Department circulated in the past number of days. Councillors may have expenses between now and the end of the year that they will not be able to claim for. The Minister of State has come with this new circular and they may not have time to submit all of their expenses. I would ask that the Minister of State allow some leeway in that regard or else postpone the commencement until 1 January, the first week of January or whatever, so that expenses councillors would have incurred will not be left out.

We are all familiar with the work and value of councillors in an area. It was spelt out by the two previous speakers. We have seen the considerable areas that councillors are looking after and representing since the previous local elections. In my area, the third largest county in the country, there are four municipal districts some of which are nearly 100 miles long. One of them goes from the Sligo border to the Galway border, right through Mayo. These are huge geographical areas. To be quite honest, councillors are not half compensated to attend community council meetings and various other meetings within those large areas. There should be no vouching at all. Councillors should get a specific amount of money. The vouching issue should be looked at. After all, their time is valuable.

Many councillors are working in addition to being councillors. They are trying to keep record of where they are and what meetings they have to go to, and keep account of their expenses, etc. As I said this to the previous Minister, Deputy Coveney, and I repeat to the Minister of State, what is €2,500 one way or the other, whether it is vouched or unvouched? It is only peanuts in the long run. I would ask that the Minister of State would look at the vouched end of it and get rid of vouching completely. It is €100 a week. It is nearly a miscellaneous expense for councillors but they have to keep records, etc., throughout the year to get it.

In response to Senator Craughwell, the Taoiseach brought in the contributory pension for councillors.

**Senator Gerard P. Craughwell:** Retrospectively.

**Senator Jerry Buttimer:** That will never happen.

**Senator Paddy Burke:** I am not sure whether it is retrospective or not, but it is in place. It is one of the issues that was raised during the previous Seanad elections with councillors. Some of them are full-time councillors who were not entitled to the contributory pension. This will entitle them to a contributory pension. It was a big move. I compliment the Taoiseach for doing that.

**Senator Gerard P. Craughwell:** I thank Senator Paddy Burke.

**Senator Jerry Buttimer:** It did not do much for Independents.

**An Leas-Chathaoirleach:** Order.

**Senator Paddy Burke:** I am delighted that Senator Craughwell acknowledges that. The Minister might outline the breakdown for us and for Senator Craughwell as well. Given that there are many anomalies and various tables, will the Minister of State outline the breakdown for us? Some councillors believe they have to give up their representational allowance and claim the €5,000 in vouched expenses or, alternatively, that they will lose their representational

allowance if they claim the €5,000 in vouched expenses. Will the Minister of State clarify the position for them?

**Senator Máire Devine:** I acknowledge the great work done by all councillors but especially by my colleagues in Sinn Féin. There is a list of them. They include a nurse, a social worker and even a DIYer. Others are the local activist in the community. Let us face it - most councillors do a full-time job for remuneration of approximately €17,000 which, frankly, is an insult. Many of them travel large distances to attend meetings and are available 24/7 by phone, email, etc. We also now have Facebook and Messenger. I was counting the ways by which people could contact us and the number is growing. It can also be quite intrusive. It happens in all aspects of all politicians' lives but mainly for local councillors.

Local councillors in Dublin South-Central embed themselves in their communities for which they put in so much work. While I welcome the announced increases, they are paltry and mean-spirited. Increasing the payment for fully vouched expenses per year is probably a sensible way to ensure councillors' reasonable expenses will be met, while ensuring full transparency and accountability. Ireland has one of the weakest systems of local government in the European Union. We expect our elected representatives to be full-time professional politicians, yet we only pay them part-time wages. If we want the system of local government to work in the best interests of local communities, we need to give it the power and resources it needs.

I refer to the invaluable support councillors give Deputies and Seanadóirí. The councillors in my area support me in my local work. They provide updates on what is happening and note planning applications and objections. They also know what the environmental issues are. We work together to have safe, secure and thriving communities. If we want to replicate the local government set-up in other countries and become more stringent legislative scrutineers, we will rely even more heavily on councillors. We need to give them the resources they need for this extra work and responsibility.

Serious issues for councillors were outlined elegantly by my colleagues. I have alluded to the most pertinent of them, the wage level, but I again state councillors work full time. It is an emotional and distressing experience to be a councillor. I remember when I was one at the beginning of what is now the homeless emergency. One can find oneself completely powerless and unable to help someone in distress. One day a family of five arrived at my clinic at 8 p.m. They had nowhere to go and I ended up paying for a hotel for them because I could not let them sleep in a car on the side of the road. That impact on people's mental health has grown exponentially in the past few years. It is the number one issue, followed by health.

Councillors work approximately 60 hours a week. At least I did. If my maths are correct, under €18,000 per annum works out at approximately €5.60 an hour. The salary needs to reflect the work done. I also have serious concerns about the lack of access to maternity leave. Last month my colleague, Deputy Eoin Ó Broin, asked the Minister of State about the issue but all he got was a vague reference to the Government's responsibility under the national strategy for women and girls 2017 to 2020 and working towards having greater female representation. However, there was no indication as to when the issue would be resolved. My colleague, Councillor Janice Boylan, was recently back at work a couple of weeks after giving birth. If a councillor is out sick for six months, he or she will receive sick pay. If money is available in the unfortunate case where someone falls ill, it should be available to support new mothers and fathers. What a disincentive it is for young families and, in particular, young women to become involved in politics if they cannot access the maternity leave they deserve or do not receive a

proper wage to support their young families. There is a need for greater female representation, but we are not going about it in the right way in encouraging it.

The changes are welcome, but they are long overdue and do not go far enough. I urge the Minister of State to re-examine the issue and truly recognise the work done by councillors by giving them the wages appropriate to the job.

**Senator John Dolan:** I would like to share my time equally with Senator Frances Black.

**An Leas-Chathaoirleach:** Is that agreed? Agreed.

**Senator John Dolan:** The Minister of State spoke about additional work, which certainly there is. He also spoke about the intention to have a broad-ranging review of the supports provided for councillors, which is very welcome. Despite the reference to the amount of work done, his presentation was silent on the value of that work. I will not go over the same ground, except to note that Senators have spoken about welcome but modest improvements in allowances, etc. It is probably not the intention, but I get the sense that there is almost a feeling of embarrassment at doing the right thing for those who serve on local councils. In some way, is the Government and are we, generally, embarrassed by or afraid of councillors? I do not know the answer to that question. However, I do not get a sense that we are challenging them and really value the important place they hold.

Councillors are the first responders, the people with an overview. I was elected to this House as an advocate for people with disabilities. I would have known some councillors from attending various party conferences in my work with the Disability Federation of Ireland. My point is that councillors do not just deal with local authority matters; they also deal with health, education, transport and income issues. There are 15 or 16 Departments and 15 or 16 committees in the Houses of the Oireachtas covering all of the different silos of government. However, at community level, the councillor picks up on and tries to deal with whatever comes his or her way. People live in communities and local authority areas. They do not live in the Department of Education and Skills or the Department of Transport, Tourism and Sport. That is the key issue. We, therefore, need to look at the value and extra support councillors give to the political system.

As Senators and Deputies, we are no different from councillors. We are public representatives elected to act in the public good. We need to see councillors in the same light and give the same status and respect. It is important that we value their role. Recently I supported councillors in bringing forward a motion on the inclusion of people with disabilities. Approximately one third of councils have passed the motion, while the rest are on the way to doing so. They are all supportive and want to pass the motion which they have not questioned. They have said it is great to get good background information on the subject, including on how many people there are in County Tipperary or County Longford who have a disability and their level of education. I do not want to speak about disability issues only, but that is where councillors can really shine. We have to consider strongly how we can pay them better and examine the extra productivity that can be achieved. I would love it if the Minister of State engaged on that issue in the review.

**Senator Frances Black:** I welcome the Minister of State and wish to speak in support of the huge contribution councillors make to their local communities, a contribution which is often forgotten.

I was lucky enough to meet councillors across the country when I ran in the Seanad election last year. I was blown away by the work they do and I feel terrible that I had not been aware of it until then. I was in Sligo last month with the Association of Irish Local Government to get further input. Wherever I have gone across the country, particularly in regard to the Public Health (Alcohol) Bill 2015, I have relied on hard-working councillors to engage with local communities. It has been a real insight into the daily reality of the job, particularly the long hours. There is not enough awareness of the vital role councillors play.

Deputies work very hard to represent their constituencies, but they must spend considerable time here in Leinster House and must think nationally as well as locally. It puts a big demand on their time and their attention. As a consequence, local councillors often become the first port of call for people with a problem. They are the people who can identify and track local issues and try to get them sorted quickly. This is particularly important when it comes to vulnerable people, which is the area in which I work, where many may not know what kind of support they are entitled to, or how to access it. Councillors step in here, and their role can be almost like that of social workers or therapists. In my work with the RISE Foundation and on the Public Health (Alcohol) Bill 2015, I see a big crossover between the people sitting on local councils and those working on local drug and alcohol task forces, for example. They must be there for people, and if one takes this responsibility seriously - and the councillors I meet definitely do - one ends up working extremely long hours on top of one's regular job. This leaves councillors in a difficult position where they are doing another full-time job, but they are doing it after work or are taking unpaid leave to follow up with constituents. They spend less time with their families as a result. The low pay means it just is not viable for most people and many feel it is unsustainable, particularly for those on lower incomes or those who do not have very flexible conditions in their primary job.

This was made much worse when council sizes were cut in 2014. A smaller number of councillors are now expected to represent a much larger number of people, often across huge geographical areas. I have often been told by councillors, particularly rural councillors, that they cover thousands of kilometres to see constituents and attend meetings. One councillor described it to me as a daily routine of being on the phone, being in the car, grabbing a coffee and getting back in the car, with returning home after midnight being standard.

In this situation, the car or van is one's office. Many councillors would like more engagement on how the small expenses allowed can be vouched and used. For example, meeting rooms are sometimes less important than being able to cover the costs of wear and tear and driving thousands of kilometres every week. People do not serve on councils for the money, but if we make it financially impossible for them then many good councillors will drop out, or not step forward in 2019.

Many councillors have also spoken to me in recent weeks about the proposed cuts to constituency sizes for local government. I urge the Minister to reconsider this. It will have a hugely negative effect on independents and smaller parties. As an Independent Senator, I am proud of the achievements that I and my fellow Independents have had in this House, from putting forward Private Members' Bills to amending Government legislation. Irish politics needs strong, independent voices, particularly those who will represent the most vulnerable in society.

**Senator Gabrielle McFadden:** I welcome the Minister for State, Deputy John Paul Phelan, to the House to discuss pay and conditions for local councillors. I welcome the changes which the Minister signed off on at the weekend and acknowledge his work since his appointment to

progress this issue and other issues concerning councillors. He said he would and has proved true to his word. It is only a good first step, but we have some way to go in the discussion on how councillors should be remunerated and supported. Local councillors do very valuable work and deserve to be paid a fair salary for it. It might not be popular among the public when a politician calls for better conditions for other politicians but I must stand up for councillors because they are underpaid and undervalued. Many of us in this House and in the other one have been councillors. Having been a town and county councillor, I know from first hand the work load and long hours involved in representing constituents, resolving problems, making applications, writing letters of representation, making calls, arranging clinics and attending meetings. The increased workload, combined with a negative media portrayal of public representatives generally, has a demoralising effect on excellent public representatives and makes public service less attractive. No one gets into local politics for money. Anyone who does will be very disappointed. The vast majority of public representatives get involved because they want to serve their communities. We should actively support them to do so.

Those of us who have the honour of serving as Members of the Oireachtas work hard for our communities and are well paid for it. Our salaries are linked to grades of public servants who are well paid for their work. Councillors are the one category of public representatives who are almost regarded as hobby politicians. They work hard for the communities and give their time, energy and expertise but they are not paid fairly for it. As a society, we are taking advantage of their desire to do their best for their local communities and pay them an allowance that often works out at less than the minimum wage.

One reason to pay councillors properly is that it would signal to the public our regard for their role and the true importance of the role of the public representative. It may not be a position that is popular with the public and the fear of a public outcry that could follow from a significant pay increase to councillors is one reason given for not doing so. However, if we are willing to weather the storm in increasing our own salaries we should show parity of esteem for our council colleagues.

One of Fine Gael's five core values is equality of opportunity. Among councillors, the current position favours those who are self-employed, who are independently wealthy or have plenty of spare time. All these groups are entitled to serve but we should not exclude the many very able people who could make an equal or better contribution but are excluded because they cannot afford to be a councillor. There are many competent people who would like to do so but who can earn more money in other fields. We must attract them.

There is no guarantee that paying councillors more would improve local government but we must put a fair value on their work. It would be a bad idea to pay teachers, nurses or public servants half what they could make in similar roles in the private sector so why does the same logic not apply to councillors? There has been academic research on the topic. A 2009 paper by Ferraz and Finan argues that higher wages increase political competition and improves the quality of legislators, as measured by education, type of previous profession and the political experience in office. In addition to this positive selection they find that wages also effect politicians performance which is consistent with the behavioural response to a higher value of holding office.

Nothing I say here is by way of criticism. I welcome the Minister's initiative and good intention. I welcome the Minister of State's remarks today so long as there is a positive outcome. We cannot conclude that this matter has been resolved and move on to the next issue. Tús maith

leath na hoibre. I urge the Minister of State to continue with the determination and ability he has shown so far.

**Senator Mark Daly:** The Minister of State spoke of consistency. The only thing that is consistent is the inconsistency. The report states: “In the interests of fairness and equality, it is important that travel rates that apply to councillors are consistent with those that apply to local authority employees and other groups across the public sector.”

The Government wants them to have the same mileage rate, but it does not want them to have the same allowances or rates of pay. Their allowances and pay are not consistent with that in the public sector, yet they are being told now that their mileage rate is dropping from 46 cent per kilometre up to 6,438 km to 39 cent. It has been admitted that many councillors will be worse off. I welcome the idea of reviewing pay although it should be named the low pay commission. Hopefully there will be a timeline. The €1,000 being provided is not being back-paid, even though it is acknowledged that since 2014 the amount of work being done and the area being covered has extended enormously for the 949 councillors that remain from the 1,600 that were in place previously. The back pay only applies as far back as last summer and not 2014. The €1,000, for the benefit of Members, is an increase of €2.74 per day. If the tax is taken from that, it comes to €1.42.

My words are not half as good as those we received when I sent out the circular that was issued to us last night. I received these from the public representatives. One contribution was, “The current proposals are an absolute insult to me and to the vast majority of my elected members”. Another said, “With regard to the idea of the €1,000 for municipal members, there is no allowance to backdate the allowance to the date the workload actually increased”, which was in 2014. On the issue of the vouched expenses, “The small increase was to compensate councillors for the additional work, not to add to their workload”, which the vouched expenses system will do. Another contribution was, “Unlike TDs and Senators, humbler councillors are not exempt from commercial rates on dedicated constituency offices”. They cannot even buy ink. If someone wants to go to a conference, he or she will not be reimbursed and, therefore, if he or she does not have another job, he or she is unable to attend. They cannot buy paper, ink, stationery or any smaller items with the expenses they receive. Ten days a year are provided for teachers, but there is no substitute cover. That is another issue that needs to be addressed by the low pay commission. A final contribution states, “This is a joke. How many civil servants work for this kind of money?”. I received many other contributions.

**Senator Aidan Davitt:** I will not rehash the arguments that Senators Paul and Mark Daly have made already. I welcome the Minister of State to the House. I have been involved in different debates on this issue over the past four years, since my time in the Association of Irish Local Government, AILG, executive, and there has been very little progress. Much work has been done on this issue by the Minister of State and the Minister, Deputy Coveney. I appreciate that the increase in wages, as small as it is, is a step in the right direction, but my welcome for this measure stops there. The mileage presents a serious problem. One example that is given in the schedule is of a person living 26 km away who will now be €300 or €400 better off in category one. I am sure that the Minister’s civil servants have created that nice story. However, most people fall into category two, which includes Carlow, Kilkenny, Westmeath, Sligo, Longford, Meath, Monaghan, Laois and Leitrim. In the same example under category one, these people are losing money, but that example does not paint a nice picture and so it is not given.

The Department has to go back to the drawing board on this matter. It is a very unfair com-

parison. Perhaps these people think they are dealing with dummies. In any public, private or civil body or entity, a person is paid for any mileage they do, but that is not the case here. Will the €5,000 allowance be claimable if a councillor does something apart from his or her council meeting? For example, if a community meeting is 30 km or 40 km away, can the mileage be claimed as part of the allowance available? In any other business entity, a civil or public servant can claim the money for that meeting. That is a must. In different bodies, such as the council, the AILG, and the HSE, mileage is assimilated differently. They are not assessed together. This does not happen anywhere else and I believe this will be heavily contested. It does not happen anywhere else. It is a fraud to the councillors, and it is showing them serious disrespect.

**Senator Joe O'Reilly:** I welcome the Minister of State. I do not know if I have had the opportunity to congratulate him in public on his appointment. Having worked with him on the Council of Europe, I am well aware of his great ability and commitment and I know he will bring that to his Ministry. I am also happy that he has been proactive and come forward with an improvement package very early in his term. I also share the concerns about some aspects of it and I hope the review will improve matters, but I acknowledge what the Minister of State has done.

It merits repetition that our democracy depends on our councillors. They keep democracy going. We have both served on the Council for Europe and know that democracy should not be taken for granted. The functioning of our whole community depends on councillors in many instances. They provide leadership and initiative at local community level. The output from their work is quite enormous for the quality of life of so many people. Their work is challenged now by the larger areas and it has made it very difficult. On the way here I checked with one or two of my colleagues and they have had around ten meetings this week of various types.

I am happy with the increase of €1,000 and that it is now available to all councillors in the country. It is an improvement on the initial proposal. I hope that will increase in the review, but it is a step in the right direction. The extra €2,500 is welcome, but I share the concerns raised about vouching. The amount of money in question is small; Senator Burke suggested it amounts to about €100 a week. Vouching for that is a very onerous task. If it was a larger sum of money, I would support the principle, but it is a very onerous task for that sum of money. It is almost a job in itself, with the collecting of receipts and organisation that is to be done.

I also believe that the list of allowances is very constrained. It would be better if the list more accurately reflected the work done. I was a councillor for years and remain very close to my councillor colleagues, and I know that they are asked for money for various causes on the road. If there is a charity function, they are asked for money for it. Also, when the councillors bring people out canvassing or doing voluntary work with them, they have to offer that person basic refreshments while they are on the road as a basic courtesy. Even if it is only toasted sandwiches after a day's voluntary work in the community, it is still a big expense for councillors, especially if it happens on a regular basis. That is not in the vouched allowances. There are many incidental types of expenditures and I appeal to the Minister of State, at a minimum, to increase the list of items that qualify as vouched expenses and to be much more liberal in that regard. Indeed, I believe that list should be more liberal for all elected representatives, but that is another matter. I ask the Minister to extend that list and to look at the whole concept of whether it is wise in the first instance to vouch a small amount of money like this. If the Minister of State is not going to radically increase the list and consider increasing the amount, I think the concept of vouching should be out.

Like other colleagues, I would like to know how long the review will take and when we will have results from it. The review, if it takes full account of the situation, will be generous to councillors, I would have thought.

The areas to be covered will need to be smaller. One councillor I spoke with this morning told me it is about 55 miles or 60 miles from one end of his area to the other, which is very challenging and difficult. This needs to be looked at in the review. I am grateful for the opportunity to speak. If we do not look after our councillors, we put our democracy at risk.

**Senator Victor Boyhan:** I welcome the Minister of State, Deputy Phelan, to the House. I am conscious that he was a councillor for a long period and, therefore, knows about local government and the importance of city and county councillors who do their work for local communities. I will use my speaking time as constructively as I can and I will not repeat what others have said.

I want to thank the AILG and LAMA for the ongoing work of their executives and members in regard to councillors' remuneration, pay, conditions and the terms of their roles as local councillors. While I do not think that has been altogether successful, that is not to criticise them or their executives. Clearly, from the number of emails and telephone calls I have received, people are very angry, annoyed and disappointed.

I am an Independent Senator. The majority of my votes, though not all, came from Independent councillors and I never apologise for representing them and all councillors from all parties. I am amazed, having sat here and listened to the debate, because I would almost get the impression that those sitting here are not members of political parties and that there has not been a period of consultation. I would have thought that, within Fine Gael, Fianna Fáil, the Labour Party and Sinn Féin, they would have discussed all this. We have a Government in place, supported by Fianna Fáil and Fine Gael, that can command the attention of the Cabinet and people who matter in this country in regard to important issues. It is a bit rich to come in here and bellyache about the condition of councillors and let it get to this stage.

We have to be realistic. A statutory instrument has been signed and that is where the matter stands. This is not a debate. Let us be honest and let us have an honest response from the Minister of State. He is not going to go away tomorrow and rubbish this statutory instrument and change it all. We are talking in a vacuum to some extent. I want to make that point as I think it is very important. All parties have councillors and all councillors from all parties are at some level disappointed at what has happened here today. Let us call a spade a spade.

I welcome the Minister of State's commitment to look at councillors' pay. Councillors, on average, are paid €16,500 and they pay tax on it. It is simply a disgrace. There is a suggestion there will be a commission or that somebody will review their pay, and there will be recommendations. However, I am hearing that those recommendations will not be implemented until 2019, which is not good enough, given this is 2017. If we really want to address the basic remuneration for councillors and put in place a system of remuneration that is respectful of their work and remunerates them for their enormous workload and additional responsibilities, it should be fast-tracked. This commission should get about its work and deliver its report quickly. Whatever that report recommends, it should be implemented. We should not be talking here in 2017 about some sort of pay for councillors that may be delivered in June 2019. There are many sitting county councillors today asking whether they will stay in this business. I got remuneration last year for my period in the council and, when I settled my tax bill with the

Revenue yesterday, I can tell the House I was shocked by the level of remuneration I had to pay over to Revenue. It is not all kosher and it is not all cash for our pockets. This is something we need to look at again, although that is for another day.

It is important that the Minister of State tells us what he means by a commission, when he intends setting it up, what the timeframe is and whether he can bring forward the delivery of those recommendations.

**Senator Grace O’Sullivan:** I join with the statements of my colleagues on the hard work that our local government representatives do. County and city councillors put in a phenomenal amount of work to represent their constituents, create a better standard of life in their areas and support and strengthen their communities. They do this sometimes in a difficult political climate and without much compensation for their time and energy, which is worth noting.

We have discussed already the Minister of State’s statements on the changes planned for councillors. On that point, I will reiterate what I have said already at the committee on councillors’ pay and conditions, namely, a simpler increase in the basic rate for all local authority representatives would be the most efficient and fair way to recognise their increased workload in the face of the reduction of total numbers. I would also ask that the committee be reconvened again and more regularly. We have not met, for example, since the Minister of State took up his current position and a meeting with him to discuss the concerns I am about to outline would be very welcome.

We have heard recently of proposals from the Government, or at least the Fine Gael part of the Government, to reduce the size of the local electoral areas in the upcoming local government review. I consulted with councillors in advance of my contributions today to seek their views on these proposals and, safe to say, the feedback was not positive from most who were in touch with me. Independents and councillors from smaller parties, in particular, highlighted that changes to the size and representation level of each local electoral area would severely lower the rate of representation and serve only the interests of the big parties, Fianna Fáil and Fine Gael, in getting a stronger hold over local government across the country.

At the same time, it would lower the diversity, not only of party political representation and competition on our councils, but also the diversity of representatives themselves. The changes we have seen suggested would cut the representation of Green and left-wing councillors by about 75%, which in itself would cut the female representation by about 25%. That would mean a reduction in the number of local electoral areas with at least one female representative from 80% to 60%. In turn, that would mean a subsequent reduction in the number of women in a position to be selected and available to run in general elections, something that will pose real challenges in the next election, when a 40% candidate gender quota will apply.

The noted UCC academic, Liam Weeks, suggested that a minimum representation of five or six is needed to ensure proper proportional representation for an area. This was also the recommendation of the Constitutional Convention in 2013. This needs to be wedded to the need for local electoral areas to go some way towards reflecting natural and coherent communities.

I can understand the attraction of a more homogenous and less diverse vision for local government for the larger parties, but I hope the Minister of State will join me in agreeing that a system of smaller local electoral areas would make our councils less diverse, less competitive and simply less interesting overall. Independents, Social Democrats, Labour Party representa-

tives, socialists, and, yes, Greens, should all be united in opposing this power grab. I would hope the Independent Alliance especially will not allow this issue to stand when the Minister, Deputy Eoghan Murphy, publishes the terms of reference.

**Senator Maura Hopkins:** I wish to share time with Senators Tim Lombard and Catherine Noone.

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

**Senator Maura Hopkins:** Like other Senators, I welcome the Minister of State, Deputy Phelan, to the House. As I am under time constraints, I will make a few key points. I have to disagree with Senator Grace O’Sullivan’s view of the local electoral areas. I live in the Boyle municipal district in County Roscommon, which is a huge geographical area that from end to end is probably 80 km. There is nothing local about that.

We need councillors to be rooted in their local communities. The intensity of their workload and the increase in it is completely unmanageable. I ask that greater consideration be given to the need for smaller local electoral areas in order to reflect the fact that we want local public representatives to be rooted in their communities.

Obviously, the €1,000 allowance and improvements in the expenses represent a step in the right direction. However, the bottom line is that we need to properly reflect the work that is being done by councillors. These people are on duty, no more than us, 24-7. They have to deal with a wide range of issues, including working with local engineers, dealing with housing issues, attending meetings and being involved in different committees right across their communities. It is essential that we remunerate them properly. Speaking as one of the youngest councillors elected to Roscommon County Council, I am of the view that it is going to be exceptionally difficult to attract new people, or even incumbents, to stand in the local elections in 2019 and into the future. It is critical that we remunerate them properly.

**Senator Tim Lombard:** I thank Senator Hopkins for sharing time. This is a very important matter. There are several issues that need to be dealt with. One of these relates to the size of constituencies. As I stated on a Commencement debate, constituencies are ludicrously large. I hope the Minister will bring forward legislation as soon as possible in order to amend the position in this regard. The vouched annual expenses allowance worth up to €5,000 for which councillors may opt instead of the existing unvouched allowance of €2,500 is not the appropriate route to take. The administration that will be necessary to deal with this will place another burden on councils. We are just creating more paperwork. This change will not do anything for local government. We are trying to audit a system that makes no logical sense. In the context of the amounts of money about which we are talking, officials will be obliged to act as auditors. That does not make sense. What will be the administration cost to which this change will give rise? We need to examine these issues.

There is a major issue in the context of local government and it is the responsibility of the Department of Housing, Planning and Local Government to deal with it. We have never had a real audit of the establishment of local government and what I would refer to as “the problem government”. These bodies have never been brought before the Committee of Public Accounts and they have never been asked to account for themselves. Councillors and politicians have been brought to book on foot of their expenses, etc., but I am not aware of this happening in

respect of staff of local authorities. That is the anomaly in the system. The legislation before us relates to councillors but the Minister of State has brought nothing forward about the executives of local authorities. That is a major issue with which he and his Department can deal. However, it has not been dealt with. An audit system is being put in place but that will not address the problem. The Minister of State needs to deal with this matter.

**Senator Catherine Noone:** I welcome the Minister of State. I have to say, Senator Boyhan is more enlightened than the rest of us if he knows who voted for him.

**Senator Victor Boyhan:** I used the word “some.” I got Fine Gael votes too.

**Senator Catherine Noone:** In fairness to the Minister of State-----

**Senator Gerry Horkan:** The Senator knows his own vote.

**Senator Catherine Noone:** -----he has made great strides. As someone who previously served as a Senator - for two terms - and a councillor, he is very well placed to make changes in this area. That must be acknowledged.

It is rare that I agree with Senator Gerard Craughwell, but I did so when he mentioned maternity leave. Obviously, that issue is close to most women’s hearts. A problem exists in this regard. We are not getting things right from the top down, and that applies to these Houses as well. This is something at which we need to look and to which we must take a more mature, professional approach. The wage that councillors earn is an insult, to be quite honest. It is not something that Fine Gael created. Successive Governments have denigrated politicians in general. We are not happy unless we are criticising ourselves, getting rid of cars and all these things of which people do not take any notice. They just notice when we do the opposite.

Contributory pensions have to be acknowledged as a positive. Obliging councillors to travel around the country in order to get some money is also an insult. I received a great deal of feedback from councillors to which I will briefly refer because it would be remiss of me not to provide constructive criticism. A number of councillors contacted me to describe the €1,000 figure as miserly and inadequate. Regarding the €5,000 for vouched expenses, some councillors have indicated that it has not been made clear to them what is deemed acceptable as a vouched expense. Others argue that a €5,000 vouched expenses allowance will leave them worse off on the basis of the rules and regulations that apply. I am just giving the feedback. A vouched system is a joke. Why not give €1,000 and increase the existing expenses instead of creating all the hullabaloo to which this proposed change has given rise? I do not want to be overly critical of the Minister of State because he has not created this situation. He is very well placed and I hope that he will really take a lead on it. I wish him good luck with the consultation that will take place in the coming months.

**An Leas-Chathaoirleach:** I thank Senator Noone. I apologise for being somewhat strict on time but I am trying to facilitate as many contributions as possible. Senator Gallagher has five minutes.

**Senator Robbie Gallagher:** Go raibh maith agat, a Leas-Chathaoirligh. I also welcome the Minister of State to the House to discuss this very important issue.

My initial thought on what has been presented to use is that it is very disappointing. I will go as far as to say it is insulting to the hard-working local authority members - male and fe-

male - who serve their communities so well throughout the country. This Government, like that which preceded it, is presiding over the destruction of local democracy. We are actually chasing people out of their roles as local authority members.

I have read through some of the proposals contained in the Bill. The figure of €1,000 is, as previous speakers indicated, a pittance. The entire document sticks two fingers up to local authority members. I get no satisfaction from saying that. Councillors will be able to claim vouched expenses of up to €5,000 but they will have to send documentation to the relevant local authority each month. This will add to their workload. Instead of trying to reduce their workload, we are adding to it. The expenses for mileage are also very disappointing. The one positive I take from this is the fact that, by his own admission, the Minister of State is a former county councillor and Senator. He should have sympathy and understanding local authority members in the context of the work they do.

The Minister of State referred to a review. I sincerely hope this is not a situation where we are kicking the can down the road. I would like the him to indicate what will be the timeframe for the review and when we can expect the results to be forthcoming.

County councillors do great work. In the Cavan-Monaghan constituency in which I live, three councillors have left during this term and all cited the fact that they found it impossible to hold down jobs while serving as members of the local authority and trying to do their work in this regard properly. It is clear that there is a crisis here. I would ask the Minister of State, as a former councillor, to grasp this opportunity and come back with proposals on a specified timeframe in order that we might not only retain the members of local authorities we are so fortunate to have but also, come the next election, will be able to attract and encourage other people to seek election.

**Senator Brian Ó Domhnaill:** This debate centres on the terms and conditions of councillors. The changes in the Local Government Reform Act 2014, introduced by the Minister's predecessor, the then Minister for the Environment, Community and Local Government, Mr. Phil Hogan, have not worked. They have increased the workload of each local councillor to an astronomical degree. The Minister of State inherited this problem. It is a major problem because there has been a 40% cull in the number of practitioners of democracy at a local level. Those people have been providing a service. What happens when one takes 40% of the workers out of a factory? Clearly either one gets robots in to do the work or one increases the workload for the remaining workers. There are 949 workers left in the factory of local democracy and they have an increased workload. The AILG has carried out an analysis on this and I carried out my own analysis as part of a master's degree programme and, according to the councillors themselves, their workload has increased by more than 60% but they are not being remunerated for that. I am sad to say that the proposals brought here today are not sufficient. We can tinker around the edges, talk about €1,000 here, an overnight payment there and so forth but that is not dealing with the problem. The problem is that we are going to lose more councillors from the democratic system because they cannot afford to stay in the system.

We live in a democracy which consists of both democratic and Executive institutions. The proposals before us today have come from the Executive arm of the State and are being forced upon the democratic arm of the State because the former does not hold the latter in high enough regard. Public representatives and the leadership in all political parties - I am not singling any one out for blame here - have an obligation to stand up for those who practice democracy at the local level. Otherwise, it is a race to the bottom. We should not be here today talking about an

additional €2.50 per day or an annual allowance of €1,000. That is an absolute travesty. It will not work and we are going to see the further demise of local government as a result. I ask the Minister of State to get the commission up and running immediately.

**Senator Jerry Buttimer:** Who cut their pay on the first day? It was the party of which Senator Ó Domhnaill is a member.

**Senator Brian Ó Domhnaill:** I lay the blame for this at every party's door.

**Acting Chairman (Senator Gerry Horkan):** Senator Brian Ó Domhnaill, without interruption please.

**Senator Brian Ó Domhnaill:** The leadership of every party and those who have no party are responsible here. There must be a real willingness among the political establishment to take on the Civil Service and to demand a proper, functioning democracy and to insist that those who provide it are remunerated accordingly. That is not happening at the moment and until we come to that day, we can forget about providing a proper service to the citizen who deserves better. A councillor phoned me the week before Christmas last year and told me that he was not able to buy a turkey to feed his family. That is the situation that the Government and the Opposition are presiding over and it is unacceptable.

We must bring forward the commission immediately and have it report within eight weeks. Let us be imaginative and let us resource the councillors adequately through the provision of pay. Let us forget about all of the other allowances that SIPO and various other quangos are going to scrutinise anyway. Let us pay the people properly for an honest day's work. Let us provide them with a pension. They are going to get the contributory old age pension anyway so let us provide a local authority member's pension in line with the pension provided to local authority employees. Separately to that, let us provide them with proper administrative backup. There was talk here about agency staff but I am not sure if there is an agency in Mayo, Donegal or Sligo that could provide such a service to local councillors. We are trying to recreate the moon here for something that is very simple.

I know that the Minister of State is trying to do his best and I have the highest regard for him. He inherited this problem from former Deputy Phil Hogan, the then Minister for the Environment, Community and Local Government and is trying to fix it. I stand with him on that. I will help him and work with him in every possible way but we must get real. Otherwise, the foundation of Ireland's democracy is going to fall apart because no new young people are going to go forward at the next local elections.

**Acting Chairman (Senator Gerry Horkan):** I am very sorry that not all of those who indicated got a chance to contribute to the debate. The Minister of State has to leave now but he has given a commitment that he will come back next week so that we can continue this discussion.

### **Business of Seanad**

**Senator Jerry Buttimer:** I thank Members for their co-operation. We will resume this debate next Wednesday evening. Therefore, notwithstanding the Order of Business today, No. 1, statements on councillors' conditions, will resume on Wednesday, 22 November 2017.

16 November 2017

**Acting Chairman (Senator Gerry Horkan):** Is that agreed? Agreed. When is it proposed to sit again?

**Senator Jerry Buttimer:** Dé Máirt seo chugainn ar leath uair tar éis a dó.

The Seanad adjourned at 2.15 p.m. until 2.30 p.m. on Tuesday, 21 November 2017.