



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Business of Seanad	445
Commencement Matters	445
Flood Relief Schemes Status	446
Public Transport Provision	448
Services for People with Disabilities	450
Hospital Waiting Lists	452
Order of Business	455
Control of Economic Activity (Occupied Territories) Bill 2018: First Stage	463
Message from Joint Committee	464
Galway 2020 European Capital of Culture: Statements	464
Agriculture: Statements	483
National Minimum Wage (Protection of Employee Tips) Bill 2017: Second Stage	508

SEANAD ÉIREANN

Dé Céadaoin, 24 Eanáir 2018

Wednesday, 24 January 2018

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.
Reflection and Prayer.

Business of Seanad

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

The need for the Minister of State with responsibility for the Office of Public Works and flood relief to outline when it is proposed to commence work on the Glashaboy flood relief scheme, Glanmire, County Cork.

I have also received notice from Senator Aidan Davitt of the following matter:

The need for the Minister for Transport, Tourism and Sport to consider extending the Luas cross-city service from Broombridge to connect with the proposed metro north line at Ballymun via Finglas and Charlestown.

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

The need for the Minister of State at the Department of Health with special responsibility for disability issues to provide an update on the number of children with disabilities in counties Limerick and Tipperary waiting to be placed in residential care homes.

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

The need for the Minister for Health to review the use of existing facilities at Monaghan General Hospital to help to alleviate the bed and trolley crisis; and if he will consider visiting the hospital to see the potential of the facility at first hand.

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

Commencement Matters

Flood Relief Schemes Status

Senator Colm Burke: I know there are many demands on the Department in respect of flood relief but this matter goes back to 2012 when the Meadowbrook estate in Glanmire, County Cork, was badly flooded and some houses were under between 4 ft and 5 ft of water, with extensive damage done. The estate is alongside the Glashaboy River and it was decided there was a need for a flood relief scheme. A lot of work was done to prepare for the scheme, with an open discussion and presentation taking place in November 2016. The scheme was to provide protection for more than 78 houses and businesses along the route but we are now in 2018 and there is concern about the scheme. It needs to be prioritised and everyone in the estate is concerned that a freak thunderstorm or extensive rainfall would hit the estate again with flooding. Some residents did not have insurance at the time of the flooding, which meant they had major challenges. The damage was such that some houses had to be totally refurbished and some people have still not got over the incident.

Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran): I thank the Senator for raising this matter today and I am pleased to provide an update on the Glashaboy flood relief scheme, Glanmire, County Cork. Good progress is being made in advancing this much needed scheme. I have visited many of the areas in Cork that have experienced flooding and I am fully committed to ensuring that the flooding problems in these areas are dealt with as quickly as possible.

The Office of Public Works, OPW, in partnership with both Cork City Council and Cork County Council, recognised the high levels of existing flood risk in the River Lee catchment and carried out a catchment flood risk assessment and management, CFRAM, study for the Lee catchment which includes the Glashaboy River catchment. The draft catchment flood risk management plan was published in February 2010, and this identified a preferred option for the alleviation of flood risk in the Glashaboy catchment. Following significant flooding which occurred in June 2012 in the Glanmire-Sallybrook area, Cork County Council commissioned consultants to develop a flood relief scheme for Glanmire-Sallybrook. Cork County Council is progressing the scheme with funding from the OPW.

As the Senator will know, the locations identified in this scheme include the Sallybrook industrial estate, Hazelwood shopping centre, the Meadowbrook housing estate, Butlerstown, Glenmore and Glanmire Bridge to O'Callaghan Park. Following detailed assessment by the consultants, measures were identified to address flood risk in the area, including direct defences, for example, walls and embankments, culvert upgrades, flood relief culverts, channel widening, clearance of bridge eyes and road regrading. The scheme will benefit 103 properties in total, a total of 78 residential properties and 25 commercial premises.

Two public information days were held in February 2014 and February 2015 and submissions were considered by the design team. Subsequently, as the options were developed and the necessary environmental and engineering reports were prepared, the formal public exhibition of the Glashaboy flood relief scheme took place in November and December 2016, showing the preferred option developed by the consultants. The members of the design team were available for the public to discuss all aspects of the scheme. As part of the exhibition process, submissions were received from the public on the scheme proposals.

The Glashaboy flood relief scheme will be submitted to the Minister for Finance and Public Expenditure and Reform for confirmation under the arterial drainage Acts in the coming weeks. This is the final element of the planning process for the scheme. As the Senator will be aware, there is a significant procurement process to be undertaken in bringing the scheme to construction stage. It is anticipated that construction will commence before the end of this year. In the interim, Cork County Council is undertaking a number of preliminary contracts such as tree felling, in respect of which a contractor has been appointed. Once ground conditions improve, he will mobilise to the first two works areas, which are Meadowbrook and upstream of the Hazelwood Avenue bridge. This is anticipated to be within the coming week, depending on weather and ground conditions. Bridge clearance and the clearance works in Glyntown Bridge were completed in November 2017.

Japanese knotweed, an invasive species, presented issues in a number of our schemes and a contractor has been in place for two stages of the treatment of Japanese knotweed and other knotweed variants. Work was carried out within the catchment area in August and September 2017. In addition, other advanced works have been carried out in respect of sensitive ecological receptors such as otter holes to minimise delays on the main contract. This advanced work will greatly enhance the progress of the project when the contractor is appointed. The progress of the scheme will offer great comfort to residents, businesses and homeowners in Glanmire as well as other towns such as Mallow, Fermoy, Kilkenny and Clonmel where major OPW schemes have been built to offset the severe weather and rainfall will no longer cause alarm and distress.

I assure the Seanad that the Government, through the OPW and local authorities, will continue the existing high level of investment in flood relief works and ensure that this very important area of works will receive the highest priority and attention now and into the future. I look forward to going to Cork to announce the Glashaboy flood relief scheme formally later this year.

Senator Colm Burke: I thank the Minister of State and appreciate the comprehensive reply he has given. He outlined the historical background and the work which has been done and which needs to be done. My only issue is that the residents want action. The more the Minister of State can do to bring forward the tendering process and the commencement of the works the better, and it would be very much appreciated.

I again thank the Minister of State for his comprehensive reply and look forward to working with him on this and other schemes in Cork. They are very important for the residents in the area who have suffered a great deal in an unusual situation in 2012. They are still recovering. They feel it is very important for the scheme to go ahead.

Deputy Kevin Boxer Moran: I can assure the Senator that no one knows more about the hardship which has been caused to these people than I do because I have visited many of the areas affected. I fully appreciate where the Senator is coming from. He does a lot of good work in the area. I assure him that as soon as we get approval, I will ensure engineers from the OPW work with the local authority to speed up the delivery of the scheme. It has been on the table for a long time, but these schemes take time. I know the stress the delay has caused. I wish to assure all Senators that where flood relief projects are highlighted and there are calls for a project to get up and running, I will be to the fore in making sure that they are delivered as soon as possible.

Public Transport Provision

Senator Aidan Davitt: I thank the Minister for coming to the House today. I appreciate it because I know he is quite busy. My Commencement matter states quite clearly what my question is.

The Greater Dublin Area Transport Strategy 2016-2035 identified a number of light rail projects, including the extension to the Luas from Broombridge to north of Finglas. I have been contacted by the chairperson of the Dublin 11 Luas campaign, Paul McAuliffe, who has brought together residents and community groups. They have launched a website, *d11luas.com*, to ask whether the Minister can now identify funding and a project team to deliver the project. With the metro north line planned to link the city to the area of Ballymun and M50, the Dublin 11 Luas campaign believes that the Luas green line should now be extended from Broombridge to the Ballymun metro line via the Finglas and Charlestown area. The campaign held its first meeting last week, which saw resident groups from all parts of Dublin 11 supporting it.

The group has also called for better park and ride facilities at Broombridge and better pedestrian access in the short term to allow those in the Finglas south area better access to the current services. More and more people are moving to the area and commute to work and college regularly. Given that road capacity is overstretched at the current time, it is an exceptionally important service. We are curious as to the general plan for the area.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank Senator Davitt for raising this very important issue. I mean that genuinely. It is quite striking that since the extension of the Luas in early December, everybody wants a bit of it. It is a big success story, and I am not claiming credit for that on behalf of the Government or anybody else. The Opposition supports the project. We would like to be able to extend the Luas much further because it is working and is a particularly successful and modern way of travelling. It is obviously part of the Government strategy and is probably supported by the Opposition. It should be one of the ways of getting people out of their cars and into public transport. It is a successful part of that plan.

The idea behind this Commencement matter is to co-ordinate the Luas with metro north, which is a very fine aspiration but may present some difficulties, certainly in the short term. That does not mean that the campaign to which the Senator referred should be discouraged. I do not think it should be and it is welcome that more people want the Luas in their area or a short distance away and want to extend it to their area or co-ordinate and integrate it with the rest of the public transport network. I welcome the fact that the group was set up. Although I cannot satisfy it immediately, I will endeavour to hear what it has to say and will go to its website.

As the Senator is aware, investment in the public transport network is a key priority and the Government has worked tirelessly in budget 2018 to secure an enhanced four-year capital envelope of €2.7 billion for public transport over the period 2018 to 2021. This funding will progress key capital programmes that will help address congestion and emerging capacity constraints on our public transport system such as additional capacity for the Luas green line, BusConnects, the DART expansion programme and the new metro north, as well as other programmes to fund active travel through walking and cycling investments. A commitment to protect investment has already been made in respect of our rail network.

With the permission of the House, I would like to spend just a little time explaining the benefits that each of these major projects will bring for the commuting public. The recently opened Luas cross city will add an estimated 10 million extra journeys every year on the Luas network. In addition, the green line capacity enhancement project recently approved by the Government will address current capacity limits at peak hours on the Luas green line and cater for future demands along the line. The success of the latest Luas cross city this week has been quite staggering and has presented almost immediate problems because so many people want to use it. In the next two weeks we will introduce new and extended trams to cater for the increased demand. It is a tremendous thing to be a victim of one's own success.

The four-year capital plan provides for investment of more than €770 million to progress the BusConnects programme launched last summer by the National Transport Authority, NTA. BusConnects will completely overhaul our bus system to help address growing congestion in the Dublin region in the short to medium term. In addition to providing a considerable improvement in bus infrastructure, it also includes cycling and walking facilities along the key corridors. Work is ongoing on proposals for the redesign of the bus services network and infrastructure proposals for core bus corridors. I am pleased to inform the Senator that I expect the public consultation processes to begin on these new proposals in April and May. That will have a great deal of appeal to those citizens who live in the neighbourhood to which Senator Davitt referred.

Funding of €230 million over the period 2018 to 2021 is allocated for mainline rail projects, including the city centre resignalling project, the national train control centre and DART expansion. The funding will initially provide additional fleet to enhance capacity, and allow substantial progress on electrification of the northern rail line as far as Balbriggan that is expected to be delivered in 2022.

Lastly, funding of over €460 million has been allocated to continue planning and design to allow construction of the new metro north to commence in 2021, with passenger services starting in 2027. Design and planning work is already under way. I expect that the public consultation process on the emerging preferred route will commence in a few weeks' time.

All these transport schemes are being delivered under the National Transport Authority's transport strategy for the greater Dublin area 2016-2035, to which the Senator referred. This provides a framework for the planning and delivery of transport infrastructure and services in the GDA over the next two decades. The delivery of these projects is obviously subject to a number of influencing factors, including funding availability. The strategy also includes a number of proposals to further develop the light rail and metro network in the GDA. While this includes the extension of Luas cross city from its terminus at Broombridge to the north of Finglas to provide a high capacity radial service from this large suburb into the city centre, it does not foresee a direct connection with metro north.

Having said that, the programmes I have set out will serve the significant levels of forecast travel demand from this corridor to the city, and deliver a transport network that will provide high quality passenger interchange points, which facilitate convenient transfer between efficient and integrated public transport services. All these initiatives combined will add greatly to the choice and experience of the travelling public and ease congestion in the greater Dublin area.

An Cathaoirleach: I thank the Minister for his very comprehensive reply.

Senator Aidan Davitt: There is a slight bit of light in the Minister's reply because he said that work is ongoing on proposals for the redesign of the bus services network and infrastructure proposals for core bus corridors. In other words, his Department will take proposals on same. The Minister and the Department have enjoyed so much success with the roll-out of the Luas project that it is now causing headaches. This area of public transport has been under-resourced. The numbers prove that the core public transport infrastructure is very slight in the area. Mr. Paul McAuliffe and his group will make submissions and will push their plan. They appreciate the Minister's support and his willingness to listen.

Deputy Shane Ross: Their submissions will be more than welcome and they will be certainly listened to. I do not want to hold out any short-term hope because it would be unrealistic. The development of transport is very exciting and the sky is the limit.

An Cathaoirleach: I thank the Minister and Senator Davitt.

Services for People with Disabilities

Senator Maria Byrne: I welcome the Minister of State at the Department of Health to the House and thank him for coming here to discuss this important issue. I tabled my Commencement matter because I want to know how many children with severe disabilities await placement in residential care. Some of the children have reached a certain age and they no longer qualify for some of the services that are provided by the Jack and Jill Foundation, etc. Let me give an example where both parents work and they have a six-year old daughter with multiple disabilities. She is brain damaged so cannot walk, talk or communicate and must be PEG fed. Even though both parents work, they have more or less been advised that the girl's father should give up as the family would be in a better position to qualify for a lot more services. The parents care a great deal for their daughter. They provide care 24-7 but do not receive any assistance because they both work. There are two more children in the family. The parents were given medical cards for those children but, unfortunately, the medical cards have been taken away. The medical cards allowed the parents to receive some money to pay crèche fees. The family has a lot of expenses and outgoings. Their daughter is also getting older and is so severely disabled that they are on a HSE waiting list for permanent residential care. Their daughter now suffers multiple seizures. Her parents have been trained to cope with her seizures as, unfortunately, they cannot always have a nurse with her at such times. As the seizures have become more frequent, her parents have been advised to get their daughter into full-time residential care. Unfortunately, there are no residential places available and no indication when the issue will be resolved.

I tabled my Commencement matter to highlight the plight of this family and they gave me their permission to do so. There are more cases of people in need. Children should be prioritised in terms of residential care, especially when they suffer multiple disabilities.

Minister of State at the Department of Health (Deputy Jim Daly): I thank Senator Byrne for raising this important issue. I also thank her for giving me the opportunity to outline the position in terms of the provision of residential services for children in the Limerick and Tipperary area. I am informed by the HSE mid-west community health care that seven children await to be placed in full-time residential care - five in Limerick and two in north Tipperary.

Disability service provision is moving towards a community-based and inclusive model

rather than being institutional and segregated. The Government's objective is to deliver disability services that are person centred. Being person centred is about putting those who use our service at the centre of all our activities. It is about listening to people or their advocates and transferring our focus from the service to the people who use same. Our policy is for people with disabilities to be supported to achieve their full potential so that, where possible, they can live ordinary lives in ordinary places doing ordinary things.

The HSE has recognised that first class early intervention services and services for school-aged children with a disability are paramount and need to be improved and organised more effectively. This process is well under way nationwide.

The HSE is currently engaged in the reconfiguration of existing therapy resources under the national programme on progressing disability services for children and young people. The aims of this programme are to bring about equity of access to disability services and consistency of service delivery, with a clear pathway for children and their families to disability services, regardless of where they live, what school the child attends or the nature of the child's difficulties.

Increased demand for residential places is acknowledged by the HSE as a challenge for all service providers arising from the lack of availability of development funding during the economic downturn. It should also be noted that given the introduction of the national standards for residential services for children and adults with disabilities, every new residential centre must now be approved by the Health Information and Quality Authority, HIQA. All centres providing residential services, including respite services, to children and adults with disabilities now need to be registered with HIQA by law. Each centre will be visited by HIQA inspectors to ensure that they provide an appropriate standard of care.

The need for increased residential facilities is acknowledged. The HSE continues to work with agencies to explore various ways to respond to this need in line with the budget available.

We want to ensure that people with disabilities are safe and empowered to maximise their potential through respect and understanding. This means that services will be delivered through a range of options in line with those available to the wider population.

Senator Maria Byrne: I thank the Minister of State for his response but it does not resolve the issues faced by the family I mentioned. Their daughter is progressing very quickly and suffers seizures. I also highlighted the fact that the family lost the medical cards for two other children. Families in these situations feel vulnerable and need support, particularly when they await placement. An exception should be made for the seven families I mentioned in my Commencement matter. I am sure that there are many more families located around the country who are in similar position. The family I mentioned are finding life tough because they must provide care 24-7. They are delighted to provide care but they are approaching the stage where they will no longer be able to carry on and will have to bring in support. The parents must pay for such support because they do not qualify for any services due to both of them working. However, they work because they must pay their mortgage and send their other children to school, etc.

They are going to have to pay for that support because they do not qualify for anything. Both parents are working but the reason they are doing so is that they have a mortgage to pay and have to send the other children to school, etc. Cases such as this need to be considered on their own merit. Families' circumstances need to be examined while they are waiting for

long-term residential care. It does not look like there will be any provision in the short term to resolve this issue. There have been meetings with the HSE but nowhere suited to meeting the needs of the child in question has been highlighted or selected.

An Cathaoirleach: Perhaps the Senator could speak privately with the Minister of State and his staff to determine whether progress could be made on this. It is difficult to respond when raising a specific case on Commencement matters. Perhaps communication between the Senator and the Minister of State might result in progress of some kind. It is a difficult question for the Minister of State to respond to.

Deputy Jim Daly: I thank the Cathaoirleach for that guidance and assistance. I will certainly work with the Senator and the HSE. I will connect with the latter and ask it to review the case the Senator is talking about. I stress that the difficulty is felt. While we can read scripts or whatever, we, as parents, politicians and leaders in our community, acknowledge the contribution of parents in cases such as this. It is extraordinarily difficult to do what they do seven days per week, 24 hours per day, with a scarcity of respite and a lack of residential places. Therefore, I will ask the HSE in the area in question to review the case and redouble its efforts to determine what we can do in the interim to provide as much support as we can to the family.

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

An Cathaoirleach: As somebody with a close connection to somebody with a child with special needs, I believe the facilities available in west Cork and many parts of rural Ireland are far better than those available in Dublin. That is what I have learned in recent years. We have our disadvantages in west Cork but we have many good systems there also. We will move on. I thank the Minister of State and the Senator.

Hospital Waiting Lists

Senator Robbie Gallagher: I welcome the Minister of State, Deputy Jim Daly, to the House. I would like to discuss the ongoing overcrowding in accident and emergency departments and the potential role of smaller hospitals, such as Monaghan Hospital, in alleviating the current problem. To put it mildly, it is very unsatisfactory to see thousands of citizens, most of them elderly, lying on hospital trolleys. We need new, imaginative thinking to address this.

I noted the recent comments of Professor John Hyland, the president of the Royal College of Surgeons of Ireland. He said the normal response when the number on trolleys increases is to cancel elective and non-urgent surgery. This is heartbreaking for those waiting on that surgery because many have been waiting for years. Many are elderly and many are in pain. They build themselves up for the procedure only to be told it will not go ahead. We make the decision to cancel elective surgery lightly but we sometimes fail to think about the consequences of such decisions. Therefore, we need new thinking if we are to address this. It is important that we concentrate on the role that small hospitals, such as that in Monaghan, could play in relieving the pressure in our major hospitals.

Monaghan Hospital had its services stripped. It was one of the first hospitals in the country to receive such treatment. There has been a follow-on in that other hospitals have had their services removed. In the case of Monaghan, however, a sledgehammer was used in that too many services were stripped from it. People realise that we cannot have major trauma surgery

and other serious surgery taking place in a small hospital such as that in Monaghan but statistics indicate that 85% of people who present at accident and emergency departments could easily be treated elsewhere. Therefore, the time has come for new thinking.

It is welcome that the Minister of State is new to the job. He brings common sense to the role. It is time that we re-examined the smaller hospitals from which services have been removed. Monaghan Hospital is a prime example.

The current circumstances, whereby people are lying on trolleys for days on end, are very unfair. Yesterday, the number was the second highest ever. We need new thinking, as I stated. What is being done to the people involved, most of whom are elderly, is heartless. It is very unfair on the staff who are completely stressed because of their workload. I would like the Minister of State or the Minister to visit Monaghan to ascertain what services or potential exists within the hospital. There is a feeling that Monaghan Hospital could play a greater role in helping to relieve the current pressure in major hospitals.

Monaghan Hospital currently has a minor injuries unit. Before it was taken off call, it was a brand-new facility. It has considerable potential. We feel that Monaghan could be doing much more, especially at the medical end, to relieve the pressure on the major accident and emergency departments in Cavan and Drogheda.

There is a state-of-the-art theatre in Monaghan. Many thousands of euro were spent on it before it was taken off call. The theatre is totally underutilised. Professor Hyland made the point that when elective surgery is cancelled when the trolley numbers increase, hospitals that do not have accident and emergency departments, such as that in Monaghan, could have a role to play, rather than cancelling surgery. Beds could be ring-fenced so people awaiting non-emergency procedures could be dealt with in hospitals such as Monaghan Hospital. The pressure would be taken off accident and emergency departments as a result.

I would like the Minister of State to visit Monaghan and see the facility for himself. He should determine the potential that exists in order that Monaghan Hospital, along with other smaller hospitals, could play a role in ending the heartbreaking circumstances whereby people, mostly elderly, are lying on trolleys.

Deputy Jim Daly: I thank the Senator for his contribution. He speaks a lot of sense. He issued an invitation that I would be delighted to accept. If he sends it to my office, I will be quite happy to ensure it is followed up. I would be very happy to visit Monaghan, as I have done previously in my role, because I have not seen the hospital there.

I agree with the Senator. I am a proponent of what he spoke about. If we always do what we always did, we will always get what we always got. If we are to be serious about bringing about real change and considering how to proceed differently, we need a new approach. As a Minister of State in the Department of Health, I very much welcome the role of public representatives in articulating alternative approaches. The Senator has a good sense of the local issues in his area and of the potential of Monaghan Hospital to make a real contribution to addressing the overarching issue of trolley numbers.

We must never forget that, while trolley numbers dominate many headlines, there are people on the trolleys. They face significant delays in gaining access to treatment. If there is a better way of proceeding, it is incumbent on us, as political leaders, and HSE management to work together through the Department of Health to ensure we explore the options. That is my re-

sponsibility as Minister of State. I will assist in this regard to ensure this avenue is explored.

The Cathaoirleach and I are very familiar with similar issues in west Cork. Bantry Hospital makes an enormous contribution to the well-being of people and has greater potential. The Cathaoirleach has for many years fought the battle in this regard. I hope to continue with it. I support the Senator very much and would like to see what is proposed happening.

As the Senator may be aware, Cavan and Monaghan hospitals operate within one hospital group servicing the local population, with the emergency department located in Cavan and the facilities in Monaghan focused on elective care and the streaming of appropriate patients to the minor-injuries clinic. At the end of December 2017, Cavan General Hospital was showing a 3% increase in attendances by patients 75 years or older by comparison with 2016. Furthermore, the admission rate grew by 7.7% in general in this period and by 5.2% for those 75 years or older. Notwithstanding growing demand, Cavan has seen the number of patients on trolleys decrease by 40% in the same period. We must always keep in mind that behind every trolley number, there is a real patient in need of effective, timely and compassionate care from our health service, as I said already.

In 2017 there were over 360 fewer patients waiting on trolleys in Cavan hospital by comparison with 2016. I accept that is still not good enough. While it is a positive indicator, there is certainly farther to travel. I absolutely accept that. There is a tangible improvement but we must continue to try harder. Therefore it is essential that we share the learning and experience of hospitals such as that in Cavan and the RCSI hospital group across the system.

In October 2017, the HSE organised a winter ready conference, which gave all hospital groups and CHOs an opportunity to share best practice and their plans for this winter. I assure the Senator that the Government remains committed to driving this type of improvement in all emergency departments nationally.

Senator Robbie Gallagher: I thank the Minister of State for his response and welcome his commitment to visit Monaghan. I will contact his office to arrange the visit as soon as possible. He has said we cannot keep doing the same things and expect different results. I am heartened by the fact that he is a doer rather than a sayer because this problem requires new thinking and somebody to lead the HSE away from its current way of thinking. It was a mistake at the time to strip Monaghan General Hospital of all services because it has a genuine role to play and I would not be wasting the Minister of State's time if I thought otherwise. I would like him to visit with an open mind and look at the facilities available, including the state-of-the-art operating theatre and the minor injuries unit, to get an idea of the hospital's potential. Such a visit would be worthwhile and lead someone like the Minister of State to drive the HSE to change and look at things afresh. It must look again at smaller hospitals such as Monaghan General Hospital and the positive role they could play in helping to reduce the heartache associated with hospital waiting lists and patients on trolleys.

An Cathaoirleach: Monaghan General Hospital is a little like the hospital in Bantry. It is a chestnut that has been around for a long time, but it is still functioning. I thank the Senator and the Minister for State. I am sure the Minister of State will honour his commitment to visit the hospital and that his visit will have a positive outcome for the people of County Monaghan. It is not too long since a Member was elected to this House on the back of a campaign related to the hospital. This is an important issue in the county.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, statements on Galway 2020 European Capital of Culture, to be taken at 12.45 p.m., with the time allocated to group spokespersons not to exceed eight minutes each and all other Members not to exceed five minutes each and the Minister to be given five minutes to reply to the debate; No. 2, statements on agriculture, to be taken at 3 p.m. and conclude not later than 5 p.m., with the time allocated to group spokespersons not to exceed eight minutes each and all other Senators not to exceed five minutes each and the Minister to be given not less than five minutes to reply to the debate; and No. 3, Private Members' business, National Minimum Wage (Protection of Employee Tips Bill) 2017 - Second Stage, to be taken at 5 p.m., with the time allocated for the debate not to exceed two hours.

Senator Catherine Ardagh: Yesterday I heard the Taoiseach suggest to the nation that people attend BOD, bank of dad, to look for a loan to fund a deposit to buy their first home. That is all very well and good for the minority, but it clearly indicates that we have a very serious issue on our hands. If the Taoiseach, after years as a Deputy, a doctor and a councillor, has to attend BOD to fund his deposit, how are ordinary hard-working citizens on lower salaries meant to manage it without access to BOD or BOM? There is a serious teaching staff shortage. We have heard about many tenacious teachers who are in the Middle East teaching other people's children in order that they can return to this country and put a deposit on a home. Does the idea of the Taoiseach obtaining a loan and suggesting in the Dáil yesterday that others do likewise not indicate that we are in serious trouble? We need ambitious solutions to the housing crisis that will benefit all of us equally, not just those with access to large sums. I call on the Taoiseach to withdraw his advice as it is completely nonsensical.

I refer to primary care centres. In 2012 the then Fine Gael and Labour Party Government announced the solution to the hospital crisis in the form of primary care centre project announcements. It is, of course, a sensible solution. Providing health care away from hospitals in the community is the gold standard. One project announced at the time was a primary care centre on Curlew Road in Drimnagh which held my attention and interest. In an effort to find out what progress had been made in 2105 before I became a Member of this House I asked my colleague Deputy Billy Kelleher to table a parliamentary question for me. The written update received from the Department of Health was that the planning application had not been completed in the timeframe for PPP projects. This morning we are learning how disastrous that concept is. On my election to Seanad Éireann in 2016, I continued my project to find out what was happening in the provision of this primary care centre and raised the issue on many occasions on the Order of Business and by way of Commencement matters. Yesterday I was informed in a letter circulated by Ms Ann O'Shea, head of services with the HSE, that work on the primary care centre in Drimnagh would not proceed. The letter stated there were no plans for the development of a primary care centre on Curlew Road. I ask for the Minister to come to the House to explain how this happened and the reason for the change of mind. The community in Drimnagh deserves top quality services as much as any other in the country. I am sure there are other primary care centre projects elsewhere in the country that will not go ahead and the local people do not know it yet. Would the Minister be kind enough to make a statement on the matter? The decision not to build a centre in Drimnagh must be reversed. The residents have

been waiting since 2012 when it seems the announcement was nothing more than spin. It seems that there is no substance or genuineness to any of the Government's announcements. How are we to trust it if its promises continually fall through?

On gender pension inequality, I welcome the announcement made by the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, of the change in the method of calculation of the State pension which mainly affects women. However, I voice my outrage that the reason women and other applicants will not be able to avail of the higher rate sooner is that the Department's IT system is not adequate. This is being used as an excuse not to backdate the payment due to pensioners. It should not be used as the reason. The Minister should go further and backdate the payment to 2012 or at least January this year.

Senator Victor Boyhan: I would like to raise two issues under the Order of Business today. The first of these relates to Coillte and the forestry sector. I attended a meeting of the Irish Natura and Hill Farmers Association in Leitrim a few days ago, at a packed venue in the Bush Hotel. I listened to distraught farmers talking, one after the other, about the devastation of their beloved County Leitrim through forestry. I recognise that there is a need to address our carbon emissions, our carbon targets and the need for the plantation of trees. That is not the issue. The issue concerns the survival and sustainability of communities, particularly rural communities. It is about sustainable plantations and sustainable forests, with broadleaf trees mixed with Sitka spruce and other trees. The issue concerns farmers having to compete with multinationals for small plots of land of five, ten or 15 acres. These farmers aspired to extend their holdings and are now up against competition from vast concerns.

Who owns Coillte? I acknowledge that it is a private company. However, its shares are vested in the Minister for Finance and the Minister for Agriculture, Food and the Marine. Therefore, the State has a full involvement. As such, it can make interventions to allow communities to survive. We heard a litany of problems: schools closing down, houses being knocked down, land being purchased at exorbitant prices, local people being bid out of their communities, rural communities in devastation, with no sense that they can hold on to their beloved Leitrim and extend their prosperity and business in small agricultural holdings.

I know that the Minister for Agriculture, Food and the Marine is coming to the House today, but this is not an issue for him specifically. The Minister of State at the Department of Agriculture, Food and the Marine, Deputy Andrew Doyle, has special responsibility here. While he is an exceptionally good Minister, we need a strong debate about this issue. It concerns sustainable forests as well as sustainable communities. It is about protecting and supporting rural communities. It is about the importance of alternatives such as broadleaf trees. It is also about small agri-tourism concerns and allowing the community to prosper. If the Leader could organise a debate on that, it would be very helpful.

I acknowledge the work of the Joint Committee on Housing, Planning and Local Government. I am a member of the committee and today, less than an hour ago, we launched a report on building standards, building controls and consumer protection. I acknowledge the enormous work of Deputy Eoin Ó Broin, who is the rapporteur on that committee, as well as the Chair, Deputy Maria Bailey of Fine Gael. It is an excellent report. There are 26 key recommendations in this report, but one thing we are clearly saying to Government is that there must be independent oversight of the construction industry. There has to be some mechanism of redress for the people in houses where there are water leaks, where there is pyrite or where there are serious issues of damp in substandard accommodation that people are living in and paying for.

That is the galling part. They are paying to live in these homes to keep a roof over their heads. I recommend that everyone gets a copy of the report today, and I commend the committee and all those involved.

Senator Rose Conway-Walsh: I thank Senator Boyhan for mentioning the report on which Deputy Eoin Ó Broin was rapporteur. I commend that report to the House. There is very good stuff in it, which we will no doubt talk about in the coming weeks.

On the issue of pensions, while I welcome the changes in pensions that were announced yesterday, the issue brings home the stark reality of the inequality in this country. Something like €270 million was saved over six years by taking money from some pensioners' pockets. We can contrast that with the CEOs of some banks. These are the banks we have been dealing with on the tracker mortgage scandals and similar issues. There are individuals from those banks who have got away with pensions in excess of €600 million. When one compares that to the way that ordinary, decent pensioners are treated in this country, it gives people the answers they need about policies that are driving the inequality that is destroying our country.

I must raise the issue of Translarna. Five young children are left without a drug that is available in more than 20 countries throughout the world, many of which are in the EU. I thank the Minister for Health, Deputy Harris, for meeting Anne Marie and Padraig Harte, the parents of one of those boys, Lewis Harte, when he came to open the primary care centre in Castlebar. I appreciate his meeting them. Moreover, I appreciate the fact that after that meeting he met Muscular Dystrophy Ireland and the HSE to see if there was some way that an agreement could be reached between the drug company, PTC Therapeutics, and the HSE.

I am really dismayed that the HSE is ignoring the recommendations of the Minister. I have to ask to whom the HSE is accountable. What is the role of the Minister? Can he not instruct the HSE to carry out the simple task of arranging a meeting to discuss an important issue and something that will ensure a quality of life for five young boys in this country? I ask the Leader to arrange for the Minister for Health to come into the House and explain to us the accountability of the HSE. Is it just a monster, a body that is allowed to do what it likes and ignore the instructions of the Minister? These boys need this drug desperately. These families are facing a choice. Do they have to move out of this State to get the drug that is necessary for these children to stay mobile? It is wrong. It was wrong when I raised it last year and it is wrong now. Something needs to be done about it immediately. I would really appreciate it if the Leader could speak to the Minister in the meantime to see if he can instruct the personnel within the HSE to do what they need to do.

Senator Frances Black: I propose an amendment to the Order of Business, that No. 18 be taken before No. 1.

An Cathaoirleach: It must be seconded.

Senator David Norris: I second the amendment.

Senator Paddy Burke: Will the Leader invite the Minister for Transport, Tourism and Sport to speak to the House about driverless cars, an issue I raised here on a previous occasion. This House is perfectly placed to debate this issue. Whether we like it or not, driverless cars are coming down the road at a very fast pace. It will require many changes in legislation. We will have to look at issues like traffic lights and driving licences. Will a driving licence be required for a driverless car? Will it be a different type of licence? Will a person need a licence

to be in charge of the car? What will it mean for the insurance industry? I believe we will have fewer accidents and fewer people going into accident and emergency units. It will have lots of benefits and there will be lots of changes. There will be a great need for change in legislation in the not too distant future.

I ask the Leader to bring in the Minister in this regard. We need to do a lot of forward planning to be ready for driverless cars when they come. Will roads have to have a white line on the inside? There will have to be parameters so that the car can see where it is going. This House could draft a report. It could interview people involved in this industry, because it is something that is coming down the tracks. This House is well-placed to draw up a report on this issue, which will be a major change in the lifestyle of people in the not too distant future.

Senator Aidan Davitt: I raise the issue of a school called Edmonton school, which is just south of Delvin, County Westmeath. Recently the management were delighted to hear that they were successful in their application for a new classroom and that they were to receive a grant of approximately €220,000. The school board, the principal, my local Deputy, Robert Troy, Councillor John Shaw and I feel that a genuine mistake has been made in this case. The recommendation was to build a stand-alone classroom, something which is rarely heard of as the Leader will appreciate. The first complication with the stand-alone classroom is that, if one looks at the maps, the site is very unsuitable. This is borne out by engineers, architects and the board of management. Even to myself, coming into it from a little further afield, what has been recommended would seem quite absurd.

Second, it is vastly more expensive to construct when there is already an existing modular structure in place in the school. Third, there will be internal disruption in the school as children and staff cannot circulate in the way that is the norm in any modern school facility. Finally, the board, the principal, myself, Deputy Robert Troy and Councillor John Shaw feel that there was a genuine mistake made in this regard. Perhaps there was a clerical error or something of that nature. The Leader might ask the Department and the Minister if they will look at this matter urgently, because this will be ready for the summer works programme and work could begin on it in the near future.

Senator Colm Burke: When my colleague raised the issue of driverless cars I was wondering whether the cars will be geared to avoid the potholes.

Senator David Norris: They will have radar.

Senator Colm Burke: It will be an interesting challenge. I want to raise an issue which the Leader touched on yesterday, namely, apprenticeships and the demand there will be in the building industry over the coming months. I have met with members of the construction industry over recent weeks and they are very concerned about the shortage of trained people in a whole range of areas, from electricians to plumbers and from block layers to plasterers. One of the things on which we now need to focus is how we can address that issue. I am not satisfied that enough is being done to deal with it. Would it be possible to have the Minister in to have a discussion on this matter? I know it may have been touched on previously but I think the situation is now becoming serious.

One of the advantages of the upturn in the economy is that there is more demand for people with these skills. We have had a huge improvement in the area of housing over the past 12 months and that will continue over the next 12 months to two years. It does pose challenges,

however, and we need to deal with them not in 12 months' time, but now. I seek a debate on this issue in order to see what else can be done. It is also about making sure that we have people with the necessary skills to provide the training. Subcontractors being brought in by the main contractors is a big issue at the moment. There is a disadvantage for subcontractors in having apprentices doing jobs and the main contractors are not interested in taking on apprentices. That issue also needs to be looked at and addressed. The educational authorities need to look at how to work with the construction industry and all of the trades right across the board in this area. I seek a debate on that matter.

An Cathaoirleach: I believe Senator Norris wished to second the amendment.

Senator David Norris: Yes, I second the amendment. Uncharacteristically, I have just come to listen to the wisdom of my colleagues this morning and not to make any contributions, other than to second the amendment.

An Cathaoirleach: The Senator is quite entitled to do that. That issue has been dealt with.

Senator David Norris: My colleagues were very informative today.

Senator Gerry Horkan: There has been a lot of discussion about people buying their first homes and whether they can get help from their parents. I am sure that many people have done that and that many people are not in a position to. Perhaps the Leader might arrange some kind of a debate with the Minister with regard to people who have not been able to save because they have been spending so much on rent. The rent on a three-bed semi-detached house in south County Dublin is approximately €2,000 to €2,500 a month at this stage. Those are figures from *daft.ie*, they are not anecdotal. People can have a look for themselves. If people have spent years renting, it means that they have a decent capacity in terms of their earnings and have the ability to produce a certain amount of money every month, but they are not in a position to save, they are not able to show that they have a history of savings and they cannot build up deposits.

Is there a way, perhaps through the Private Residential Tenancies Board or through landlord certification, for people to get certificates of rent paid in previous years so as to demonstrate that they are in a position to pay a mortgage? Quite often people's mortgage payments, if they were able to get mortgages, would be lower than their monthly rent payments. They have been paying, they are working hard and they are getting up in the morning, as the Taoiseach might say. They are earning for themselves and producing for their employers. They are working away and being productive but they are not in a position to start saving a great deal. I am not saying that we should have 100% mortgages, but there must be a way to address this particular cohort of people who are working hard, who are generating enough cash to pay a mortgage, but who are not in a position to get one because they do not have savings. Perhaps there could be some kind of up-front deposit which could be repaid over time, some kind of shared ownership or some other kind of system to allow people to get on the rung. It is a catch-22. They are renting and are spending so much on rent that they are not able to save. Not everyone is able to move in with their parents or move back home, depending on their circumstances.

Senator Diarmuid Wilson: Yesterday the planning authorities in Northern Ireland granted planning permission for the Northern phase of the North-South interconnector. This is an issue which has caused great concern in the counties of Meath, Cavan and Monaghan for more than ten years. It has been subject to a number of reviews and a number of court challenges. The granting of the permission in the North of Ireland has given impetus to the decision by EirGrid

to ignore the concerns that have been highlighted. I understand that it is its intention to proceed to construction by the end of the year. This will see the need for more than 400 pylons to be erected in these three counties: Cavan, Monaghan and Meath. The opposition in this region is of such an extent that I do not know how EirGrid can progress or proceed to construction, because not one of the landowners will grant it permission to enter their lands to construct these pylons. The underground option is viable. EirGrid is totally ignoring that fact. I ask the Leader to once again invite the Minister, Deputy Denis Naughten, to the House so that we can get a clear understanding of why EirGrid has ignored the expert advice which shows that the undergrounding of these cables is a viable option, and why it is insisting on the persecution of the communities in the affected areas. No doubt there will be huge opposition in the North of Ireland to this as well.

An Cathaoirleach: I call on the Leader to respond. Sorry, Senator Paul Coghlan is last, but not least.

Senator Paul Coghlan: I thank the Cathaoirleach.

An Cathaoirleach: I totally forgot my Leas-Chathaoirleach.

Senator Paul Coghlan: I simply want to welcome the decision of the Minister for Justice and Equality, Deputy Charlie Flanagan, to consider the appointment of a senior counsel or retired judge to examine the findings of the tribunal on the Kerry babies and to assess them with a view to having them quashed or set aside. As we all now know, this was a botched investigation by the Garda at the time. The Garda has issued its apology to the Hayes family, as is proper. As we also know, the Minister and Taoiseach have issued apologies on behalf of the State. Joanne Hayes was wrongly charged with the murder of baby John, who was stabbed 28 times and found on White Strand, Cahersiveen, 34 years ago; a crime she had nothing whatsoever to do with. The tribunal's findings can no longer stand in light of these events. An order quashing them is now essential. While everybody naturally wants to respect the privacy of the Hayes family, it is essential and imperative that these findings now be urgently examined with a view to having them quashed and set aside.

Senator Jerry Buttimer: I thank the ten Members who spoke for their contributions on the Order of Business. I thank Senator David Norris for his brevity.

Senator Catherine Ardagh raised a number of points. She referred to the remarks of the Taoiseach yesterday, to which Senator Gerry Horkan also alluded, on the bank of dad. If the Senator was honest, all of us were lucky to receive a contribution from our families when we were buying our own home. There is nothing wrong with receiving a contribution from our families; it is not a sign of privilege. Deputy Barry Cowen yesterday commented on the Taoiseach's remarks. He should read his own remarks on the proposed closure of the school in Roscrea in which he spoke about the sacrifices which had been made by his parents. Senator Gerry Horkan and I completely agree that the State is spending billions of euro in supporting people through the payment of rent allowance and housing assistance payments. As he rightly said, what we are spending on rent payments could be spent better. On Monday I met a young woman who complained about the difficulty in being able to save for a deposit when she was spending nearly €1,200 a month on rent, which is dead money.

The question I pose to Catherine Senator Ardagh is: do we want to go back to the old days when people were given 100% mortgages and the Fianna Fáil Party gave developers tax cred-

its from here to Belmullet and back? We can look at what happened as a result. Houses were built in many parts of the country in which no one wanted to live. What does the Senator want? What the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, announced yesterday was an affordable housing scheme for first-time buyers. Perhaps the result of the Taoiseach's remarks yesterday might be the initiation of a conversation about home ownership, the requirement to have a 10% deposit and the role of the banks. I agree with Senator Rose Conway-Walsh and other Members in what they said about the banks. The question is: do we want to go back to the old days when people were given 100% mortgages? Members can reflect on that issue. Do they want developers to be given tax breaks, as happened previously? Like Senator Gerry Horkan, I think the bigger debate is about how we can ensure people can get onto the property ladder without spending endless amounts of time and money in bidding unsuccessfully online for properties. As the Taoiseach said yesterday in the Dáil and I said on the Order of Business, the priority of the Government and those of us who work on the ground in our constituencies is to ensure people can get onto the property ladder, either through the provision of more social housing and equitable arrangements in schemes for first-time buyers such as that announced yesterday.

I will work with all Members on this issue. I commend the report of the all-party committee chaired by Deputy Maria Bailey and the rapporteur, Deputy Eoin Ó Broin. Such a debate needs to happen and it is not about class or privilege. I am not a person of privilege. I had to borrow, beg and nearly steal to buy my own house and then had to suffer being in negative equity, although the position is now beginning to improve. I do not live in a mansion, nor do I aspire to do so. As a society, we need to have such a conversation and I hope we will have it. I will work with the Government to ensure people will be able to buy a house, including an affordable house, and that the State will be able to provide social housing. That is the model on which I campaigned and I will work with all concerned to achieve it.

Senator Catherine Ardagh also referred to primary care centres. This and the previous Government are responsible for building more primary care centres than any other Government in the history of the State. Almost one centre has been built per month in some parts of the country. Approximately one a week was the intention in the plan for the period from 2012 to 2016, inclusive. I think 44 were planned. I am not familiar with the primary care centre that was to be provided on Curlew Road in Drimnagh, but as I said yesterday on the Order of Business, we need to see greater investment in primary care services. It is the health model for which many of us advocate and support because it takes people away from the hospital setting and places them in the community where they can be treated closer to home and more quickly. If the Senator wishes to give me the information, I will be happy to raise the matter with the Minister for Health. As she will appreciate, I am not familiar with the issue.

The issue of public private partnerships with reference to schools was raised yesterday and today by Senator Catherine Ardagh. Through the National Development Finance Agency, NDFA, the Government is responsible for the management of the five bundles affected by the liquidation of Carillion. The Government's commitment is to provide €100 million, of which only €4 million has been spent. Under the terms of the public private partnership contract, in the case of a liquidation or termination by one part of a consortium, a rectification measure will be put in place at no extra cost to the State that will ensure a project is completed. Yesterday Senator Jennifer Murnane O'Connor referred to the project in Carlow. This morning I heard references to the issue on "Morning Ireland". It is very important that education projects be completed. I will keep the House informed on the matter because it is important. When I was

involved with Ballincollig community school, the then Minister for Education and Skills introduced a public private partnership whereby a number of schools would be built in County Cork. One of them was built in Dunmanway, while another was built in Ballincollig. A third project involved the Cork School of Music. The first time we had public private partnerships for school building projects was under a Fianna Fáil-led Government in the noughties. The model has worked reasonably well in the provision of new school builds since it was introduced, but there have been pitfalls in terms of the ownership of some consortia. However, the current issue must be addressed as a matter of urgency, not least because many of the school projects are 90% completed. One school was meant to be handed over, but, unfortunately, it was not. As I said, the NDFA is responsible, in conjunction with the Minister, Deputy Richard Bruton. I will keep the House informed of progress.

I welcome the pension changes announced yesterday by the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, and commend her for engaging with and listening to people. I will be happy for her to come to the House in the coming weeks to update us on the issue. Pensioners who are assessed under the 2012 regime will be made aware of the new situation by the Department. It is about finding an equitable and fair solution. We will debate in the coming weeks the new total contributions approach, TCA, announced yesterday by the Minister.

Senator Victor Boyhan referred to Coillte. To be fair, his request is reasonable and about ensuring we will have sustainable forestry to maintain the sustainability of rural communities in the context of ecotourism. The Minister of State, Deputy Andrew Doyle, has been very involved with Coillte, both in his private capacity as a farmer and now as Minister of State. I will be happy for him to come to the House to discuss the matter.

On the Oireachtas committee's report, the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, is very committed to upholding standards and quality control in buildings. I support the notion of having debates in this House on Oireachtas committee reports. The previous Ceann Comhairle, Deputy Seán Barrett, initiated a measure to enable such reports to be debated on the floor of the Dáil and the Seanad. It is important that we do so in this House because, as Senator Paddy Burke said in his remarks about driverless cars, such debates give us an opportunity to go into more detail than might have been the case at the committee or in the other House. Such debates also make this House relevant. I will be happy, therefore, to have the matter debated in the House.

Senator Rose Conway-Walsh raised the pensions issue. In the case of Translarna, the HSE is accountable to the Minister for Health and the Oireachtas Joint Committee on Health. I do not know what the reason is for the delay, but the Minister is engaged in the process. It is important that people who require this treatment are able to avail of it as a matter of urgency. Perhaps the Senator could table a Commencement matter. If she cannot do so, I would be happy for the Minister to come to the House in the coming weeks. I am happy to accept Senator Black's amendment to the Order of Business, though I was not aware she was moving it today.

Senator Paddy Burke raised the issue of driverless cars and this is the most important and pressing issue in our automobile and transport sector today. There has been a lot of debate on it and periodicals in the industry suggest it is coming down the track fairly quickly. We can also see what is happening with diesel cars and I would be happy for the Minister for Transport, Tourism and Sport, Deputy Ross, to come to the House in this regard. I agree with Senator Burke that we need to examine the matter to a greater degree in this House.

24 January 2018

Senator Davitt raised the issue of Edmonton school. I am not familiar with the locality or the specific issue but I would be happy for the Minister to liaise with him on the issue. It needs to be addressed as a matter of urgency. I accept the point made by Senators Horkan and Colm Burke on the need for the Minister to come to the House for a debate on apprenticeships. This is one of the most important pieces of work this Government will do in its lifetime. The Minister for Education and Skills, Deputy Bruton, and the Minister of State, Deputy Halligan, have been proactive and have put 26 new programmes on stream, with a target of 20% school leavers to be inducted into apprenticeship schemes in the coming years. There is a pressing urgency for people to take up apprenticeships in a range of areas. Senator Burke raised the issue of the construction sector and builders and labourers. Those charged with managing the sector tell us there is a skills and labour shortage. Even if we had the ability to deliver housing units, there would be a deficit in that regard, and it is an impediment to building houses. The Apprenticeship Council has approved a range of schemes and the Government has created a fund of €122 million. It is an important issue and I would be happy for the Minister to come to the House for a debate on it in the coming weeks.

Senator Wilson raised the sensitive matter of the North-South interconnector and residents in Meath and Cavan deserve great credit for their campaigning zeal and their ability to advocate. They have given an understanding of the issue to people not affected by the project. We need a debate on it and I would be happy to have it. Senator Coghlan raised the impending appointment by the Minister for Justice and Equality, Deputy Flanagan, of senior counsel, a retired judge, to review the Kerry babies tribunal. A dreadful wrong was done to Joanne Hayes and her family which needs to be rectified. In the context of comments in newspapers over the weekend, however, there is a need to respect the request of the Hayes family for privacy, so as not to reopen the painful wound. It is a sensitive matter that requires not only answers but justice for the Hayes family.

I am happy to accept the amendment to the Order of Business. I thank the Members present for their contributions.

An Cathaoirleach: Senator Black has proposed an amendment to the Order of Business, “That No. 18 be taken before No. 1”. The Leader has kindly indicated that he is prepared to accept the amendment. Is the amendment agreed? Agreed.

Order of Business, as amended, agreed to.

Control of Economic Activity (Occupied Territories) Bill 2018: First Stage

Senator Frances Black: I move:

That leave be granted to introduce a Bill entitled an Act to give effect to the State’s obligations arising under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and under customary international humanitarian law; and for that purpose to make it an offence for a person to import or sell goods or services originating in an occupied territory or to extract resources from an occupied territory in certain circumstances; and to provide for related matters.

Senator David Norris: I second the proposal.

Question put and agreed to.

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

Senator Frances Black: Next Tuesday, 30 January 2018.

An Cathaoirleach: Is that agreed? Agreed.

Second Stage ordered for Tuesday, 30 January 2018.

Sitting suspended at 12.15 p.m. and resumed at 12.45 p.m.

Message from Joint Committee

An Leas-Chathaoirleach: The Joint Committee on Housing, Planning and Local Government has completed its consideration of the following regulations in draft: Planning and Development (Amendment) Regulations 2018; Planning and Development (Amendment) (No. 2) Regulations 2018; and Planning and Development (Amendment) (No. 3) Regulations 2018.

Galway 2020 European Capital of Culture: Statements

An Leas-Chathaoirleach: The Minister is very welcome. I understand it is the first time she has been in the House.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): It is an honour and privilege to be in the Seanad Chamber today as Minister for Culture, Heritage and the Gaeltacht. I am very grateful for the invitation to attend and provide an update on Galway's designation as European capital of culture for 2020. The European capital of culture is an initiative of the European Union which aims at highlighting the richness and diversity of Europe, as well as common cultural aspects with a view to contributing to bring the peoples of Europe closer together and improve mutual understanding.

The European city of culture initiative commenced in 1985. The idea involved the selection of one city each year, which was awarded the title European city of culture to promote the cultural importance of European cities around a common European identity. From 1985 to 2004, each designation was decided by intergovernmental decision by the Council of Ministers. Dublin was European city of culture in 1991. From 2005 the title was changed to European capital of culture. Selection panels of national and international experts were introduced to assess applications against a specific set of criteria. Ireland hosted the European capital of culture for a second time in 2005 when Cork held the title. With membership of Europe growing from 2008, it was decided two countries should host the capital of culture each year in rotation.

In December 2014, the Government decided Ireland should exercise its right to nominate a European capital of culture for 2020. The Government also committed in principle at that time to provide €15 million to the project. This will be the largest single contribution to the overall cost of the European city of culture at €45.7 million. The balance of the funding is sourced from city and county local authorities, as well as commitments from business and sponsorship.

The European Commission also awards the Melina Mercouri prize of €1.5 million. Uniquely in Galway, as part of the bid process, the local business community committed to increased commercial rates for three years to support the delivery of Galway 2020.

The European capital of culture is not a festival. It is an entire year of activity which can be transformative to the host city and region. It can have a long-lasting impact on the lives of the citizens, as well as increasing tourism to the city and region.

The initial step of the national competition involved an open call to all local authorities for submissions. Four applications were received from Dublin, Limerick, Galway and a regional three-sisters bid from Kilkenny, Wexford and Waterford. These applications were evaluated by a panel of ten experts appointed by the European institutions. In November 2015, three cities were short-listed to complete and revise their applications taking cognisance of the panels' comments. At this point in the process, Dublin was eliminated from the competition. The final selection stage took place in June 2016 when four members from the EU panel of experts visited each bid location and took part in a programme of activities hosted by the bid teams.

Ultimately, the panel voted and recommended to award the title in Ireland to Galway for 2020. This is a European designation and the idea is to connect the host city to the rest of Europe and to remind ourselves of our common European cultural heritage. There will also be a strong connection with Rijeka in Croatia which will also share the title in 2020.

The theme of Galway 2020 is titled Making Waves. It is about the renewal, disruption and transformation of culture, both Irish and European. Galway's vision is to celebrate what is most valuable in its culture, while making waves of renewal, disruption and transformation. Galway city and county are ready to unlock their vast cultural capacity in a wave of events, performances and initiatives which will leave the west transformed. The initiative is also designed to make waves across the whole of Ireland and Europe too. Galway 2020 will celebrate new voices, young voices, and traditions, both new and old. Galway 2020 is inviting us all to ride these waves with it.

Through a series of flagship projects, Galway 2020 will focus on engaging local communities and linking these communities with professional artists, re-imagining our climate, exploring the promise and perils of the digital revolution, reaching out to Europe and the world through culture and placing children and young people at the centre of Galway 2020. It recognises communities should be at the heart of Making Waves. The flagship project, Small Towns, Big Ideas, invites communities to develop their own cultural projects and celebrate the meitheal - the ancient Irish tradition of coming together for a common purpose. Local communities from Galway city and county will be able to apply for financial support to work with artists and cultural practitioners to develop projects for where they live or work, using the three themes of landscape, language and migration as inspiration. The details of an open call for this project will be announced on 29 January.

An Artist in Every Place project will link communities with Irish, European and international artists through residency programmes across Galway. Locals and visitors alike will discover new art in the most fascinating and unexpected places from hospitals, boats and islands to historic or abandoned buildings.

The Hope It Rains project challenges the perception of the Galway weather. Communities, artists and young designers will collaborate to create major events to encourage us to re-

imagine our attitude towards the weather. What is currently perceived as a negative will be a source of joy and delight.

The Ship to Shore project will reach out to the world through culture with an international festival of sheep, wool and cheese, dance and film festivals, plus a celebration of Irish music and dance. At a time when the Government is committed to doubling our global footprint, this initiative will focus the attention once again on our unique traditional culture of Irish music and dance.

The Forward Motion project will be a ground-breaking initiative placing children and young people, play and the arts at the centre of everything we do. It will have a commitment that every child in Galway will have the opportunity to take part in events, workshops or performances specially designed with their rights to participate in cultural life in mind. This chimes with my Department's Creative Ireland programme. These are just the highlights of what should be an awe-inspiring year.

I recently met the chief executive officer of Galway 2020, Hannah Kiely. I was impressed with her and the progress made since her appointment in May 2017. The new company, Galway 2020, commenced trading on 1 June 2017 with a board with a wide range of skill sets together with a management team, as well as its creative director, Chris Baldwin. I congratulate everyone involved to date and look forward to working with and playing a supportive role to Galway 2020 in the lead up to the year.

Senator Aidan Davitt: I am delighted to welcome the Minister on her first occasion to the House and hope we will see her many more times.

Winning the European capital of culture 2020 bid was a massive coup for Galway city and represents a unique opportunity to showcase its cultural richness on the national and international stages. It was a joint bid by Galway City and County Councils. I recently met three Fianna Fáil Galway city councillors, Peter Keane, Michael Crowe and Ollie Crowe, and the application was high on their agenda. They all enthused about the bid. As three businesspeople in the town, there are acutely aware of the benefits it will bring to the city.

There are 300 documented artists in Galway. The creativity industry in the west generates approximately €534 million per annum and accounts for 3.4% of employment in the region.

1 o'clock The audio-visual, television and film industry is worth €72 million to the economy with more than 600 people employed in it. The €45.7 million budget to develop the European capital of culture programme will build on this tradition. Galway is uniquely situated on the edge of the Gaeltacht, which makes it a truly bilingual city and county with a diverse heritage. Accordingly, being European culture capital in 2020 will provide an opportunity to put the Irish language on the international stage.

It is an exciting time for Galway, which is a UNESCO city of film and has been designated European Region of Gastronomy 2018, the first time that prestigious award has gone to Ireland. We are also about to open the much-awaited, world-class arthouse cinema, Pálás. This is a vital piece of cultural infrastructure for the city.

The team that prepared the bid worked tirelessly over the 18 month period to prepare and secure the wonderful opportunity for the region. The local community and businesses came together with a number of initiatives to help fund the bid and raise funds for the programme. This included the raising of commercial rates by 3% in 2015 and ring-fencing the resulting €1

million for projects dedicated to Galway's 2020 bid. The work of these groups must be commended. Councillors also took brave moves to garner the extra money to make this happen. It was a joint bid from the city and county councils. I welcome all the councillors who are in the Gallery today. They are the ones who took the flak on the street, and the city councillors in particular got quite a lot of hard stick. It is great that this has happened. We certainly appreciate it and it has our full support.

Senator Billy Lawless: I welcome the Minister, Deputy Madigan on her first visit to the Seanad. As a Galway native, I am extremely proud that Galway city and county, in consideration with other great cities like Dublin, Wexford, Waterford and Kilkenny, was awarded the city of culture for 2020. Galway has shown through the annual international arts festival and by twice hosting the Volvo Ocean Race that it has not only the capacity, but also that it is a world beater in the promotion of large-scale cultural and sporting events. The board that was established to deliver a successful European Capital of Culture bid for Galway in 2020 is comprised of extremely talented individuals of cross-spectrum experience. I have no doubt they will make this a global success story.

One of the highlights of 2020 will surely be the ambitious attempt to have 400 Galwegians walking a tightrope over the River Corrib to beat a world record. The Minister will be relieved to hear that I will not be one of them. I would give up on that one. In itself, this event will be a unique spectacle which rightly promotes Galway as a place of adventure and risk taking.

The express purpose of the concept of the city of culture is not just to entertain and promote Galway as a tourist destination. It is also a way of demonstrating the use of culture as a means for regional development. This is something I wholeheartedly support. The three themes of Galway's bid were language, landscape and migration. The latter is, of course, very close to my heart. A significant portion of the over 100 page bid that ultimately proved successful included the concept of ship to shore, which focused on projects that will develop long-term, tangible trans-local connections that highlight and explore shared European themes. I hope this aspect of Galway 2020, while acknowledging that it is the European Capital of Culture, does not just confine itself to the shared local connections across Europe but also extends to the United States, where a vast Galwegian emigrant population resides. As well as connecting migrant links, there is a focus on the new citizens of Galway city and county, as Ireland has become a nation of immigrants over the past two decades. A portion of the bid book reads:

Galway has known emigration for centuries. More recently, there has been an increase of immigrants to the region from all around the world, particularly from Europe. This ebb and flow of human movement has created mixed emotions, not least a sense of uncertainty and displacement. Few people are entirely alone. Those that come and those that leave bring with them a connectedness to where they have come from. So our displaced Galway and European people become remote extensions of their native cultures, creating a rich network for communication and influence. Galway 2020 is already tapping into the potential of these migratory links to Europe so as to develop projects which will integrate those who have recently arrived and those who have been left behind.

While lofty in its language and aspiration, this reflects entirely a political view which I support and which I believe a vast proportion of citizens both at home and abroad share, namely, that the story of Ireland's migration is intimately intertwined with our development into a diverse cultural and ethnic nation. This is reflected in how we celebrate Galway as a European capital of culture. This celebration should correlate to our advocacy for the undocumented

abroad and our compassion for those at home.

As the Minister may be aware, I am privileged to serve as chairperson of the Galway committee of Chicago Sister Cities International. The Galway committee in Chicago has been contributing to the culture of Galway for many years in many ways. To give some recent examples, in 2003, it opened a photo exhibit, “Images of Chicago: A spectacle of urban life at the water’s edge”. It was the first exhibit at the new Galway City Museum. The photos were gifted to the city of Galway. In 2007, the city of Galway gifted the Grainne sculpture to Chicago. Its dedication was presided over by Mayor Richard Daley and Galway Mayor Tom Costello. Irish artist Maurice Harron created this elegant bronze statue, which stands in a park directly across from the centre doors of the historic Old St. Patrick’s Church. This is the church to which all the Irish immigrants first looked when they arrived into Chicago from the west of Ireland.

In May 2014, a large delegation from Chicago travelled to Galway for the dedication of the Circle of Life national organ donor commemorative garden. The Galway committee of Chicago Sister Cities was a major sponsor of this garden, which remembers and gives thanks for the generosity of spirit of more than 2,500 people in Ireland who have given the gift of life through organ donation. The garden was established by Denis and Martina Goggin, parents of Éamonn Goggin, a young man from Spiddal who was involved in a fatal car crash in 2006 and became an organ donor. The garden in Salthill has become a major attraction in the west of Ireland, serving as an inspirational setting celebrating the lives of organ and tissue donors and their recipients while offering the public a place of beauty, inspiration, healing and hope. Of all the initiatives between the two cities, this is the one I am most proud of. During the same visit, an additional gift from the Chicago committee to Galway city was the stainless steel Umbrella for Peace sculpture by the Chicago-based Irish-American artist, Matt Lamb, which was unveiled adjacent to City Hall.

These initiatives were all facilitated by the wonderful relationship that exists between Galway and Chicago and they have served to augment Galway’s reputation as an authentic city of culture. I wish Galway all the encouragement and success that I can muster and will do all that I can to ensure that at least within the immigrant community in the US, if another Irish Gathering cannot be had in 2020, we will have a Galway one. I hope Galway 2020 presents an opportunity for families to rekindle and for diversity to be celebrated. As ever, I have no doubt that Galway city and county will make Ireland proud.

Senator John O’Mahony: I am standing in for Senator Maura Hopkins. I welcome the Minister. It is her first occasion here in the Seanad and I wish her well in her new portfolio.

I welcome the opportunity to contribute to the debate on the awarding of the European capital of culture to Galway. It is a signal and well-deserved honour. Many in this room and throughout the country have always known it was a capital of culture. It follows in the footsteps of Dublin in 1991 and Cork in 2005. In my own respect, I was involved deeply in promoting the culture of Gaelic football there for many years. All of my family attended third level college there. I have never heard someone speak anything but praise for the city’s culture and all that goes with it in every aspect of life in Galway.

I compliment the board, the CEO, Ms Hannah Kiely, and the creative director, Mr. Chris Baldwin. The bid was under way since 2014. A great deal of work has been done and much more remains to do. It is important that 2020 leaves a sustainable and long-lasting legacy, not just in Galway city or the towns and villages of the county such as Tuam or in areas such as

Connemara and so on but also in the west overall. Galway is the west's capital.

Galway has a proven track record in large-scale cultural events, with its arts festival, the summer racing festival and the Galway Film Fleadh taking place annually. The city also played host to the Volvo Ocean Race, making world headlines. Towns like Ballinasloe in the east of the county play host to one of Europe's oldest horse fairs every October, contributing significantly to the county's cultural offering. The designation of capital of culture will provide Galway city and county with an unprecedented opportunity to show off its rich cultural offering. It will place an international spotlight, not just on Galway, but all of Ireland. Tourism has seen significant growth in the west with the development of the Wild Atlantic Way. The designation will benefit the entire region in 2020 and beyond.

The three themes are language, landscape and migration. In the context of Brexit and increasing isolation from Europe across the Continent, the symbolism of the most western city within the Union being designated the capital of culture cannot be underestimated. It puts not just Galway, but Ireland, at the heart of European culture.

The ability of Small Towns, Big Ideas to succeed will depend on community engagement. I urge communities to continue engaging, as the scheme has the potential to have a positive and lasting impact on the country. It seeks to bring back the idea of community and collective action, which has begun to fade in recent times. By reconnecting people in rural towns and villages with their rich cultural heritage, we can help to foster a greater sense of community and thereby improve the quality of life for everyone.

Senator Paul Gavan: I welcome the Minister. As the House knows, Galway is known for its cultural identity and its place as a cultural hub for the west, thriving on the distinctive platform that it gives to music, theatre, film and the Irish language. One could not help but see it as a natural competitor for city of culture status, given that Galway has fostered creativity throughout its history.

I will pay particular tribute to the Limerick campaign to be named city of culture. It also deserves that title. Unfortunately, we were not successful in the final.

Galway's exceptional cultural landscape is renowned throughout the world. Its success has been a result of the Galway community nurturing and encouraging talent and giving it a platform, and good cultural policy at council and Oireachtas level. In this regard, I pay tribute to our Sinn Féin council team and my colleague, Senator Ó Clochartaigh.

An important strength that Galway has is the accessibility of its culture regardless of financial means. One need only walk down Shop Street to see and hear Galway's vibrancy. I am concerned that the by-laws proposed by Galway City Council were drafted without consulting the busking community. Under them, a street performer would only be able to perform in any one space for a maximum of two hours and "shall not act, say, do or sing anything that is likely to cause alarm, distress or offence to any member of the public". Drum kits would be forbidden and amps would be allowed, albeit only battery-powered ones and only up to 6 p.m. A street performer must "immediately cease a performance in circumstance where a crowd have gathered thereby stopping the movement of pedestrians". These drastic measures would hinder audiences and artists alike and are unbecoming of a city that should be embracing such culture. I would be interested in the Minister's comments in this regard. The artists of Galway will be key to the success of 2020. How does the Minister intend to address the ability of an artist to

earn? As cultural budgets were decimated throughout the economic downturn, the ability of artists to support themselves through their work was also decimated. I fear that although artists will be front and centre in the pageantry of Galway 2020, true incentives and fair pay may not be in place.

We need only consider initiatives like Creative Ireland, which has spent a lavish 30% of its budget on marketing itself and looks more like a window dressing exercise for the Department than the vision set out in the Culture 2025 framework, which sought to create cultural infrastructure and an ability to earn. Will the Minister outline how her Department intends to make the events accessible to audiences but also artists who are struggling to make ends meet?

I am concerned about the emphasis placed on the Irish language. While we are on the subject of accessibility, Galway is officially a bilingual city. The Irish language is central to every initiative that Galway undertakes, making it open and inclusive to the large cohort of people whose first language is Irish, those who wish to be communicated with in Irish and those who wish to learn Irish. Every presentation that has been given on Galway 2020 publicly and to politicians has been exclusively delivered through English. Sinn Féin's council leader, Councillor Mairéad Farrell, has been particularly vocal on this issue.

Galway has much to be confident about as we approach 2020. The city thrives consistently due to its culture and the people of Galway can be proud of this achievement being recognised. I share the views of every Senator when I wish them every success. I commend those involved in the Pálás cinema, which at long last looks set to open soon.

The Minister's Department has been on record as saying that it would provide funding to Galway and its two authorities for the delivery of events. Will she give any detail as to how much funding will be provided? Galway 2020 has the potential to be a major stimulus for the city's economy, if adequately funded. I trust that the Minister will agree with me on this and support Galway in every way possible.

Senator Alice-Mary Higgins: I welcome the Minister and congratulate her on her new brief. It is an exciting one. Through culture, we touch every pulse point of society. It is one of the ways through which we can most strongly and immediately feel the concerns, ideas and thoughts of the nation. Culture is a powerful and important thing.

While I am proud of Galway being chosen as the European capital of culture for 2020, I acknowledge the strong bids from other cities and areas throughout the country. Limerick has an extraordinary record in terms of music. It lost one of Ireland's musical luminaries in Dolores O'Riordan recently, but it has people from new generations, including the Rubberbandits, who are making cultural marks. It also has heritage and museums. I hope that the ideas that were raised and community conversations that were held in areas that made bids are listened to because they make for extraordinary and interesting reading. Limerick is keen and ready to develop its cultural and creative industries.

Similarly, the Three Sisters area submitted a strong and interesting cross-county proposal. One of the loveliest ideas within that bid was the prescription for arts, the notion that, at times, the idea of an artistic input, access to proper libraries with books and access to performance can be essential to the health and well-being of an individual or community. These ideas can be pushed forward.

On this occasion, Galway was chosen as European capital of culture. I recall the weekend

that the judges visited Galway. This is how deeply participative it was. Rates were increased and many businesses contributed to the bid. The artistic community also contributed. We all know about the many festivals that are run in the city. Galway has an artistic and creative community that keeps the cultural and creative life of the city going, despite being deeply underresourced. Many in that community earn very low wages and are living on very little but they keep Galway alive. Similar to the Corrib itself, that community is a source of fast-moving energy for the city all year round. Those volunteers and artists who work for very little have contributed to making the bid possible. They are very important. On the weekend when the judges were visiting, one could feel the energy in the streets and the enthusiasm of the people of Galway for this bid. The judges were literally immersed in that spirit. I mean that quite literally because they were taken for a swim in the Atlantic as part of Galway's bid. I emphasise this because the spirit of participation which was key in the securing of the bid will also be key to a successful European capital of culture year for Galway. It is vital to ensure that the participation of all of the diverse groups within Galway, including marginalised groups, and of the different generations is front and centre during the year.

It is important that we refer to cultural rights in this discussion, particularly the rights of young people to participate in culture. There are lots of exciting initiatives in that regard, including a new festival for those aged between zero and six which was announced in Galway this week. Such initiatives are important but it is also important that young generations of producers and creators are included as part of the bid. I regret that we do not have stronger representation of artists on the board but that might be considered again as this moves along. I say this because it is very important to stay in touch with the local artistic community. The Making Waves booklet must be checked again to make sure that its spirit is retained as we move along but I am confident that will happen.

One of the most important aspects of the European capital of culture concept is the importance of culture to European cohesion and identity. The neglect of culture during the recent protracted period of austerity has been damaging to European social cohesion. However, this is a two-way street. Damage to culture can damage social cohesion but culture is often the medium through which artists first send us signals and tell us about social concerns. Art can be challenging and it is appropriate that we embrace that challenge and welcome what artists are telling us. A key moment for me was the play about the Magdalen laundries that was first performed in Galway as a challenge to society. That spirit of art as challenging is something we need to embrace. Europe needs to ensure that cultural rights and cultural diversity are celebrated.

What is interesting about the vision for the European capital of culture is that it is about diversity and understanding. It is not simply about finding the common points across Europe but also about recognising that Europe is an ongoing conversation between diverse experiences and ideas and that we can benefit each other in that. One of the examples in Galway that captures that very beautifully is the Inish: Island Conversations Festival which has been taking place on Inishbofin over recent years. It is a conversation in the most local of places but it is an international conversation. Those living in small and island communities right across Europe and the world have been invited to come and talk about what it means to survive as a community in the world. That is why the change from European city to European capital of culture is exciting. Galway can be a capital of culture for the west of Ireland. It is also an invitation to those from across Ireland, Europe and the world to be part of conversations that are important and experiences that can be transformative.

The Small Towns Big Ideas project was mentioned and that is really important. I know that

towns such as Headford and Athenry have already put huge efforts and ideas forward. One of the great gifts that we could take from the European capital of culture year is if people in the west of Ireland who participate have their imaginations sparked so that they can imagine all sorts of extraordinary and interesting things and can imagine a future for themselves in the west of Ireland. That is part of sparking peoples' imagination so that they can imagine futures, the impossible and what is not there yet. That is important and that is why it is significant that the Minister said that this is not a festival; it is not even a showcase or a tourism opportunity. This is a moment for sea change, for the making of identity and of possibilities.

To return to the language of the Making Waves document, we talk about ripples, splashes and sea change.

An Leas-Chathaoirleach: The Senator is over time.

Senator Alice-Mary Higgins: I will conclude now. The power of spectacle is something all of us have seen in moments like those created by Els Comediants or Macnas. I know we are excited about extraordinary spectacles such as the Gilgamesh proposal which is on the cards for 2020. As well as splash and spectacle, however, we also need lasting supports and a sea change in terms of the resources that are available. We need inspiration from this as part of the legacy but we also need infrastructure. There are so many ideas in that regard, including spaces for dance, concert facilities and multi-artistic spaces that are needed in Galway. Those ideas are important and that legacy is something that has been a hallmark of successful capitals of culture across Europe. My final point----

An Leas-Chathaoirleach: The Senator is a minute over time already.

Senator Alice-Mary Higgins: One of the projects proposed is Hope It Rains. People in Galway have made great use of the city's outdoor spaces. It is a matter of serious concern if we are to clamp down on street performers and buskers, on which I have made a lengthy submission which I am happy to share with the Minister. That is crucial but we also need some indoor spaces. Let us protect the streets but also build new infrastructure. Let us embrace what is an exciting year for everyone in Ireland.

Senator Colm Burke: I welcome the Minister to the House.

Senator Trevor Ó Clochartaigh: On a point of order, when will I be allowed to contribute?

An Leas-Chathaoirleach: Senator Ó Clochartaigh is next on the rota. This is the rota as agreed by the Committee on Procedure and Privileges. It has nothing to do with me.

Senator Colm Burke: I welcome the Minister to the House and wish her well in her new portfolio. These are challenging times in the area of arts and culture. I am speaking on this matter because I was chairperson in 2003 and 2004 of the board that made the bid for Cork to be the European city of culture in 2005. It is important to learn from that experience and I would urge the Minister to speak to some of the people who were involved in the Cork project. I am sure that issues arose about which, with the benefit of hindsight, a lot more could have been done. That project in 2005 received funding of €6 million but a huge amount of money also came from the private sector which helped to organise some of the events. In fact, one event which was attended by more than 10,000 people was organised by the private sector without any support from the organisers of the European city of culture and was a huge success. It is

important that we learn from events in the past.

Time is on our side in terms of forward planning for this project. Galway has an advantage in that it is already regarded as a city of huge cultural influence. It is important that the team it has developed is given the support it deserves. It appears to have done quite a bit of work in winning the competition for Galway to be the European capital of culture. It did a lot of work at the preplanning stage, but it is now important that in preparing for the year, it is given the maximum amount of support.

It is also important that the year is not exclusive to Galway city. The team seems to have incorporated that into its plan. The year is not just for Galway but also the entire region. I refer to involving others in the process. I served on the board of the Port of Cork from 1997 to 2007. During that time, we started encouraging cruise ships to come into Cobh and Cork. When I started working in the Port of Cork, ten cruise liners a year visited. In 2017, 67 cruise liners came to the port and in 2018 we are expecting 95 cruise liners. It is not just Cobh which benefits but the entire region. People can go to Killarney, Blarney and a number of other areas. More than 200,000 people will visit the region as a direct result of getting others involved in the European capital of culture, making sure that it is not confined to the people organising the event and that it encourages others to grow and promote the areas in which they work.

The Leas-Chathaoirleach will be interested to hear that in 2005, people in Kerry were disappointed that the focus on tourism would be on Cork. Killarney decided to celebrate 250 years of tourism that very year. The hope was that people would spend four or five hours in Cork and then a week in Killarney. It is not just about focusing on the European capital of culture in one place. Others will also benefit, which is an extremely important point.

It is an important venture for Galway, the region and the country. It offers a major opportunity. If we faced the same financial difficulties as we did prior to 2017, it would not be possible to give support to this project. Now it is possible because of the economic upturn. It is also about highlighting and focusing on people who have left the country, and using it as an opportunity to bring them home. That is an important point. I again thank the Minister and wish her every success in her role.

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire. Déanaim comhghairdeas léi as ucht a cheapacháin. Aithním gurb í an tAire a bhfuil freagrachtaí Gaeilge faoina cúram freisin. Guím gach rath uirthi leis sin. Bheinn á moladh, más féidir. Tuigim go bhfuil an tAire ag foghlaim níos mó Gaeilge i láthair na huaire, nó sin atá ráite aici. Má bhíonn an mhisneach aici an Ghaeilge a úsáid níos minicí sna Tithe, tabharfadh sé misneach do dhaoine eile chomh maith.

I welcome the Minister and wish her well in her new brief. I note she also holds the brief for the Gaeltacht. I have been told that she will learn more or brush up on Irish, on which I commend her. I hope she will use more of it in the House and give other people here a bit of encouragement to do that.

When I started my working life, I worked in the arts in Galway. Most of us at that time were on the dole, but we had incredible times making art, theatre, etc. for quite a number of years. My heart and soul is rooted in the arts in Galway. I welcome the designation of Galway as the European city of culture but I also have questions around it. If it is going to work for everybody in the spirit of what has been written and said, we need to ask quite a lot of questions.

As a programme, Making Waves has had a bit of a stormy start. I want to outline that to the Minister because she is making a substantial investment of €15 million in the €45 million budget. She needs to make sure that the money is spent well. People have welcomed all of the different cultural initiatives. We have had different initiatives in Galway, but one which has been mentioned today is the art-house cinema which we all welcome. That was very much a funding debacle and I understand the project had to be bailed out twice by the Department. The oversight was not up to scratch. When the bid was put forward, I asked how much it would cost. We were initially told that the bid for 2020 would cost €1.5 million. Subsequently, the city council announced it was €1.8 million. We have been told that around €1.8 million was spent on the bid.

Officials in Rijeka, Croatia, which also had a bid in 2020, had a budget of €390,000 but only spent €258,000. The Serbian city of Novi Sad, which will have a similar designation in 2021, spent €169,000. It seems that the average figure spent on a bid is €300,000. The smart alec answer I got from Galway was that it won the bid. I do not think that is good enough. One has to be very responsible with the money which is being spent. In my mind, it raises questions as to whether we have the proper governance and oversight in respect of the money which is being spent.

There were two major positions advertised publicly, namely, CEO and artistic director. The salaries for those positions will cost in the region of €260,000 per year. I do not think that includes expenses. I understand there are six or seven other staff members. I do not begrudge any of those holding those positions. I am just asking questions about the money. Staffing costs will probably be €500,000 or €600,000 per year out of the €45 million to be spent on the project. I am asking whether that figure is very high and whether the money is being properly spent. How much will be spent on projects and the arts in the town? What legacy will it leave?

There were two major positions advertised publicly, namely CEO and artistic director. The salaries for those positions will cost in the range of 260,000 all per year. I do not think that includes expenses. I understand the six or seven other staff members. I'm not begrudging any of those in the position; rather, I'm just asking questions about the money. Staffing costs will probably attract 500,000 or 600,000 per year. Out of the €45 million which will be spent on the project. Is that bigger very high? Is the money being properly spent? How much of the money will be spent on projects and the arts in the town? What legacy will it leave?

I also note that the Minister referred to the €1.5 million prize which will be awarded. My understanding is that will not be awarded until the entire project has finished and been audited and the European Commission is happy. The money is not in the bank. At this stage, how certain are we that the balance of the €30 million that is to be made available will be made available? Will the money be forthcoming and where will it come from? I ask this so that the project is a success. I do not want to be told afterwards, in the event of any problems, that I did not raise any questions in the run-up to the project. That is why I am asking the question now. I have engaged with the project in this regard.

From an artistic perspective, there was a bit of a rocky start. Senator Higgins might have enjoyed this. The director, Chris Baldwin, was interviewed in *The Irish Times* by Rosita Boland after his appointment. We were told that he was on a steep learning curve about Ireland's culture and cultural figures. Rosita Boland wrote:

The week we meet Mike McCormack, long-time resident of the Galway region, had just

been longlisted for the Booker Prize.

“Do you know who Mike McCormack is?”

“No. Not yet.”

“Do you know who Michael D Higgins is?”

“Yes, of course,” Baldwin answers.

“Who is he?”

“Well, I think the history of Ireland is something that is going to be incredibly important to me. When I come to a place I spend my time completely immersing myself ...”

She pushed him and said:

By this stage I am pretty sure Baldwin is bluffing. “Who is he?” I ask again.

“One of the important leaders of the early revolutionary movement,” Baldwin says confidently.

Senator David Norris: He is absolutely right.

Senator Trevor Ó Clochartaigh: The interview goes on to state:

I type. Then I say, “I think you might be confusing Michael D Higgins with Michael Collins.”

We are talking about somebody who has been appointed as the artistic director of European city of culture in Galway. That raises concerns in my mind as to the integrity of the process which appointed that person. I certainly have concerns and I hope to be reassured that there will be no problems in the future.

I also engage regularly with many artists around Galway city and county. There are concerns about the whole process of the bid and call-outs which were happening. I attended as many as I could. It was a great process and lots of ideas were taken on board. All of the ideas were used in the bid process, but artists in the area have heard very little since. I have talked to people who were asked to do a lot of the organising in different areas on a voluntary basis and they have heard nothing. They do not know what is happening. There are concerns.

Small Towns, Big Ideas is great in principle but we need to see it happening in practice. I have concerns about a project called Symphonic Waves. It is a wonderful project, but I am hearing there are difficulties and challenges. I am not sure whether the Minister has any knowledge of it.

Senator Aidan Davitt is correct that business owners welcome the development. My concern is that it is really being pushed by the corporate and business elements in Galway city. We have seen that happen in many other projects. I have the same concerns as Senator Alice-Mary Higgins about the input of artists, particularly local artists.

On our talk about the outreach element, it is really important to me that there be an ongoing

legacy. What will we see in Galway in 2021? We are told that what is to occur is not a festival, but many involved in the arts in Galway believe it is just a festival for one year and that we will not see a major legacy afterwards. What will be left behind? Many artists are telling me that they have significant problems in finding arts spaces. For example, they cannot find places in which to exhibit in the city, while others cannot find places to perform. There is an issue in the area of dance. What will be left after 2020? How much of the €45 million will be spent on infrastructure that will stay in place, training and upskilling to enable people to continue working in the area? How far outside the city centre will the project reach? It has been said in the newspaper that various towns in the county will have activities. I am worried about some of the socio-economically disadvantaged areas in which people on lower incomes might be living. How will the project be extended to these communities? Will there be an outreach programme covering ethnic minorities, the new Irish, Travellers in the city, etc?

Tá mé an-amhrasach faoi chúrsaí Gaeilge chomh maith. Níor luaigh an tAire an Ghaeilge le linn a haithisc. Níl mórán cainte faoin nGaeilge sa chlár mar atá sé leagtha amach i láthair na huaire. Tá amhras orm nach mbeifear ag tabhairt aitheantas sách mhaith do chúrsaí Gaeilge sa rud seo ar fad. I will be a thorn in the side of Galway 2020 and will keep asking questions between now and 2020 because I want it to be a success. As the Minister is devoting €15 million of taxpayers' money to it, she also needs to ask many questions about how it is being spent to ensure there will be no more debacles and that we will have a lasting legacy. Galway 2020 should be a great success, of which everybody can be proud.

Senator David Norris: I welcome the Minister. I have been passed a note by my colleague and friend Senator Alice-Mary Higgins which contains a question she did not think of asking. The national capital of culture programme which was meant to be every four years has been suspended. I seek reassurance from the Minister that it will be reactivated speedily after Galway's successful period as European Capital of Culture.

We should remind ourselves that culture covers a very wide spectrum. One element that seemed absent from the Minister's contribution was food. Some years ago I was invited to open the oyster festival in Galway, but, unfortunately, I was not able to do so. We should be extremely proud not only of natural products such as shellfish and salmon but also of our cooking, which is now really quite extraordinary. Places such as Moran's on the Weir are absolutely wonderful. I remember going to Inishbofin in the 1960s with a friend of mine, Mr. Tony Hanahoe, who was then captain of the Dublin football team. We had a choice between going shark spotting and having a ten-bob lobster lunch in Mrs. Vaughan's hotel. As I am very greedy, I went for the lobster lunch. I relaxed and patted my expanded belly. From the foreland, I looked out over the cliff and there was a pod or whatever one calls it of sharks. Tony came back and he had not seen as much as a tailfin. I managed to do both and still remember the lobster lunch.

In the west one has the most wonderful prawns, not the awful rubbery yokes that are flown in from the Far East. They are real, beautiful Atlantic prawns with batter which are cooked and served so beautifully. I would like to believe seafood and the general culture of food presentation will be part of the festival.

I believe I am right in saying the great sean nós singer Seosamh Ó hÉanaí was from Connemara.

Senator Trevor Ó Clochartaigh: He was.

Senator David Norris: It is really distinctive. Tá an Ghaeilge go flúirseach agam agus blas álainn dílis Protastúnach agam. Ba mhaith liom an Ghaeilge a labhairt sa Seanad ó am go ham, although not as often as I would like. I would like to support Senator Trevor Ó Clochartaigh. This is something very distinctive about our culture. I greatly regret getting rid of the old cló Gaelach, through which I learned Irish. It was a really distinctive alphabet.

There are wonderful paintings. This morning I passed an art gallery that was showing paintings by Seán Keating of the Aran Islands ferry setting out and Aran Islands fishermen and their distinctive costumes, with the pampooties and little jackets. It is wonderful stuff. There were also paintings by Paul Henry who produced paintings depicting the majestic landscape of Connemara.

Where literature is concerned, like all parts of Ireland, Galway has a special element to contribute to world culture. I am thinking, in particular, of Pádraic Ó Conaire and stories such as *M'Asal Beag Dubh* which we all read in school. It is a most enchanting, delightful book. Pádraic Ó Conaire also wrote the most searing accounts of sexual and social isolation which would not have been printed or allowed in English. He was writing these wonderfully insightful stories in the 1920s. Of course, he was a bit of a drinker. When the statue of him was unveiled in Galway, some rag put a bottle of whiskey in his hand.

An Leas-Chathaoirleach: They did worse to him.

Senator David Norris: We also have Liam O'Flaherty, the most striking looking man. I remember him in his old age and he was still classically good looking. He wrote *The Informer*. He also wrote wonderful stories about animal life that are now, I am afraid, a little neglected. He really got under the skin of creatures such as an eel, a goat or a rabbit. He was a very remarkable writer.

Then, of course, there is Synge who wrote *The Playboy of the Western World*. Yeats advised him to go to the western islands and learn something about his own culture, which he did. He produced what could be described academically as "Synge-song" such as "The old man from the wesht", "Get up and travel easht", and "Let the wind be with you." There are only four or five grammatical constructions taken from Irish, but they project across the footlights to give the audience a feeling of contact with real Irish language and culture.

Let me end by referring to the theatre. I am very proud to say a play of mine about Oscar Wilde was put on in An Taibhdhearc. I have appeared in the Town Hall Theatre which is a very fine resource in Galway.

There is Coole Park, the home of Lady Gregory, one of the great figures of the Irish literary renaissance. She left her house to the State, but what did it do? It demolished it. My God, that is a black mark against it. To turn one's face against a gift and slap the courageous woman who had helped to found the Abbey Theatre right in the face was dreadful. There is now an opportunity for Galway city to make good by pushing out its image as a city of culture.

Senator Maria Byrne: I welcome the Minister and congratulate her on her elevation to her new portfolio. As she is very interested in the arts, she will be fantastic in her new role.

We are here to talk about Galway and the fact that it is to be European Capital of Culture. I congratulate it on winning. Limerick was runner up. Certainly, the experience not only of Galway but also of Limerick and the Three Sisters, the other finalists, has been absolutely fantastic.

I will move backwards a little because I know that the national city of culture was referred to. Limerick had the honour of being the first national city of culture. It certainly helped in bringing artistic societies together. It covered everything from the visual arts to painting and performance. Bringing all of them together was an absolutely fantastic experience. I can only imagine what the designation as European capital of culture will do for Galway, a city with a strong tradition in the arts and performance. When we brought together the various associations and groups to develop an itinerary for Limerick when it was national capital of culture, people from all over the country visited the city. I expect Galway will attract people from all over Ireland and Europe.

Winning the title of European capital of culture is a spectacular achievement. The people who worked on Limerick's bid for the title are working closely with colleagues in Galway. It is positive that people in the mid-west are working with people from elsewhere along the west coast. Senator Colm Burke is correct that this designation will have a knock-on effect on the entire west. Galway and Limerick have much in common and much to offer. For example, many performers appear in both cities.

People in Limerick would have loved to have won the title of European capital of culture. Galway's win will be very positive for the city. Youth and children will be central to Galway 2020, as will the city's coastal location. For a long time, Limerick had a tendency to turn its back to the River Shannon and people did not see the river as an asset. That position has now reversed. Galway has the beautiful Connemara coastline which will play a significant part in its year as the capital of culture. I wish all those involved the best of luck.

As with everything, there will be teething problems but nothing ever starts smoothly and I believe Galway will get it right with the support of the local community. It is important that everybody becomes involved. I agree with previous speakers on this point.

Limerick's experience of being the national city of culture was highly positive. I encourage the continuation of this title, which is due to be awarded every four years. I am sure the Minister will keep a close eye on it.

Senator Victor Boyhan: I warmly welcome my colleague and friend, the Minister for Culture, Heritage and the Gaeltacht, Deputy Josepha Madigan. Having served with her on Dún Laoghaire-Rathdown County Council, I know something of her enormous commitment to and passion for the arts and culture. I am delighted with her appointment and wish her every success in her role. I also wish her well with the Creative Ireland programme, which is an imaginative and important initiative.

We are discussing today a good news story. I congratulate all those who made this happen, including business people and members of the local authorities in Galway as well as departmental officials. It is in everyone's interests, including business and the arts community, that this capital of culture year is a success.

The benefits of subsidies and sponsorship for the arts cannot always be quantified. The arts are a key part of who we are as Irish people and we should be proud of them. When promoting the arts, it is important to recognise theatre, arts, literature and food. Irish people are good at celebrating and it is important that we recognise that we are now a multicultural nation of people with diverse views and beliefs and none. Everyone must be made welcome to the table and the great party and celebration of our multiculturalism.

24 January 2018

I was pleased to hear the Minister describe Galway's designation as European capital of culture as a national and European celebration. Dún Laoghaire-Rathdown County Council, of which I was a member for many years, led in this area by hosting a world festival of culture for some years. The festival became so large it had to be scaled back because it was taking too much time to organise. One of the great aspects of this was that it made people feel accepted and they shared their traditions, heritage and culture. People dipped in to the degree with which they felt comfortable. Through music, art and literature, we open up and break down barriers and celebrate diversity and multiculturalism, which is extremely positive.

I understand the reasons people in Galway are proud. Galwegians have always been proud and one always feel welcome in the city. While it is described as a city, I always feel Galway is a town.

Reading through A Programme for a Partnership Government, I note the short section on arts and culture. Perhaps the Minister will return to the House in a few months to discuss progress on achieving the key objectives set out in the programme for Government in the areas of arts, heritage and culture. I wish the Minister well in her portfolio. She is the right person at the right time in the right place and I congratulate her.

Senator Martin Conway: I welcome the Minister whom I have known for some years. As a councillor during the previous Seanad, she demonstrated her expertise in mediation by assisting me in drafting a motion on mediation, which was passed unanimously in the House. The motion was an important prerequisite in creating the narrative around mediation that the country needed. Mediation can be used in many ways to solve many issues. Ministers sometimes find it difficult to bring everyone together and I have no doubt the mediation role she played before her election to the Oireachtas will assist the Minister in her current role.

The new Department of Culture, Heritage and the Gaeltacht is a great Ministry because it is creative, different and allows various initiatives and programmes to be fostered and developed. Ireland is a nation of culture, artists and creators. It is fitting, therefore, that Galway has been selected as the European capital of culture. Limerick undertook a valiant campaign to secure the title and it is interesting that the two cities are located at either side of County Clare.

We have developed many types of cultures in this country and we have a rich heritage. I hope the experience Galway is about to enjoy will benefit surrounding regions. On Galway Bay, we have the Burren with its food trail. Traditional music permeates County Clare, especially the north of the county around Lisdoonvarna, Kilfenora, with its famous céilí band, and the Burren. Ennis also had the good fortune of hosting Fleadh Cheoil na hÉireann for the past two years. Traditional music is deep-rooted and goes back many generations in north County Clare, specifically Ballyvaughan, New Quay and Bellharbour. Bellharbour was made famous by the late Seamus Heaney, the Nobel laureate for literature, when he spoke about the Flaggy Shore. All of this can be found on Galway Bay.

I sincerely hope those charged with developing the programme for Galway's year as European capital of culture will extend it to the city's hinterland which is rich in heritage and culture. This would immensely increase the value and lived experience of the hundreds of thousands, if not millions, of people who I hope will come to Galway. Their stay will be enriched, enhanced and developed if they experience the culture north County Clare has to offer.

The programme for the city of culture is great. There is a lot happening. It is very energetic

and powerful. Culture has played a significant part of our economic recovery. The right person is at the helm of Galway 2020 and will drive the programme. I look forward to great things and I know that we all will experience great things as a result.

Acting Chairman (Senator Gerry Horkan): I am not sure if anyone else has mentioned the fact that this is the first time that the Minister has appeared here since her elevation to Minister for Culture, Heritage and the Gaeltacht. The Minister and I were both county councillors in the same area not that long ago. It is great to see another Stillorgan person doing well. I congratulate her on her appointment and I know all Senators wish her well in her role. I call on her to conclude the debate.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I thank the Acting Chairman and the Leas-Chathaoirleach, Senator Paul Coghlan, who was in attendance earlier, for their kind words. I am grateful for and appreciate all of the contributions made by Senators here today. It is great to see their passion, energy and interest in this project.

As I outlined in my opening address, the Government will provide €15 million to support Galway as the European city of culture. I am confident that we have a strong team who will develop a strong programme for the year. The project will be an amazing opportunity for the whole of the west of Ireland. It also offers us an opportunity to celebrate what we do best and to remind ourselves of our strong connections with the whole of Europe.

Senator Davitt mentioned councillors and how city and county councillors worked together. He is not present. I welcome the idea of holding board meetings in various parts of the county and holding workshops in the regions. The initiative will ensure maximum involvement by the community. He mentioned that there are 300 documented artists in Galway, which I thought was an interesting figure. He also mentioned the Irish language, which is important.

Senator Billy Lawless said he is a native of Galway and, therefore, this project is close to his heart. He mentioned the ambitious project of having 400 people walk a tightrope, which is called funambulism.

Two projects will focus on migration and immigration, which are important. One of the projects is called Dul Amach, which means “go out”, and the other is called Tar Isteach, which means “come in”. The Galwegians will welcome visitors to the region just as they did when many towns played host to people during the Special Olympics.

The Senator mentioned the plans to reach out to the diaspora. They can enjoy the virtual European capital of culture.

The Senator mentioned the Circle of Life Commemorative Garden, which was established by the parents of Éamonn Goggin. The garden formed part of the Galway itinerary of the panel of jurors on their first visit to Galway. They assessed the bid by Galway *in situ* as well.

The Senator mentioned the Volvo Ocean Race. New citizens to Galway were also mentioned. We must ensure that they get involved in this celebration.

Senator O'Mahony spoke on behalf of his colleague, Senator Maura Hopkins, and talked about legacy. Galway has always been a capital of culture and the legacy conference will take place in 2018. A group of 64 leaders will come together to determine the focus of the legacy of Galway 2020 because it is important that the initiative continues after the year concludes. As

24 January 2018

someone alluded to earlier, we do not want it to be just a moment in time. We must capture and harness the energy and passion generated by the project and deliver that into the future. In this way the programme will remain on track. I am sure that the programme will inspire people to love where they live and live where they love.

I noted the GAA background of Senator O'Mahony. I like the fact that he mentioned the symbolism of Galway in terms of Brexit. He made the important point that we should heal divisions and make sure that we build and strengthen the relationship between Ireland and the UK.

Senator Gavan mentioned that Limerick has been the national capital of culture. The scheme compares very favourably with the European capital of culture. Galway 2020 has decided to publish its material in Irish and English in order to be inclusive as a bilingual city and to support Gaillimh le Gaeilge.

The Senator mentioned the by-laws. As he will know, the local authority will take cognisance of the by-laws. I am happy that the councillors will consider the matter as well. There is a balance to be struck between street performance and protecting people from anti-social behaviour and excessive noise. I am sure that the councillors will work on the matter and will consider blueprints used by other European cities.

I thank Senator Higgins for her contribution. Galway has nine strategic partnerships with neighbouring counties, including Dublin, as a national gateway. There is engagement with young people and people with special needs. I do not think that I mentioned elderly people in my speech but they are important too. In one particular area of Galway lacemaking was very popular. I would like to see such heritage celebrated as part of the programme. Galway 2020 is not just specifically for the young. We will provide for the next wave of the Druid Theatre Company, Macnas, Galway International Festival, and Baboró, the international arts festival for children.

Senator Higgins suggested that real artists should be part of the board. Leon Butler and Christopher Greene are on the board. They represent the digital sector, youth and artists, together with John Crumlish from the Galway International Arts Festival. The members of the board will go to local authorities and will speak to local artists. Galway 2020 is very much about listening to artists and does not exclude anybody. The programme aims to bring everybody on board and will offer artists the opportunity to showcase their work and performances.

The initiative called Small Towns, Big Ideas will be launched on 29 January. I liked the language used by the Senator, particularly when she said: "This is a moment for sea change" and "the spirit of participation". She also mentioned the Inish festival and she was right to highlight that festival.

Senator Colm Burke mentioned that Cork was the European city of culture 2005, which was a great success. Ms Mary McCarthy is chair of Culture Ireland but she was the deputy director of Cork 2005. She had made herself available to assist with the current bid. All of that experience will be linked with Galway 2020 to ensure that all of the positive aspects are put forward.

I am very happy that Professor Declan McGonagle will represent my Department and that Ms Aideen McGinley will chair the board. Both of them have experience of the European capital of culture scheme. Galway 2020 will also see an increase in the number of conferences being held.

Senator Ó Clochartaigh spoke during the debate. Many years ago I attended the Irish colleges of Coláiste Chiaráin and Coláiste Columba in County Galway. I shall not speak here in Irish but I can confirm that I enjoyed the time I spent there learning Irish. I appreciate the fact he addresses the House in Irish as it is important to do so. Most of the Senators have alluded to the importance of the Irish language, landscape and emigration. Those are the main three themes of Galway 2020. It is important that we ensure the Irish language plays an important role because it is integral to who we are. I take note of what the Senators have said.

The figures are in the public domain. Each project has been costed. The Melissa McCrory prize is awarded in line with EU regulations and ongoing monitoring ensures that it meets same. There are also regular meetings with the CEO of the commission.

I am aware of the interview with Mr. Chris Baldwin who was newly appointed creative director. His role is to programme the European capital of culture. He was appointed following a vigorous interview process. He has experience of running large events. I welcome all of the questions and I am happy to work with the board on same.

Senator Norris is not here but he mentioned food. I enjoy Galway oysters but not everybody does and they should be very much included in Galway 2020. A project called Edible Towns and Villages will undertake to turn towns into edible landscapes in partnership with the organisation called European Region of Gastronomy. It is planned to have community gardens and plant fruit trees in schools. Senator Norris is quite right about all of that.

The Senator mentioned literature. Social isolation will be addressed in both the Tar Isteach and Dul Amach projects. The Sea Tamagotchi is a project that will collect the words of coastal communities and words of minority languages, including Connemara in Ireland, Galicia in the Basque country and the Sami territories in Norway.

Senator Maria Byrne is not present but I thank her for mentioning Limerick. I can confirm that Limerick had 156 projects and 1,630 performances. The cultural programme supported 2,400 artists from Limerick and 1,060 artists from outside of Limerick city. Of course, Limerick was a national city of culture too. All of those experiences will be brought forward into Galway 2020.

I thank Senator Boyhan for his comments. I note what he said about multiculturalism. I very much agree with him that we must celebrate our diversity in terms of the community of Galway and the west of Ireland and Europe. UNESCO was also mentioned, which is part of the Government programme. I would be delighted to come back at some stage over the next few months and update the Members on my Department in line with our proposals in the Programme for a Partnership Government, which I helped to negotiate. It was nearly two years ago. I will be delighted to come back and update Members on progress.

I thank Senator Conway for his comments. Heritage is very important. It benefits the regions. Strategic partnership will be key to spreading the benefit of Galway 2020 to all counties west of the Shannon. I note his comments relating to Clare. It is important that all contributions are taken in across Ireland. One thing that Galway 2020 does not want to do, and the same with any other county hosting something like this, is to exclude other counties. I refer to the wisdom, knowledge and experience that they have in relation to this. We will be bringing that onboard.

I thank the Acting Chairman for having me here today. If anybody needs to speak to me, or my Department, at any stage, please feel free to do so.

24 January 2018

Acting Chairman (Senator Gerry Horkan): I thank the Minister. I was in Coláiste Cholumba as well in Cheathrú Rua. Ciaran Bheag was where I stayed. Perhaps Senator Ó Clochar-
taigh could arrange a trip for us all to go back?

Senator Trevor Ó Clochartaigh: Someday in Cheathrú Rua.

Acting Chairman (Senator Gerry Horkan): It is all being mentioned this afternoon. It might have been Senator Davitt rather than Senator Nash who was the first contributor.

Deputy Josepha Madigan: My sincere apologies.

Acting Chairman (Senator Gerry Horkan): That is fine. I thank the Minister and ask the Acting Leader to propose a suspension until 3 p.m.

Senator Martin Conway: I propose that we suspend until 3 p.m.

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

Sitting suspended at 2.10 p.m. and resumed at 3 p.m.

Agriculture: Statements

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I thank Senators for giving me the opportunity to address the House on the current status of the areas of natural constraint, ANC, scheme review, payments made under the green, low-carbon, agri-environment scheme, GLAS, the current fodder problem and native cattle breeds.

The ANC scheme is one with which farmers across the country are familiar and an important support for many. As it stands, it was introduced under the rural development programme 2014 to 2020 as a replacement for the previous disadvantaged areas and less favoured areas schemes which had been in place since 1975. Payments under the ANC scheme are an important support for farmers across the country in addressing cash flow issues and contributing to the continued growth and development of the agrifood sector. The scheme was originally introduced in 1975 in recognition of the fact that farmers in particular areas were faced with challenges related to lower productivity and higher production costs than farmers in other areas where levels of disadvantage were not as pronounced. Given that the scheme has been in place in various guises for over 40 years, it is no surprise that the farming community is interested in how it will develop in the coming years.

The scheme was originally based on addressing issues such as rural depopulation, threats to the conservation of the countryside, lower income levels and the presence of lands which were more difficult to farm efficiently. Since its introduction, the scheme has been subject to several reviews at EU level. Ireland was successful during the course of those reviews in ensuring areas facing particular difficulties and additional costs would be included as eligible under the scheme. From the first review of the scheme in 1976 through to the fifth review in 1996, the number of hectares included as eligible under it grew, from just under 4 million to over 5 million. At the same time, the reviews also resulted in more land being designated as having higher levels of disadvantage which attracted higher levels of payment. Accordingly, the scheme has a long history of review and refinement since its introduction.

The significant level of financial support delivered through the scheme since 1975, as well as the changes to eligible land in Ireland as part of the various reviews, shows recognition of the fact that the challenges faced by farmers in certain areas pose a significant threat to the future viability of farming communities. The specific objectives of the scheme are, therefore, structured around themes such as ensuring continued agricultural land use, thereby contributing to the maintenance of a viable rural society, maintaining the countryside, as well as maintaining and promoting sustainable farming systems which take environmental protection into account.

I am aware of the importance of the scheme to the more than 95,000 farmers who receive the payment annually. With this in mind, I have prioritised in my Department in recent years the efficient making of payments under the scheme. The scheme is currently structured around a tiered payment structure. Those farming on what is called mountain-type land receive €109.71 on their first ten forage hectares and €95.99 on the remaining hectares up to a maximum of 34. Farmers with land categorised as more severely handicapped lowland are paid €95.99 per forage hectare up to a maximum of 30 hectares. Those with less severely handicapped lowland are paid €82.27 per forage hectare up to a maximum of 30 hectares.

As part of the negotiation of the new rural development programme, a new category was added to the scheme in 2015. In recognition of the particular barriers and costs island farmers face, a new category of payment was introduced for offshore island farmers. Farmers on offshore islands now qualify for payments of €250 per hectare on the first 20 hectares, €170 per hectare on the number of hectares between 20 and 34 and €70 per hectare on the number of hectares between 34 and 40. In 2017 payments under the scheme began in mid-September and, to date, €201 million has been paid to 94,000 farmers. With the payment of €1.16 billion to 122,500 farmers under the 2017 basic payment scheme, this is important financial support for the agrifood sector and families in rural Ireland.

In the light of the importance of the ANC scheme, the programme for Government included a commitment to provide an additional €25 million for the scheme in 2018. I am pleased to confirm that this commitment was delivered on in budget 2018. There are several options for allocating the additional money under the 2018 scheme, ranging from a flat rate increase to a more targeted approach based on the levels of constraint faced by farmers. The options are being considered and I expect to be in a position shortly to commence the formal amendment of the rural development programme required to allocate the money. The amendment process will include consultation with stakeholders.

Under the new Common Agricultural Policy, CAP, which was finalised in 2013, the new rural development regulation introduced a change in how eligible areas under the ANC scheme were to be defined. The designation of eligible areas under the scheme to date has been based on a range of socio-economic factors. They include particular stocking density levels, family farm income levels, population density and the percentage of the total working population engaged in agriculture. The change introduced in the new rural development regulation required that from 2018 eligible areas instead be designated using a set list of biophysical criteria. The purpose of the change was linked with a concern at EU level that areas were not being designated as disadvantaged in a consistent manner across the various member states.

Following consultation at EU level, the date for introduction of the new designation has been changed to 2019. The biophysical criteria set out in the legislation to underpin the new system of designation are low temperature, dryness, excess soil moisture, limited soil drainage, unfavourable texture and stoniness, shallow rooting depth, poor chemical properties and-

or steep slope. My Department has commenced work on this project and relevant technical experts are working on sourcing and analysing the data for the new criteria. Departmental officials have also been in contact with the European Commission's Joint Research Centre and the Directorate-General for Agriculture and Rural Development, DG AGRI, on technical issues arising. As the technical work is ongoing, accordingly, it is not possible to set out the final set of areas which will be eligible for payment. However, given the importance of the ANC scheme in the Irish context, officials in my Department are continuing to engage with our colleagues at EU level to ensure the best possible outcome to the review is secured. I am also aware that many farmers will have a direct interest in the outcome of the process. Accordingly, I expect consultation to take place with key stakeholders as the process develops further.

Such is the popularity of GLAS, the original target of 50,000 participants was surpassed well ahead of the target date. Given that the first approvals under the scheme run from 1 October 2015, it was a remarkable achievement to exceed the target within a period of 15 months. There is a maximum annual payment of €5,000 under the general scheme, with provision for payment of up to €7,000 under what is known as GLAS+, where the farmer is required to make exceptional environmental commitments in a limited number of cases. Last year we paid out almost €200 million under GLAS and we continued the payments each week into the new year.

GLAS, like previous agri-environment schemes, supports participants in improving their agricultural productivity and practices in a sustainable manner. The scheme delivers overarching benefits to the rural environment and addresses the issues of the mitigation of the impacts of climate change, the enhancement of biodiversity and the improvement of water quality. GLAS provides valuable support for participants who deliver public goods and environmental benefits that enhance the sustainability credentials of Irish agriculture.

GLAS is co-funded by the Exchequer and the European Agricultural Fund for Rural Development. As required under the EU regulation, two payments issue in respect of each year, namely, the advance payment and, at a later stage, a balancing payment. In 2016 and 2017, the advance payment constituted 85% of the annual payment, with the balancing payment accounting for the remaining 15%. Advance payments have already issued to more than 41,000 of the currently 49,700 active GLAS participants, bringing to €196 million the amount paid out under GLAS since the start of 2017. When ineligible cases are deducted this means 88% of eligible applicants will have been paid. GLAS pay-runs are continuing weekly and more farmers will receive their 2017 advance this week.

In approximately 3,000 of the outstanding cases, applicants remain ineligible for payment until they complete the steps they must take before the Department can process their payment. There is nothing we can do to advance these payments until the applicant completes his or her obligations. In most of these cases, these obligations relate to outstanding documentation the applicant must submit. As soon as this documentation is received and assuming everything is in order, my Department will move immediately to issue payments. The main issues include the need for advisers to submit a farm nutrient management plan to the dedicated online system, commence a commonage management plan in the case of participants with a commonage action or submit the required documentation in the case of the low emission slurry spreading and rare breed actions.

Let me be very clear, many of these cases do not involve delayed payments, as has been suggested. It is simply not possible for my Department to make these payments because the participants have not met the requirements. The requirements are clearly set out in the terms

and conditions and specifications of the scheme, which were first published in October 2015. Also set out were the implications for not complying with the various requirements. We are keenly aware of the need to process and issue all payments without delay. Updates are published weekly on my Department's website and these clearly show that steady progress is being made in reducing outstanding cases. While my officials are prioritising the clearing of cases, in circumstances where a farmer is contacted for additional information, it is important that the request is responded to because the information requested is essential to finalise all checks.

While the issue of payments is of the utmost importance, it is also important to recognise what the scheme is delivering in terms of the environment and public goods and the buy-in to the scheme by the farming community in achieving and in some cases surpassing the targets set out in the rural development programme. These achievements include that the low input permanent pasture and traditional hay meadow actions are delivering more than 350,000 ha of diverse grassland species. Moreover, 29,000 km of river bank are being managed to protect rivers from pollution under the protection of watercourses from bovines and riparian margins actions. More than 200,000 ha of farmland bird habitat are being managed to protect bird species and more than 20,000 ha of wild bird cover have been planted, providing winter feed for farmland birds. In addition, 2 million trees have been planted and almost 5,000 farmers are using new technologies to spread slurry. Approximately 10,000 ha of arable land have been cultivated using minimum tillage techniques. These achievements will deliver public goods across the key areas of water quality, biodiversity and climate change which are addressed under the scheme and they will place Ireland in a positive position in discussions on future agri-environment schemes.

I understand the matter of cattle breeds native to Ireland and what is being done to ensure their future has been raised in the House. My Department recognises there are a number of rare breeds indigenous to Ireland that are emblematic of our farming and animal husbandry heritage. We are conscious of the need to maintain biodiversity on a national and global basis. In a food producing context, this objective inevitably faces an uphill struggle in the face of commercial pressure to produce more efficiently and at ever more competitive prices. Four cattle breeds native to Ireland fall under the heading "Rare Breeds", namely, the Kerry, dexter, Irish moiled and droimeann breeds. The management of these cattle breeds is co-ordinated by my Department, with the assistance of a national advisory committee. My Department provides a wide range of activities and services in a number of areas to retain and promote these native cattle breeds.

My Department's role in this area is defined in a number of international agreements such as the Convention on Biological Diversity. In its role of providing the characterisation of rare breeds, recording their inventory and monitoring trends and associated risks, my Department assists with animal identification, registration and herdbook activities. The operation of a herdbook that meets EU legislative requirements is a basic requirement for all breeds and my staff provide significant assistance to each rare breed society in this regard. My Department compiles animal data to monitor trends in animal numbers through an EU online database which is connected with all other EU countries. It also helps with the characterisation of the rare breed animals and their genetic evaluation. These services are provided through the Irish Cattle Breeding Federation or geneticists in the Teagasc campus at Moorepark. Significant funding is provided by my Department in this area.

Each breed must have a breed conservation plan and a wide range of supports is available in this area. My Department operates a research fund that provides funding for DNA and genomic analysis, both of which are essential in providing mating plans and checking for inbreeding.

Funding for all rare breeds is regularly provided from this fund.

My Department also funds the collection and storage of AI straws from rare bulls for future storage and use. It has provided funding for a number of native breeds conferences and festivals, as well as websites on breeds to promote their use, and for the general education of breeders and stakeholders.

My Department operates the national advisory committee for the management and conservation of genetic resources for food and agriculture, which provides expert guidance on the best methods of conserving these breeds. The advisory committee on genetic resources for food and agriculture was established in 1996 to advise and aid in the development and implementation of plans aimed at achieving the development and utilisation of genetic resources, their identification, evaluation, conservation, promotion and marketing. My Department regularly participates in international and EU programmes aimed at co-ordinating the management of genetic resources.

In its role of providing for the sustainable use and development of rare breeds, my Department provides assistance in the preparation and implementation of the national biodiversity plan, which has as an objective the conservation of native cattle breeds. It operates the beef data and genomics programme, which provides financial assistance to farmers keeping these breeds and improves data collection. It also provides continued financial support to farmers in the GLAS, which provides targeted support of €200 per livestock unit, that is, per cow, for these breeds. This is a significant support to these breeds. The Department also operates the Kerry cow scheme, which provides direct assistance to farmers who keep animals of this breed.

In its conservation role, my Department provides help and support in a number of ways, including the development of a conservation strategy for Ireland's native rare farm animal breeds; the collection and storage of semen from all rare cattle breeds, including Kerry and Irish moiled cattle, with a view to creating a national gene bank; and the DNA typing of bulls in the Kerry cattle herdbook.

In summary, in partnership with owners of rare breed herds and breed societies, my Department implements a number of policies to help conserve and, if possible - through the use of best practice breeding methods, advice and engagement from staff and State agencies - develop and enhance our national stock of rare breed animals. These policies are supported by targeted financial support through certain grant schemes which help subvent the owners of rare breed herds with modest but important financial assistance aimed at compensating for the extra costs involved in maintaining these animals.

On the issue of fodder shortages, I am aware that weather conditions for much of this autumn and early winter have been challenging for farmers in some parts of the west and north west in particular. Difficulties in harvesting fodder in some of these areas were compounded by the need to house livestock earlier than usual, which resulted in additional pressure on fodder supplies over the course of the winter. I addressed these challenges last autumn through the early issue of farm payments and payments under the areas of natural constraints scheme. Together, these schemes injected more than €1.3 billion into the rural economy by the end of last year. They are providing a welcome boost for Irish farm families and will help to finance additional fodder purchase, where necessary. At this time I also requested Teagasc, through its farm advisory service, to identify farmers who would be most at risk of running out of fodder and to provide them with support to carry out fodder budgeting on their farms and explore all

viable options to ensure they had sufficient feed for the coming winter. As a further response I convened a fodder group last December, chaired by Teagasc, to ensure a co-ordinated response to the fodder problem across all the main stakeholders. The group included representation by local Teagasc staff, feed merchants, co-ops, banks and the farming bodies. The group met again earlier this month and reported back through my officials on the situation on the ground.

While I believe that fodder remains available across the country, I am nevertheless conscious that a key issue to resolve is the cost of transporting fodder between those areas where it is available and those where it is scarce. To address the problem I am introducing a fodder transport support measure to provide additional assistance to those livestock farmers most severely affected by the prolonged wet weather last autumn, mainly in parts of the west and north west. Farmers who have an identified fodder shortage, having completed a fodder budgeting exercise with their agricultural adviser, will be eligible to receive a financial contribution towards offsetting the cost of transport of fodder in excess of 100 km. As fodder is traded between farms regularly, it is essential that the support measure is targeted at those who most need it and does not impact on the normal functioning of the market for fodder. It is for that reason a minimum transport distance applies. Eligible applicants will receive a transport contribution of €8 per standard bale of hay or straw for feeding, and €12 per standard bale of silage or haylage.

Financial assistance under the fodder transport support measure is payable in accordance with Commission Regulation (EU) No. 1408/2013 on *de minimis* aid in the agricultural production sector. While this measure builds on my early supports to farmers through prioritisation of farm payments, and the convening of a fodder group, I urge affected farmers to avail of the additional fodder budgeting support being provided by Teagasc. This measure will apply until 20 April 2018. Application forms and details on the operation of the measure will be available from my Department in the coming days. I thank the Members of the Seanad again for the opportunity to brief them on these very important issues for the farming community.

Acting Chairman (Senator Gerry Horkan): I thank the Minister very much for his comprehensive statement.

Senator Paul Daly: I thank the Minister for his statement and welcome him to the House. Fianna Fáil is committed to protecting and developing agriculture for the 140,000 farming families in Ireland who are the main driver of the rural economy and the custodians of the Irish countryside. We believe in the family farm model of agriculture that puts environmentally and socially sustainable farming at its heart. Fine Gael has undermined that model by reducing the budget for Common Agricultural Policy, CAP, payments, introducing a disproportionate penalties regime, delaying payments, operating highly bureaucratic schemes and repeatedly presiding over annual underspends in the Department of Agriculture, Food and the Marine, for example, an underspend of €78 million in 2017.

The agrifood sector supports 300,000 jobs in rural communities and is the largest indigenous industry in Ireland, with food and drink exports reaching €13.5 billion in 2017. When in government, Fianna Fáil introduced the visionary Food Harvest 2020 strategy for the period 2010 to 2020. Food Wise 2025 has been generally welcomed by industry, but its ultimate litmus test will be if it delivers fair prices and profit levels for farmers on the ground. Currently, Irish farmers are being crippled by low prices, market volatility, labour shortages, bad weather and a lack of competition in some sectors. Combined with that, stark challenges remain on the international front, including the EU trade talks with South American beef producer nations and the UK exit from the EU, in addition to having to meet our climate change responsibilities.

The European Commission has published a communication, *The Future of Farming and Food*, with a view to orientating future CAP policy post 2020. Some of the major suggestions include lowering the ceiling on basic payments and shifting to member state level the design and delivery of some CAP measures. Fianna Fáil has put forward a clear set of proposals for future CAP reform. They include working for a fully funded, fair, and simpler CAP that safeguards direct payments, ensures policy is aimed at increasing farm profitability and strengthens the position of the primary producer. We also wish to introduce a maximum basic payment of €60,000 and fair farm inspections with an end to disproportionate penalties. We want to safeguard farmers and Irish agriculture from the impact of Brexit and incentivise generational renewal in farm families. We still support and push for a farm payment of €200 per suckler cow.

At the best of times farmers experience severe cashflow problems and they are finding it incredibly difficult to secure credit from banks to use for on-farm investment. Budget 2018 created a €300 million low-cost loan fund for SMEs via the Strategic Banking Corporation of Ireland, SBCI, and a further €25 million was allocated in budget 2018 for the development of further Brexit response loan schemes for farmers, fishermen and food businesses. Further SBCI and European Investment Bank funds need to be deployed to safeguard the agrifood sector as it is the sector most exposed to Brexit. Fianna Fáil believes that the SBCI should also be permitted to lend directly to farmers and rural enterprises.

The areas of natural constraints, ANC, scheme is a vital source of income for nearly 100,000 farmers that injects €225 million directly into rural communities. Fianna Fáil successfully campaigned to get agreement from the Government for €25 million in additional ANC funding in budget 2018. It is vital that increased ANC payments go to those on the most disadvantaged land. Restoring ANC payments to 2007 levels remains a key Fianna Fáil policy.

Deputy Michael Creed: After cutting it.

Senator Paul Daly: I welcome the Minister's announcement on the fodder crisis. However, despite repeated calls for a fodder support scheme, the Minister has only indicated his intention to help pay for the transportation of fodder. Farmers in many areas across the west and north west are experiencing severe fodder shortages. That is putting a massive financial strain on already hard-pressed farmers and the Minister's announcement will do very little to help those farm families. We have been calling for a meal voucher scheme to be rolled out as a matter of urgency, and given the huge departmental underspend last year, there is no reason some of this money could not be directed to assist affected families. A meal voucher scheme would help fund the increased use of cereal-based concentrate feeds on farms in affected areas and would allow farmers to reduce significantly their requirement to feed grass-based fodder, which is in short supply. During similar previous crises, Teagasc developed meal with a forage content and that would be suitable for use as a feed as it would provide the forage requirements needed by the animals.

There is a need for permanent funding to be sought to protect farmers from losses incurred during severe weather. There seems to be an ongoing crisis in that regard every year. Unfortunately, the Government chose not to include a measure in Ireland's Rural Development Programme 2014-2020 which would compensate farmers from losses caused by adverse weather. Under the available suite of measures, member states can provide for funding for the restoration of agricultural land and production damaged by natural disasters and adverse climatic events. Not only do we have a fodder crisis but last year there was a tillage crisis and the grain sector suffered most from the climatic conditions. Tillage farmers are desperately hoping that dry

weather will take hold so their harvest will not be destroyed for a second year in a row.

I wish to address the issue of a dairy intervention with the Minister. As he may be aware, Fianna Fáil has requested that he urgently attends the Joint Committee on Agriculture, Food and the Marine to outline his backing for the removal of EU price supports to dairy farmers. We are very concerned that the Government has given a blank cheque to the European Commission's proposal effectively to remove the floor price for skimmed milk powder, SMP. The move represents a significant reversal of EU policy. Since the CAP reforms under Agenda 2000, intervention has served to act as an effective floor price and eliminate the more extreme negative price fluctuations. This safety net has given certainty to dairy farmers and removing it for any period is playing with fire. The Minister must seriously reconsider his support for the agreement to reduce the quota for intervention from 109,000 tonnes to zero. If that goes ahead, the price of milk at the farm gate will seriously reduce. We are all well aware of the massive investments made by farmers in the dairy sector, in particular in recent years. While some might have the impression that there is a good price for milk, most of them are up to their necks in debt. This change to the skimmed milk powder intervention, as the Minister is quite aware, will bring down the farm-gate price of a litre of milk. Next year, it will not be fodder or cereal growers but dairy farmers who will be knocking on the door of the Minister. Prevention is the best cure in many instances. There is still time to make sure this does not happen.

Senator Victor Boyhan: I welcome the Minister for Agriculture, Food and the Marine and thank him for his comprehensive statement on agriculture. I note his comments and response, and the attention to detail he has given to the review of the areas of natural constraints, ANC, scheme, the green low-carbon agri-environment scheme, GLAS, the fodder problem and cattle breeds. I do not know where that list came from or who conveyed it to the Minister, but as he knows, there are greater issues. I am not going to rehearse those issues, because I think he has given a very satisfactory explanation in regard to them, and there is no point in repeating that.

I took the trouble to revisit A Programme for a Partnership Government. This is the blueprint for the Government and, in fairness, a lot has been achieved. I want to start off on a really positive note. Between page 108 and page 120, there are 13 pages with 14 key overarching objectives for the Government's plan. This Government was courageous and brave enough to set down an agreed programme in print. It is incumbent on all parties and politicians, be they party members or Independent, to ask the Government to account for its stewardship and delivery on its programme, which its members set out as their programme, not our own. I want to acknowledge that. I suggest that we go through the programme some other time the Minister comes before the House to gauge the Government's success six months down the road. It is important that we continue to go back to the agreed programme.

I want to mention several issues, some of which the Minister touched on earlier. One of these issues was the fodder crisis. We all know there is a fodder crisis, after an extremely poor summer resulting in poor crop and poor returns of silage, hay and grain. This has had an impact on farmers. Farmers are having difficulties turning out cattle as a result of the bad rain and flooding over the last months, and they are facing the challenges associated with that. I note the Minister's suggestion of a transport subsidy or support, but fodder has become expensive. It is a commodity.

I was in Galway recently speaking to farmers. The other day I was in Leitrim speaking to farmers. There are exorbitant prices for fodder in certain cases. Farmers in Cork and farmers in the west are very different. The Minister does not need me to point that out to him. However,

there is a problem there. Fodder has become expensive. When there is a demand for a commodity, it becomes dear. We need to acknowledge that. I ask the Minister to consider some sort of voucher scheme for meal or some other form of fodder to assist farmers, particularly smaller farmers, who are experiencing real difficulty.

I wish to mention some of the more positive trends. I want to acknowledge the enormous work that Teagasc is doing. Teagasc is working with rural development and training agencies to improve viability and the quality of life in rural areas. Teagasc has several workshops, some of which I have attended, covering a range of diversification issues, including agritourism, food, organics, goats, forestry, renewable energies and much more. There is also a growing interest in the development of artisan food and business in agriculture.

I also want to acknowledge the BIA Innovator Campus, associated with and supported by Teagasc and Galway County Council, and the work done there. In recent times they have aspired to create more than 360 jobs. That is a very important aspect of their work. That work is going on in Teagasc's facilities in Athenry, County Galway, and has the backing and the collaboration of industry, Enterprise Ireland and the farming community. The important thing in agriculture is innovation through adding quality to products, and diversification. These are challenges for all farmers, be they big or small, and I know the Minister acknowledges that.

I ask the Minister to comment on how we can look again at rebuilding the sugar industry. I attended a meeting in Castledermot recently. Between Castledermot, Carlow and Kilkenny, it is suggested that a potential plant has been identified for the processing of sugar beet. There are great opportunities to bring back sugar beet in this country, particularly in some counties. Growers are keen. There seems to be a desire to get back into sugar beet. I do not know the Minister's plans for that. Perhaps he could share them with us.

I always talk about Ireland as the green island of opportunity for quality food. That is what we must be. I ask the Minister to talk more about that.

I know that this next topic pertains to the Department run by Deputy Creed, but it is an area that I understand we spoke about in the Seanad today. I refer to our discussions with the Minister of State at the Department of Agriculture, Food and the Marine, Deputy Andrew Doyle, about Coillte and forestry. I attended a meeting of the Irish Natura and Hill Farmers Association last weekend. I am not going to rehearse everything I have said already today, but there are severe challenges in Leitrim, Mayo, Galway and Roscommon. Where Government policy on forestry is concerned, I understand that the EU carbon emissions targets have to be met. However, I am not quite convinced that blanket forestry of sitka spruce all over these regions is the way to go. We need to talk again about sustainable forestry. We need to talk about broad-leaves, rural communities and their survival.

I am also somewhat concerned that I have learned that there is no right to make freedom of information requests of Coillte. The Minister for Agriculture, Food and the Marine and the Minister for Finance are the primary shareholders in this company. We need to address transparency and access to information. I understand that Coillte is a private company, it has a strict mandate and it has to deliver. However, I will address this issue with the Minister at another time.

I want to talk about food traceability and the quality of our food, and the opportunities that go with that in Europe. This presents challenges and points the way forward. I draw Members'

attention to Making a World of Difference, Bord Bia's policy and strategy document, which the Government has wholly endorsed and included as a key objective in the programme for Government.

There are challenges facing us, particularly in the area of employment. There are huge employment opportunities in agriculture. New challenges face this country. Many people who want to come here, through the asylum process or other channels, want to work here. There are labour shortages within agriculture. I would like to see Teagasc and the Minister's Department pushing for more apprenticeship-like farm training. Teagasc does a wonderful job. Its representatives gave a presentation here recently in which they identified the need to develop apprenticeship-style agricultural hands-on training. I think there are major challenges, but there are also major opportunities in this area, and I hope the Minister will work on them.

I want to make a few requests. Will the Minister co-operate with Teagasc to explore apprenticeships and training? Will he explore water attenuation grants? There is a huge capacity to retain rainwater on farms. There is an infrastructure, though not a huge one, in water attenuation grants. There is also a potential to develop that area. Would the Minister consider further exploration of organic products, including foods and soft fruit? There is a range of opportunities for diversification in agriculture and horticulture.

The Minister might come before the House at a future time so that we can re-examine the programme for Government and its key objectives. They are good objectives. There are good stories in agriculture. Yes, there are setbacks and disappointments, but there is a hell of a lot going on in agriculture and horticulture innovation, and there are great possibilities for a green island of Ireland.

Senator Michelle Mulherin: I welcome the Minister. Without a doubt the most immediate and pressing issue in the north and north west of the country is fodder. The continuously wet weather that people have been experiencing more or less since last summer, as previously outlined, has affected farmers' ability to save silage, hay and so on. It has also caused them to house animals at an early stage, putting more pressure on limited fodder. I welcome the Minister's response, including the setting up of the fodder transport subsidy scheme. This is very important. Farmers who can see that they are or are about to be affected, or who face the imminent threat of running out of fodder, need to act.

At the initial stages of the crisis, the Minister asked Teagasc to conduct a study of where fodder shortages might exist. What was the nature of the report back to the Minister on the matter? What numbers of farmers are involved? What is the situation in individual counties? Can the Minister paint a picture of the more empirical findings? Farmers complain of the problem to me. We know farming organisations have been highlighting the issue. We would benefit from knowing what Teagasc has come up with.

It has not stopped raining - that is the problem. This is also leading to problems with holding tanks in slatted houses. I am unsure what the Minister can do, but people cannot put animals on the land and the holding tanks are full to the brim. It is beyond difficult and depressing for farmers at the moment. They are on the land battling with all of this and there is no end in sight. If current conditions run for another while, it will only compound the issue. I am keen to hear the views of the Minister in respect of the establishment of a meal voucher scheme. At what point will the Minister consider that?

The most critical issue, aside from the weather, is the upcoming meeting of Ministers on the EU Mercosur agreement. We all know there is a serious threat to beef. There is potential for significant tonnage of beef to be imported from South America on top of what has already been taken in. Our beef and livestock sectors are significant to us. Some 90% of output is exported and the sectors are worth €2.5 billion to the Irish economy. An estimated 100,000 farmers are involved and 20,000 people are employed in marts, merchants, transport and input supplies. This could have far-reaching consequences, more immediate than Brexit.

Farmers will be competing with countries we are better than in respect of traceability, food safety, animal health and environmental standards. I presume the Minister will attend the meeting. How does the Minister see us positioned? We have allies in the French. This is serious. We have invested seriously in agriculture. Everything needs to be done to protect the interests of the farmer. If we do not protect the farmer, we will end up not meeting the targets in respect of Food Wise 2025 and so on. There will be a further exodus of farmers from the land.

Another issue that I raised previously will not go away any more than the bad weather will not go away. This relates to climate change and the requirements on the agricultural sector. Farmers are getting a great deal of unbalanced or bad press. Previously when the Minister was in the House, I cited the analysis done in the Citizens' Assembly. It was altogether unfair. I have heard from Department officials who are charged with this area of all the efforts and significant measures farmers have had to take and are taking. More will be needed - no one is disputing that whatsoever. However, farmers are already weighted down with all the efforts they must make, none of which are recognised at conventions such as the Citizens' Assembly. This must be disappointing for farmers.

I saw an interview from the European Parliament on Monday. I was rather shocked at one of our MEPs, the Sinn Féin MEP, Ms Lynn Boylan. She slammed farming practices in Ireland. Furthermore, she stated that our ambition to increase exports of dairy to Asia was unsustainable. Apart from being unpatriotic in the face of us dealing with Mercosur negotiations, Brexit and the new Common Agricultural Policy, in respect of which we are already coming under pressure from significant green lobbies, it shows considerable ignorance of all the efforts farmers are making. Almost every scheme or agricultural practice is informed by environmental considerations. Farmers play a considerable role in ensuring water quality, biodiversity and climate change. Since 1990 there has been a 6% reduction in agricultural emissions notwithstanding a 40% increase in output from farmers. Ms Boylan did not seem to know, or it did not seem to bother her, that we are the most efficient in the world in carbon emissions in the dairy sector and the fifth most efficient when it comes to beef production in Europe. There was singling out of farmers and a suggestion that dairy should be pulled back and that we should reduce the suckler herd and so on. The reality where I live is that we have the co-operative Aurivo as well as several other co-operatives. Larger co-operatives such as Kerry and Glanbia would shut down if we did not look for export markets. Why not get dairy and beef from the most carbon-efficient producers, such as Ireland?

We have carbon emissions and work remains to be done. However, given that it is the biggest industry in the country, the comments represent poor form at a time when we need to see solidarity in Europe. We need to see people fighting our corner. Many people would like to pull the rug from under us, whether in respect of corporate tax or our farming. Moreover, I am keen to note all the success stories that have made up the recovery of our economy.

A body of work needs to be undertaken now. This is something the Oireachtas Joint Com-

mittee on Agriculture, Food and the Marine encountered on a visit to Europe. We found a lack of awareness or appreciation of the work that farmers and the Government are trying to do at every step. Everyone is responsible for every step.

If I were to be more critical about where we are going with carbon emissions, I would single out transport. I am unsure why anyone would single out farming. Transport is lagging behind like no other sector. It is discouraging to encounter the singling out of farming. This is something we have discussed before. We are trying to bring people along. That is how real change with an impact occurs. We cannot say extreme and ridiculous things to people, such as that farmers should get rid of their animals. There has been no recognition of all the efforts that have been taken. As a result, people disengage. We are going to lose the battle on climate change.

This is a very nuanced situation. As we face into the new CAP, further environmental requirements will be made of Ireland. I hope farmers will be properly compensated for that. If more is being asked of farmers, farmers will need more compensation. That has to be put into the mix.

I am calling for a more balanced debate among politicians and in the media. Where groups such as the Citizens' Assembly engage in such debates, proper and full information should be available. No one takes from the green lobby and what those involved have to offer. We all have to wake up to that. However, if we do not have a rounded debate, we will leave people behind us.

Senator Pádraig Mac Lochlainn: It is interesting that Senator Mulherin is lecturing Sinn Féin on patriotism. We could talk about Fine Gael MEPs and their support for the EU-Canada Comprehensive Economic and Trade Agreement, the Transatlantic Trade and Investment Partnership and Mercosur, which was going to flood European markets with beef and competing products without any of the standards that are demanded of the Irish farming community. We need no lectures on patriotism at European level from anyone, especially those in Fine Gael.

Senator Michelle Mulherin: What did I just say?

Senator Pádraig Mac Lochlainn: Earlier today there was a joint meeting of the Joint Committee on Agriculture, Food and the Marine and the Joint Committee on Rural and Community Development. A presentation was made by the European Court of Auditors. The revelations were stark in terms of what has happened to family farms in Ireland and throughout Europe. Some 1,000 farms are closing every day throughout the European Union. In Ireland in the past ten years, one in three young farmers – those under the age of 44 years – has been forced off the land. The interventions for young farmers are absolutely failing. We have an ageing farming population. With reference to the Western Development Commission, 41% or four out of ten family farms in the west have disappeared in the past 20 years. All of this is the result of intentional policies both in Ireland and at European level. In the Visitors Gallery we have Mr. Ciaran Staunton, a respected and well known campaigner on the rights of Irish immigrants in the United States. However, he is also campaigning on the rights of emigrants returning to Ireland, something we always said we wanted. Government policy repeatedly has been that we want emigrants to come home to build their futures and rear their families here. However, when the issue of encouraging returning emigrants to enter farming is raised, the barriers are huge. All of the statistics being given are official figures from the Government or Government-funded organisations. Returning emigrants need to be factored in.

We have to be honest about the ideology that has led us to this situation. The European dimension was mentioned. We have allowed the big agrifood businesses, meat factories, supermarkets and multiples to destroy the family farm model both in Ireland and elsewhere. What does this mean for places such as County Donegal, from where I come? It means that rural communities with their wee shops, post offices and businesses are being ripped apart. It also means that money that could be spent in them is just not there. The focus increasingly is on big business. We need to make sure this issue will be addressed in the current debate on CAP reform. For too long we have not had a fair distribution of CAP moneys. It is obscene to see corporations and huge farmers receiving the level of funding that they are, while small farmers, particularly those in the west, are being squeezed to the bone. This issue has to be addressed.

Another issue in the context of CAP reform is the inspections and bureaucracy farmers face. We now have a charter of rights. However, it will mean nothing if farmers have to wait long periods for their payments. It has to be accepted that in recent times, in the context of farmers getting all of the documentation required into the Department, its IT systems have been a huge issue resulting in delays. This was admitted by departmental officials. We are talking about farmers who are really struggling and many are not making any money, but they are investing in schemes in good faith and then at the end of the year the money will not be paid on time. This is a huge issue. The process needs to be more efficient and simplistic. We need simplification of the CAP and need less burdensome inspections. We in Sinn Féin have also been talking for a long time about a yellow card system such that we will not penalise farmers so hard immediately. We need more proportionate penalties. There must be a much fairer approach, particularly when we are seeing so many farmers being driven from the land. We have to get this right. Therefore, we need to look at constructive co-operation and effective communication systems. This issue has been raised repeatedly. Even though there is a charter of rights, what benefit are we getting from it?

The next issue I want to raise is that of a fair price for produce. The Minister, Deputy Michael Creed, will know that there has been an agricultural market task force report in place since November 2016 at European level. It is an important report which was long overdue. It makes key recommendations on mandatory price reporting, particularly in the meat, fruit and vegetables and dairy sectors. We want accountability when it comes to prices. We need farmers to know where they stand. We also need to help them to organise to get a fair price for their produce.

The food euro was the subject of another proposal made. It reveals how much of €1 spent by consumers on a typical food product goes to each player in the food chain. The consumer can see, when he or she buys lamb, dairy produce or whatever else it might be, who is getting what from the amount of money they are spending. The primary producer has been getting the poor man's share for far too long.

I want to know what is being done in Ireland to ensure the report's limited and basic recommendations - they are not radical by any means - are being implemented at European level. I refer to areas of natural constraints, particularly in the west. Hill farmers want to know that, after the next review by the Department, resources will go to those farmers genuinely in areas of natural constraints. I refer to those who are farming on hills and land prone to flooding. We need to get this right. To be frank, we have really taken the mickey with reference to the disadvantaged area payment. It is being made to a large swathe of farmers rather than to those who need it most. We can also make sure those who currently benefit will not be devastated. The right balance can be found, but that is the challenge for the Minister. The payment has

to be made to those who genuinely need it most or else there will be a threat to our funding at European level.

There is much more I could say. I will have opportunities at the Joint Committee on Agriculture, Food and the Marine to engage with the Minister. Let me summarise if I can-----

Acting Chairman (Senator Catherine Noone): That is okay.

Senator Pádraig Mac Lochlainn: We need a fair price for farmers. We need to confront the big business market interests that are destroying family farms. We need honesty on these issues and to make sure the CAP will look to reverse the horrendous trend of driving young and small farmers from the land and moving towards corporations. We have talked about the issue for years. We need action and delivery.

Senator Grace O'Sullivan: I will keep it short. The organic farming scheme has been closed since 2015. As my colleague Senator Pádraig Mac Lochlainn said, we need to create more opportunities for the decreasing number of farmers. We also need more diversity in schemes for farmers if we are to try to encourage them to stay in farming or bring more into the system. The organic farming scheme benefited biodiversity. It also benefited water quality, carbon emissions and animal welfare. It would potentially also benefit the farmer economically and in terms of quality of life. There are farmers who would be very interested in such a scheme. Could the Minister possibly reopen the scheme to allow those who are queuing up to have more choice?

My second point concerns the policies the Minister might put in place to support or improve the position for suckler cow farmers.

Senator Tim Lombard: I welcome the Minister and acknowledge his contribution, particularly on the issue of areas of natural constraints, ANC, which has been in focus for a very long time. I acknowledge the Minister's clarification.

Let me raise an issue the Minister did not mention - where we are going with young farmers. We heard an interesting presentation on young farmers this morning by the EU audit committee. It is a problem Europe-wide. The issue is trying to regenerate and re-energise the agriculture industry. One of the statistics given is that Europe-wide we are losing about 1,000
4 o'clock farmers a day, which is an absolutely frightening figure. I know that it is Europe-wide, but it still shows the level of decline. It could be argued that the two biggest issues in farming today are that of trying to get young people into farming and the sustainability of farming, about which the Minister has spoken at length, but I think that is going to be our biggest challenge. I refer to trying to encourage young people to come into the system. I was interested to hear the views of the European auditor on the actual amount of money being pumped into it. We have put money into the green low-carbon agri-environment scheme, GLAS, and the targeted agricultural modernisation scheme, TAMS. We have increased the level of funding from 40% to 60%. We have also increased the single farm payment by 25%. However, has the actual number of farmers under 35 years in the system increased?

The major issue for the next CAP talks will be to ensure there will be a future for agriculture in the years 2020 to 2050. How will we deal with the issues that arise? If we are to look at creating a future for agriculture, we need to consider how to get the older farmer off the pitch. Previously, we had an early retirement scheme for farmers which worked to a degree. It gave farmers an opportunity to take a pension from the age of 55 years and hand the land over to

the younger farmers. A report dating from a few years ago stated more farmers aged over 80 years were farming than farmers aged under 35 years. That statistic shows the issue with the age profile of farmers. Are the next CAP talks the time to consider reintroducing a scheme to help farmers retire early and move off the land and hand the reins to the younger generation? At present we have used the scheme of enhancing single farm and GLAS payments for young farmers, but has it been successful? Do we need to evolve and put the focus on ensuring that land is transferred from farmers aged 60 years to younger trained farmers who now have between two and four years education in agricultural science behind them and are super at what they do. We have left the days of doing a 60 day course in Teagasc and getting a Green Certificate. These are exceptionally well trained farmers. The only issue we have is how we ensure they can get their hands on the land at a younger age so that they can create the benefit we need for industry.

I appeal to the Minister to consider those issues. The key issue, bar the question of sustainability, is to ensure that young farmers have land and we have to come up with ways to deal with this.

Acting Chairman (Senator Gerry Horkan): I thank Senator Lombard.

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire. Tá mé chun tacú le cuid mhaith de na pointí atá ráite cheana féin ag daoine a ghabh romham.

I support many of the points made previously by a number of speakers. The issue of returning emigrants and the green card scenarios should be addressed. It affects certain counties in the west. I hope we can help the returning emigrants who have elderly parents to come home and keep the family farms going. I ask the Minister to address this issue and, having considered it, I would welcome his suggestion as to what could be done to support them.

The issues with the scheme for areas of natural constraints are ongoing. There have been massive meetings of farmers across the western seaboard. The farmers have been very frustrated at the way the ANC's have been approached. If we are to consider the CAP review, I would be in favour of reverting to the Ciolos recommendations. When the previous Commissioner for Agriculture and Rural Development, Commissioner Dacian Ciolos came to the committee of these Houses, his understanding of the way that the Common Agricultural Policy was supposed to support the less well off farmers was much more progressive than what we have ended up with under the present Commissioner Hogan. The former Commissioner seemed to be coming from a background where he was very much supporting the smaller family farms. I think the scheme for areas of natural constraints has moved away too much from that; certainly the level of funding for ANC's should be balanced towards the smaller farmers in the really difficult areas.

Another issue is the family farm being regarded as an asset in determining education grants for those families with children going to third level education. I know the IFA has raised this issue with the Minister on numerous occasions and also with previous Ministers. There was a promise that it would be addressed, but as far as I can see it has not been addressed to date.

The Irish Natura and Hill Farmers Association was recently quite critical of the Department around the Farmers' Charter of Rights 2015-2020 and the ongoing negotiations and discussions that would happen between the Department and the representative organisations. The INHFA said it was in tatters and raised issues such as the failure to inform claimants of the 2017 basic

payment scheme, BPS. I ask the Minister to address the Farmers' Charter of Rights and how the relationship with the farmers can be rectified because the confidence of farmers in the Department seems to be dented.

The issue of keeping younger farmers in farming, as Senator Lombard mentioned, is a major issue. The continuity of handing over a farm to younger farmers should be made as easy as possible and encouraging older farmers to do so is really important. One of the big factors in that regard is access to basic infrastructure and services in rural areas equivalent to those available to young people who do not live in rural areas such as broadband, nurseries, schools, transport and postal services, health care and replacement services. I appreciate that the briefs for rural areas and agriculture are separate but they are intertwined. What discussion happens at Government level in respect of lobbying fellow Ministers in the different areas such as communications and rural and community development to make sure that basic social community services are in place because that is what people would expect? If a young farmer is trying to decide whether to go to look for work in a municipal area or to stay at home and work on the farm, he or she will be looking at what services are available in his or her local area to raise a family.

The fodder aid scheme is a serious issue particularly in the west and north west. I know that different organisations have been lobbying the Minister on it and it is really important that they get the support they need because they have faced a very difficult situation in the past number of months.

There was a screening of a documentary film called "Just Eat It", which is part of the campaign being organised by the EPA called *StopFoodWaste.ie*. I was quite shocked and taken aback by the level of wastage. This Canadian documentary looks at food wastage in the US. We are not talking about people throwing out a few bits and pieces after they have had their dinner. They show people who are growing courgettes and celery and the amount of wastage left on the land because it is not viable to go around and pick it up. About 40% of the produce, which is very good food and marketable, is actually wasted in the production process that happens on the farm. There are similar levels of wastages through the system, in packaging, containers and supermarkets. Then there is the whole issue about ugly fruit. One example was around the bananas that are sold in the supermarkets and the restrictions that are put on them as a result of EU regulations. A person visited one of the South American countries where they grow bananas for the European market. There were mountains of bananas that were perfectly good that were being thrown away because they were too wide, too long or had the wrong curvature. It was absolutely astounding. That is something we should address.

We are talking about the food shortage across the world. We are seeing that the conformity in EU regulations is actually working against us. It was very clear to the viewer and it was very frustrating for the producers that food that had a small blemish was not being accepted by supermarkets because it did not look pretty enough on the shelves. I do not know how much food we are wasting in Ireland for similar reasons. What is happening with that food? The film also goes on to show how to work with groups such as the Irish group *FoodCloud.ie*, a social venture which liaises with a lot of these groups, collects the food that is not being used and brings it to places where it is needed. The Irish group is working very closely with the Society of Saint Vincent de Paul. They were very busy putting packages together for Christmas. From the farmers' point of view, what are we doing to ensure there is as little waste as possible and that the fabulous resource, which is perfectly good food, is not thrown away? The end game is that people are buying too much food. We impulse buy and we are storing too much food in fridges and we are throwing away a lot of very good food which is going into bins and then into

landfill. The film showed the landfills in North America, huge mountains of very good food that has been thrown away and wasted. I would be interested to learn about the policy of the Department of Agriculture, Food and the Marine on food waste. Is the Minister aware of a programme called Stop Food Waste? How can we all promote its aims?

Sin an méid atá le rá agam. Fágfaidh mé leat é sin.

Acting Chairman (Senator Gerry Horkan): Go raibh maith agat, Senator Ó Clochar-taigh. The next speak is Senator Rose Conway-Walsh and she has five minutes.

Senator Rose Conway-Walsh: I thank the Minister for being here. We could do with five hours instead of five minutes to discuss all of the farming issues.

I am glad that the Minister raised the issue of rare breeds. I sought a specific debate on rare breeds with him in attendance but for the moment I shall say the following. In terms of the funding of €50,000 that has been made available, the Minister knows that the scheme is way oversubscribed. If we are serious about rare breeds and how beneficial they are, then there must be greater investment. I firmly believe that there will be a return on such investment because the people who promote rare breeds are very diligent. We need to take them seriously as they can answer many of our questions. I ask him to seriously consider providing more funding and I ask that we have a more comprehensive debate at some stage.

I want to talk to the Minister about a number of issues. There is a pensions anomaly with the farm assist scheme. We have instances where farmers have paid stamps, particularly between 2000 and 2007. However, on reaching pension age a review is conducted and zero stamps have been recorded. The farmers should have sought credits rather than pay stamps. I ask the Minister to consider the anomaly and perhaps we will have a further conversation on the matter outside of this debate.

I want to talk to the Minister about the appeals system. We must change a system whereby one director on the independent appeals board has a pile of files because it delays farm payments. Legislation allows just one director to assess appeals, which is totally wrong. I know of one farmer whose payments have been delayed for four years and the farming family is in desperate need of the payments. Again, I ask the Minister to consider the matter.

The year 2017 was a record year for agrifood exports which amounted to €12.5 billion. Why then are so many farmers struggling financially? Some elements in the food chain enjoyed a bumper year while most farmers have struggled with static prices and the ever-increasing cost of inputs. Milk prices have achieved a sustainable level after a few years of poor prices. What guarantees are in place in the milk sector, particular as it is expanding and there is a Brexit threat to trade in our biggest market which is the UK?

I represent the area that is west of the River Shannon where cattle and sheep farms form 75% of the holdings and dairying is an unrealistic option. Therefore, the viability of these holdings have never been more in the spotlight. One can see from reading the Teagasc farm household survey 2016 that the average income generated by the family farm was €15,000, an amount that is often quoted in the media as the norm. However, in large parts of the Border, midlands and western region, BMW, such income is a pipe dream. Teagasc carries out a separate survey for the region called the small farms survey. Teagasc has defined a small farm as a farm with 14 cows or fewer. In the region where I come from over half of all farms are described as small farms. In the Teagasc small farm survey of 2015 the family farm income was recorded as less

than €3,000.

Acting Chairman (Senator Gerry Horkan): The Senator has one minute left.

Senator Rose Conway-Walsh: One minute is not enough. An income of €3,000 annually is the reality and that is why farm incomes have decreased by 40%. The average amount of direct payment paid to these small farms was €5,500 as compared with an average payment of €15,500 paid to larger farms. In addition, 35% of small farms were deemed as vulnerable by Teagasc.

I wish to make a few suggestions and shall start with CAP reform. A more equitable distribution of farm payments must be put in place to tackle the imbalance that exists between the west and east of Ireland. A proposal to front-load payments for the first 20 hectares should be considered as most farms fall into this category.

In 2015, the national reserve scheme was introduced and was successful in encouraging young trained farmers. However, since then uncertainty has reigned and there has been huge inequity, particularly for small farms. Will the national reserve fund be opened this year?

In terms of areas of natural constraints, ANC, payments, I have heard some of the Minister's colleagues call for areas to be extended. That is not possible. I welcome the €25 million extra that has been made available. When will the maps be produced for these areas? The level of constraint in these areas must reflect the payment and we need to see the maps as soon as possible.

I hope it will not be long before the Minister returns because the agricultural industry is of huge concern. The sector needs to be forward-looking and productive. We must also have a proper informed discussion on CAP reform.

Acting Chairman (Senator Gerry Horkan): I thank the Senator. I apologise that she did not have enough time but I am just implementing the Order of Business, as agreed.

Senator Rose Conway-Walsh: Fair enough.

Acting Chairman (Senator Gerry Horkan): Our last speaker is Senator Frank Feighan.

Senator Frank Feighan: I welcome the Minister to the House to discuss agricultural issues, which are wide and varied.

Tough weather conditions is an issue that is pertinent to farmers who live in the west and north west because it has caused them a lot of stress. I have asked the Minister to consider introducing a support scheme for farmers in the west and north west who face a severe shortage of animal fodder. As he will know, the poor ground conditions have caused difficulties. I am delighted that he has agreed to provide a targeted contribution towards the cost of the long-distance transport of fodder to the areas most impacted by the bad weather. The initiative stems from the fact that he convened a fodder group chaired by Teagasc comprising all of the main stakeholders which met for the first time last December and again on Monday, 15 January. One must gather all of the stakeholders together to identify problems and then address them, which is the right way to conduct business.

I congratulate the Minister for doing something that will help alleviate the very difficult fodder shortages that were felt most acutely by farmers in the west and north west. I am sure

24 January 2018

there has been a fodder shortage in other areas. However, there has been no shortage of fodder in some areas. As a local politician, I heard about the problem and I thank the Minister for addressing the issue.

Recently Teagasc conducted a fodder survey of 90 farmers from counties Leitrim and Sligo. As many as 90% of them confirmed they had experienced a serious fodder shortage this winter. I hope that the €8 to €12 per bale payment will help to alleviate the fodder shortage.

The objectives of the group were to actively monitor the situation and ensure that co-ordinated expertise and guidance on options were available to affected farmers. It is nice to see that farmers were able to get alternative feed thus ensuring they could carry out fodder budgeting.

Five or six years ago Irish farmers experienced a fodder shortage but I do not think there was a co-ordinated approach. I recall that farmers contacted me because they wanted to import fodder from the UK. The approach adopted was one of “Look guys, just bring it in and we will address the matter later.” At the time the issue was dealt with through various co-ops and whatever. Most of the farmers were reimbursed but it took a little too long to arrive. I must emphasise that Deputy Creed was not the Minister at the time. I am delighted that there has been a more co-ordinated approach this time around. Unfortunately, fodder shortages do occur and, like flooding, we do not know how to deal with them. I am glad to see that lessons have been learned from the past. The Minister has also stressed that if a situation arises whereby the welfare of livestock is at risk, herdowners should contact the Department of Agriculture, Food and the Marine’s animal welfare helpline or regional veterinary offices for support. I accept that there are measures in place that will help with that. Once again, however, many farmers in the north west and west are facing a very challenging period in ensuring their animals have enough feed. We simply must ensure that sufficient supports are put in place where there are shortages. I thank the Minister and his Department for the work they have done, and I wish to put on the record that I hope that this will help to alleviate the serious fodder shortages in the north west and west.

Acting Chairman (Senator Gerry Horkan): Statements were to conclude at 5 p.m. and the Minister was to be given at least five minutes. The Minister has 39 minutes. He does not have to take all of that if he does not want to, but he is very welcome to conclude the debate.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I would like to start by sincerely thanking all of the Members for their contributions. I have taken copious notes, and I hope I can get a chance to reply to all of the points that were made. There was a common thread running through some of them, so if I do not attribute a response to any particular Senator, there is no offence intended.

I want to respond to Senator Paul Daly’s contribution. I think it was made in search of a headline, to be honest. Senator Paul Daly remarked that Fine Gael rented the family farm and that the evidence of that was the Department’s underspend. I must tell Members something. In 2008, when there was a Fianna Fáil Minister for Agriculture, Fisheries and Food, the payments under the areas of natural constraints, ANC, scheme to which the Senator alluded were slashed, installation aid was abolished and the Department had an underspend of €150 million.

Senator Paul Daly: Monkey see, monkey do is not an excuse.

Deputy Michael Creed: I repeat, there was an underspend of €150 million when Fianna Fáil slashed ANC payments and abolished insulation aid.

Senator Paul Daly: We are talking about the situation today.

Acting Chairman (Senator Gerry Horkan): Comments are to be addressed through the Chair, and the Minister is to be allowed to speak without interruption.

Deputy Michael Creed: I want to make a point in respect of the underspend, because it is important to understand this. It is deliberate and mischievous to present this as a disservice to farming. If anything, the contrary is the case. This is a deliberate misinterpretation of the budgetary process. In the late summer every year, we begin an engagement with the Department of Finance. We completely understand what our potential liabilities are, under the targeted agriculture modernisation scheme, TAMS, the green, low-carbon agri-environment scheme, GLAS, the ANC scheme, or any of these measures. As they are liabilities which are due, we have to ensure that, in the event that the approved applicants come forward for payment, the Department has sufficient money in the bank to pay them. Senator Paul Daly and his colleagues would be the first to jump up and down in this House, as it were, if somebody attempted to draw down an authorised payment and was not paid because the Department did not have the money because it did not ask for enough. As such, on an annual basis we ask what our full contingent liabilities will be.

We have discussed GLAS. There are actions which individuals approved under GLAS have to undertake pertaining to rare breeds, nutrient management plans, commonage management plans, etc. We anticipate in good faith that all of those compliance issues will be adhered to by all applicants. However, if they do not comply by the end of the year, it means that we have provisioned for their entitlements, though the payment may not come through until 2018. Senator Paul Daly is disingenuously suggesting that because we are holding funds, we can, for example, pay a €200 suckler cow support. What he is prescribing is effectively the principle of robbing Peter to pay Paul.

Senator Paul Daly: In fairness, I did not say that.

Deputy Michael Creed: The point that is being spun is that a saving has been made, and that we could do X, Y and Z if only we were prepared to. I cannot spend somebody else's money which is due to that person under GLAS, ANC or any other scheme simply because he or she does not present a paying order in the relevant calendar year. If the order arrives in January of the following year, I am still obliged to pay it.

One of the more difficult schemes here is TAMS, which most people would accept is a hugely successful scheme under a wide degree of headings, affecting tillage, horticulture, dairy, young farmers etc. A range of grants are available across a broad spectrum of activities. There are about 12,000 approved applicants. Of these, only about 3,000 have presented for payment. There are 9,000 outstanding. We have to try to anticipate the level of payment presented in any given year, and we have to provide against that. As such, looking at the accounts for 2017 one sees that we provided a certain amount for TAMS, but much less was drawn down.

In certain quarters, that is being presented as a saving. It is so such thing. That is money that has not been paid in the calendar year in question, but may come due the following year. We cannot spend the same money twice. That is a very important point. That is deliberately misrepresented to people as a failure of the Department. I believe that, on the contrary, it is a reflection of our ability to negotiate with the Department of Finance that we get provision against our full contingent liabilities, although they may not all crystallise in a given 12 month

period.

The Senator also raised the issue of the skimmed milk powder. This was a matter which was discussed at the Committee on Agriculture, Food and the Marine. It is important to make the point very clearly that the 390,000 tonnes of product overhanging the global market for skimmed milk powder constitute a huge damper on prices. The Senator's question seems to be based on the premise that the Commission should continue business as usual. Business as usual would exacerbate the difficult price for the product. What we have secured in our interventions in this negotiation in the European Union is assurance that if circumstances change, so can the approach of the Commission. There is agreement across Europe that this is the appropriate way to continue at the moment, but it can be kept under review.

This was originally presented by the Commission as a long-term approach. We did not want that, and in the debate we managed to change it to a short-term approach for what we believe is a short-term problem. This does not in any way mean walking away from the instrument of intervention as a policy principle. I repeat, there is a glut of 390,000 tonnes, which has a value of nearly €600 million even at the depressed prices for skimmed milk powder, overhanging the market. The Commission is probably the biggest global player in skimmed milk powder prices. That overhang on the market is of itself a damper on global dairy prices. Contrary to what the Senator is asserting, the change in the Commission's approach is an effort to ensure that this does not continue to be a major depressant on global dairy markets. Our intervention has managed to ensure that it is only a short-term intervention for what we hope is only a short-term problem.

Senator Boyhan asked why I addressed four issues. Four issues were notified to the Department, but I am quite happy to address some of the other issues that were raised. Many Members referred to the fodder crisis. The reality of the crisis is that if one looks at some of the online platforms where agriculture produce is traded, and refine the search to fodder and Connacht, it will be seen that there is an active local market in fodder trading. That has always been a contingent part of agricultural activity in those regions. There have been individual farmers whose normal practice has been to buy in fodder at this time of year, either locally or hauled further distances. The Government did not want to cut across that process in our response. The last time I looked was a week or ten days ago. I do not want to give any commercial operation a plug, but on the individual platform which is widely used for trading in this area there were 199 registered offers for fodder in Connacht. I did not look at northern counties like Cavan, Monaghan or Donegal. In Connacht alone, I found 199 people offering fodder for sale locally. That was taking place across Leitrim, Sligo, Mayo, Galway and Roscommon.

Senator Mulherin asked about the feedback from the stakeholder groups, Teagasc in particular. The feedback recognised that there were localised problems, not a blanket fodder shortage across the north west. Their best estimate, based on the feedback from their regional offices, was that approximately 300 farmers were affected. As we have said, we do not want to cut across the local trade in fodder, which has always been part and parcel of the farming community in that region. Where there is a necessity to haul fodder distances of more than 100 km, we will provide a subsidy towards that expense. That is a reasonable response. In truth, depending on the individual farm organisations involved, what was being asked for was going up and up. We were asked to haul, buy, pay for and distribute it and give a meal voucher. We made an appropriate response to the fodder crisis and it has been recognised as such.

There has been a significant overhaul of the Teagasc training module. It is right and proper

that it should have happened. Previously there was the Teagasc green certificate, but farming is now big business and farmers need to be appropriately educated and qualified as it is a rapidly changing environment. The concept of lifelong learning is embraced everywhere else and there will be a response in the training offering, including agriculture-type apprenticeships and also a reconfiguring of the green certificate in terms of what is being delivered, which is really important.

Senator Victor Boyhan spoke about other things Teagasc needed to do and the necessity for product innovation. As part of the response to Brexit, we announced an €8 million food innovation hub. One of the reasons is we have 80,000 tonnes of cheese going to the UK market. If that market were to go belly up, we would need an alternative product as the market for cheddar cheese is mainly in the United Kingdom and Ireland, with some being exported to the United States. There are no large markets for it elsewhere. There is, therefore, a need for product re-configuration. The food innovation hub would serve to assist the industry in that space.

Senator Michelle Mulherin mentioned the weather crisis as a contributory factor not just to the fodder crisis but also in slurry management. There is an important message in that regard. We have just concluded the renegotiation of the nitrates action programme and the derogation. I appreciate that the new requirements are much more onerous, but we have to move to an alternate view where farmyard manure and slurry will not be seen as a problem but as a resource. We must explore how we can get the maximum return from them rather than seeing them as products that must be disposed of. They really have a value. All of this is tied with climate change. Last year there was a significant upward lift in the amount of artificial fertiliser we were buying. We could displace some of it if we were to have appropriate management of the slurry resource. Part of it could be along the lines of anaerobic digestion because one is not losing nutrient value; one is creating energy and will still be left with the same nutrient value in the residue. We need to explore these possibilities. Certainly, anaerobic digestion is one element.

Senator Victor Boyhan instanced it but I also want to tie it with Senator Pádraig Mac Lochlainn's criticism of the Government, including the Fine Gael Party, for its support for the CETA and the TTIP. We live or die by trade agreements. Our membership of the European Union has opened the door for the agriculture industry in all of its manifestations. Whether one is a hill sheep farmer in County Donegal, a dairy farmer in the Finn Valley or a suckler cow farmer in the west, their produce is available in 180 countries around the world. Why is that the case? The answer is we have trade agreements. The EU-Canada comprehensive economic and trade agreement is an important one. In the coming weeks I will travel to Canada to discuss a trade agreement because the Irish agrifood industry has determined that Canada is a market in which it sees opportunities. Mercosur is a real challenge for Ireland, but trade is a two-way street. We cannot say we want to trade in all markets but that others cannot have access to any of ours. "Globalisation" is almost a dirty word, but this is the most globalised agrifood economy in the world and we are able to be successful. Hats off to the agrifood industry. Those involved in it are brilliant at seeking out market opportunities to sell our products.

Senator Pádraig Mac Lochlainn: While applying the same environmental standards.

Deputy Michael Creed: Yes. Mercosur is a major challenge. There are member states of the European Union that are gung ho as they see the opportunities, but we see threats. However, in all trade agreements there are threats and opportunities. What we have to do is maximise the opportunities that present for us. The Senator seems to argue from the particular to the general, that because Mercosur is bad, all trade agreements are bad. It could be particularly challenging

for the beef industry-----

Senator Pádraig Mac Lochlainn: Some trade agreements are good, some are bad.

Deputy Michael Creed: -----but that is not a case for a retreat into an America First policy and the isolationism that the Senator seems to be articulating.

Senator Pádraig Mac Lochlainn: No; bad agreements are.

Deputy Michael Creed: Our products are sold in 180 countries. We are trading in those markets by virtue of our membership of the European Union and able to benefit from the CETA, the EU-Japan trade agreement and a host of other agreements that are important to the agrifood industry. I am flabbergasted by the Senator's isolationist approach which does a disservice to the agrifood industry

Senator Pádraig Mac Lochlainn: The Minister is misrepresenting it.

Deputy Michael Creed: Senators Tim Lombard and Pádraig Mac Lochlainn raised the very important issue of trying to attract more young people to enter agriculture. It is an issue that has bedevilled us since the days of the early retirement scheme and the installation aid scheme, but it is not a problem experienced exclusively in Ireland or the European Union as a whole; it is a global problem. Every country is facing the same challenges. Yesterday I met the New Zealand agriculture Minister and it was one of the issues that came up in passing. It is also an issue in other countries I have visited, but I have a sense that we are turning a corner. There is now a greater appreciation of the people who produce food. There is a greater interest globally in food provenance and respect for those who farm the land. That might help to turn the tide and make farming an attractive proposition for many, but we need innovation. Whether we look at it from the point of view of encouraging older farmers to get out of farming - we did this under the early retirement scheme and we also had the installation aid scheme and various iterations of different schemes - it is one of the major challenges. In the context of the next CAP, generational renewal will be an important element. To that end, I am interested in hearing Members' suggestions.

Senator Pádraig Mac Lochlainn referred to the agricultural markets task force. Again, this is really important because we export one third of our produce to the United Kingdom, one third to the rest of the European Union and one third to international markets outside it. We favour having a trans-European legal framework to deliver the best results for the primary producer, but that view is not universally shared. Other member states see it as a domestic competence and do not want to have a pan-European legal framework. There has been a public consultation process on the agricultural markets task force initiated by the Commission which is expected to bring forward proposals before May which we await with interest. Trying to ensure primary producers get a fairer crack of the whip has been an issue since Adam was a boy. In fact, if one looks at it, the two extremities of the supply chain are screwed when the squeeze comes on. The distributor, the retailer and even the processor all seem to have an untouchable proportion of the price, while the primary producer and the consumer very often are squeezed. Greater equity is required. I hope the agricultural markets task force, the public consultation process and the awaited Commission proposals will deliver. We did some work in the groceries and goods regulations of April 2016 on written contracts and to abolish hello money. It has had an impact, but given that we export 90% of what we produce, we need a European legal framework for that element of the market.

Senator Grace O'Sullivan made a specific point about the suckler cows figures, which are really interesting. Prior to the introduction of milk quotas in the early 1980s, we had about 400,000 suckler cows. We now have about 960,000. The reason for the growth in the intervening period is that dairy sector expansion was curtailed and people saw an opportunity to move into the suckler cow business. In fact, it was anticipated when the quota regime came to an end in 2015 that there would be a 30% reduction in suckler cow numbers. The drop in the number of farmers who have moved away from suckler cows has been about 6% nationally but, from my recollection, the biggest drop has been in Waterford, with the second biggest in Kilkenny, the third biggest in Carlow and the fourth biggest in Cork. We could safely assume that has been primarily driven by farmers who had a dairy operation and decided they would expand their dairy herd at the expense of the second enterprise they had been running. Interestingly, there has not been a significant drop in the suckler cow numbers along the western seaboard. The overall national drop in numbers since 2015 has been about 6%. The biggest reduction has been 22% - 22% of what number is the interesting aspect - in Waterford, 9% in Cork, with the reductions in Carlow and Kilkenny being somewhere between those two percentages.

We are supporting suckler cow farmers very significantly under a programme called beef data and genomics. That programme is about improving the genetic merit of the herd, trying to make sure that we can finish cattle faster at a younger age through genetic improvement, improving herd fertility, etc. If farmers have more herd fertility, they are not carrying a suckler cow for perhaps 20 months between calvings rather than having a cow calve every calendar year or every 11 months which might be considered the optimum. We are putting a good deal of money into that. Off the top of my head, it is about €250 million or €300 million over the lifetime of the rural development programme. That is an important factor.

What has been called for is a coupled payment, on which we need to have an honest debate. In this context a coupled payment means that the more suckler cows farmers keep, the more money they will be paid. The challenge for the industry is to be able to get to market the beef progeny we have at a reasonable return. If we were to pay farmers, regardless of the quality, to keep extra numbers, we would drive numbers and cut across the improvements we are trying to make in quality through genetic improvement. Therefore, a coupled payment would be a retrograde step. The challenge with the growing dairy enterprise is to be able to manage the increased progeny that is feeding into the beef sector. We are doing work on increasing the number of calf exports in particular, which is addressing that problem. We have much more work to do in finding a progeny off the dairy expansion that is suitable for a beef purpose as well.

One matter I often lament - it is like a dialogue of the deaf and one might say it often happens in chambers such as this one - is that it is difficult to have a constructive dialogue between the dairy enterprise and the beef enterprise in Ireland. They seem to be of the mindset that ne'er the two should meet, whereas we have to develop some kind of a complementary offspring from the dairy herd that is suitable for the beef enterprise. I know there is a concern in the meat industry generally that the expansion of the dairy herd could be at the expense of quality in the beef sector. We need to work at that to make sure that the progeny is appropriate. At the same time we need to ensure that the suckler cow sector, which is an important backbone to the beef industry, in particular in the west, is supported. However, driving numbers through a coupled payment - which is the terminology used - where there is coupling whereby the more cows one has, the more one would be paid, would be the wrong system at this stage.

I have probably gone on too long but Senator Ó Clochartaigh raised an interesting issue around food waste. We must also consider the input waste that has gone into growing that food,

which all feeds into the climate change debate. Many social entrepreneurs are involved in the issue of food waste such as *FoodCloud*, etc. It is probably reflective of the disposable society in which we live that we could buy a product today, put it in the fridge and two weeks later note we did not use it and decide to throw it out. We need to educate consumers and have a shorter journey between the consumers and retailers to ensure we minimise food waste. It is loading our carbon footprint as well. It is one of those areas on which we need to make progress.

Senator Conway-Walsh raised the issue of the appeals process. We recently got a report on a review of the independent appeals office. It is a very good report. The appeals office works very well for farmers. If they feel aggrieved about a decision by the Department they should be encouraged to explore the appeals option because its success rate is quite strong. I acknowledge the role played by the people who participated in the appeals review. Some of the report's recommendations will require legislative change to implement but, broadly speaking, I accept the thrust of it. I will be sending it to the Oireachtas committee and to the stakeholders for their feedback but it is a very good piece of work.

In principle, the appeals office does good work. I take the Senator's point about the process being slow. A four-year case would appear to be a wild exception and there may be circumstances around that. In respect of files, it is a little like what happens with the social welfare appeals office, when they leave my Department and are passed to the independent appeals office and I do not have any reach into the operation of the independent appeals office. It is an important process and delivers quite a lot.

Senator Rose Conway-Walsh: On a point of order----

Acting Chairman (Senator Gerry Horkan): This is not a point of order and the Senator knows that.

Senator Rose Conway-Walsh: -----it is wrong that the Department can re-appeal the appeals office's decision.

Acting Chairman (Senator Gerry Horkan): I did not let any other Member in on a clarification issue. I am sure the Minister will facilitate the Senator's inquiry afterwards.

Deputy Michael Creed: I could argue that point. Everybody has to have a fair crack of the whip and that includes the Department and the State. Obviously, people who are dissatisfied with the outcome of an appeals process have recourse to the Ombudsman's office as well. The Department may ask the director to review a decision of the appeals office but there are extremely rare cases. It is only in cases where the consequences often have policy implications far beyond the individual case. One could probably list on one hand the number of times that has happened. The outcome is nonetheless independent. It is at arm's length from the Department.

If the Senator were to reflect on the suggestion that the Department should not have that recourse, she should bear in mind that everybody must have a fair crack of the whip in terms of policy implications, budgetary implications and compliance with Common Agricultural Policy rules. A situation may arise where the Department is strongly of the view that there has been an error and that is why that opportunity exists and it is provided for by law. We are only implementing a system that is provided for in statute. Some of the recommendations may require changes to the law and I am not ruling that out at all, but it is a very good report. I emphasise that the appeals office works well and it works well for farmers. If they feel aggrieved about a decision, they should be encouraged to use the appeals option.

Senator Feighan commented on the fodder scheme. I covered that issue in my earlier comments. I hope I have dealt with all the points that were raised.

Senator Rose Conway-Walsh: I raised the issue of the pensions anomaly in the farm assist scheme.

Deputy Michael Creed: I will refer it to my colleague, the Minister for Employment Affairs and Social Protection, as it is not my area of competence.

Acting Chairman (Senator Gerry Horkan): I would make the point that we were required to allow the Minister a minimum of five minutes to reply but he has used almost 28 minutes. Therefore, we have had a fairly good level of discussion. I listened to various Senators' names being referenced in the conversation and most Members have had most of their points tackled. I thank the Minister and all the participating Senators for their input.

Senator Michelle Mulherin: I propose that the House suspends until 5 p.m.

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

Sitting suspended at 4.50 p.m. and resumed at 5 p.m.

National Minimum Wage (Protection of Employee Tips) Bill 2017: Second Stage

Senator Paul Gavan: I move: "That the Bill be now read a Second Time."

I will begin by welcoming the Minister of State at the Department of Employment Affairs and Social Protection, Deputy Pat Breen, to the Chamber. I also welcome our colleagues in the Public Gallery who will be joined by others for this evening's debate. The purpose of this Bill is very simple. If enacted, it will give workers in the services sector a legal right to hold on to tips they earn in the workplace. It is a Bill which will make it illegal for an employer to withhold, deduct or demand the return of a tip from an employee unless the employer has a lawful reason.

Sinn Féin is delighted to have the backing of both SIPTU and Mandate which have expressed public support for the Bill. SIPTU and Mandate represent thousands of workers in the service sector and they understand the seriousness of this issue. Recent research shows the prevalence of this problem. One such piece of research carried out last year by my own party in Galway, which collected over 400 written responses, found that 34% of workers reported that they regularly experienced the withholding of tips by their employer. That is unacceptable. Further research by SIPTU, the Migrants Right Centre Ireland and *thejournal.ie* has supported these findings with similar results.

I would like to give the Minister of State and the House a flavour of the testimonies we received. The first is from James, who is on his way to the Chamber as I speak. He is 24 years old and this is what he had to say:

I began working in a well-known, up-market restaurant chain. I was told that I wouldn't receive any of the tips I earned during my trial period, which was supposed to last just one week. On my second day I was told by other staff members that the company would ensure my trial lasted until I made an issue of it. So I did, after 1 week. Thereafter, on finishing my trial period, I was told that I would only take home 50% of the tips I earned each night.

A second testimony was from William, who is 26 years old.

While working in a café in Maynooth I had my wages taken without consent. From the start, management said that they would be withholding my tips for work night outs and a Christmas party. I was outraged. I was only getting €9.15 an hour and my tips were vital in order to pay my rent and buy food.

The *thejournal.ie* investigation also found that workers tips would be used to supplement the till if it happened to be short or if it was a slow night the employer would just say that no tips would be handed out that evening. We cannot allow this to continue.

The unfortunate reality of the hospitality industry is that many workers depend on the tips they earn at work. Of course, it would be my preference that workers were paid a living wage and did not have to rely on tips to survive but their situation is a by-product of a sector in which low pay, precarious employment and poor work conditions are the norm. Last year a worker in the hospitality sector earned an average weekly wage of €324 which is less than half of the national weekly average earnings of €697. That is poverty pay, with workers' wages often falling below the national minimum wage. The food and drink sector is no different. Last year of 717 inspections made by the Workplace Relations Commission, WRC, 48% of employers were found to be in breach of the law and owed unpaid wages amounting to €332,000. Fortunately, through the WRC process, these wages were repaid to workers. However, most relevant to this Bill, tips were not returned to workers as they do not have a legal entitlement to their own tips. This Bill would address this issue and ensure that withheld tips are seen as a debt owed to the employee by the employer. There are over 150,000 workers employed in the hospitality sector. I am sure that almost everyone in this Chamber knows someone who works in a hotel or a restaurant. Is it acceptable that those workers on low pay, zero-hour contracts are denied the right to take home the tips they earn? That is what is happening across a percentage of businesses in Ireland.

The British Government has also recently published a report, the research for which was carried out over an eight-month period. That report found serious issues regarding the withholding of tips and the mismanagement of shared tipping schemes. Very famously, researchers found a pizza restaurant chain that withheld 12% of credit card tips as a so-called administration fee. That is just wage theft and we should call it for what it is. The Bill we are putting forward is modelled on a Canadian Bill which was introduced last year in Ontario to deal with the very same issue. It appears that this is a universal problem and is not unique to Ireland.

I will briefly take the House through this simple Bill. Section 1 is self-explanatory. Under section 2, I would like to highlight the various definitions of a tip and in particular the fact that we are including a service charge, as often money is retained by an employer under this heading. We also give a definition of a tronc scheme, that is, a common fund into which tips are paid for distribution to staff. Section 3 outlines the protections of the new Bill and is broadly in line with existing workers' rights legislation. The crucial parts are 10F(1) which holds that an employer shall not withhold tips or other gratuities from an employee or make a deduction from an employee's tips and 10F(2) which holds that if an employer contravenes subsection (1) the amount withheld or deducted will be recorded as a debt owed to the employee by the employer. This is crucial. In my job as a trade union official, I often brought restaurant workers to the WRC over basic breaches of employment law. I was able to win back moneys owed to workers for holidays, lack of notice and so forth. I was never able to do anything about the tips that were kept week after week because there is no legal mechanism available in respect of tips.

In section 3, the proposed section 10F(4)(a) of the principal Act will mandate businesses to display on their menus or in another suitable manner the tipping policy, so there is transparency for customers with regard to whom and how tips are distributed. Everyone should be able to welcome this provision. I imagine I am not alone in wondering when I pay a service charge whether the workers receive it. We should recognise that there are many good employers in the sector and many employers ensure that happens, but at the moment we actually have no means of knowing - there is no legal certainty. The Bill will address that point and will give customers transparency. Who could possibly argue with that? Customers want to know where their tips are going. They want transparency so that when they hand over tips, either they go directly to an employee or into a shared tronc scheme to be distributed to the backroom staff. The proposed section 10F(4)(b) requires the Minister to introduce regulations to facilitate the introduction of a tronc schemes check to ensure the equitable distribution of tips. This is important because it enables people in the backroom, including kitchen porters and chefs, to be included. Often, they are forgotten about. The proposed sections 10F(4)(d) and 10F(4)(e) ensure that where owners are involved in the same work as staff, they too are included in the receipt of tips. We are not here to disadvantage owners of small restaurants.

Section 4 details the offences and section 5 covers the existence of collective arrangements with regard to tips.

I wish to address briefly the issue of tax. I wish to be clear: the Bill will not change the practice or theory of tips and taxation. The current position of Revenue is that where tips are routed through the employer, then PAYE, USC and PRSI must be applied to the amount paid, including employer PRSI. If tips are received directly from patrons, there is no obligation on the employer to operate PAYE, USC and PRSI on the amounts received. Employees are obliged to declare tips received in their annual return of income. In the case of credit card tips, the employer must operate PAYE, USC and PRSI on the tips received. In other words, all these issues will stay exactly the same. Employees will be required to declare their tips to Revenue.

That is the current situation. The Bill simply attempts to provide that where an employee earns a tip, he or she gets to take that tip home. The word “tax” is not mentioned in the Bill. No tax regulations are interfered with or altered. The only reason I mention this is because I believe the tactic of using the tax issue has been raised by the Restaurants Association of Ireland. It is a straw man; it is fake news. It does not stand up.

Senator David Norris: It is none of its business anyway.

Senator Paul Gavan: Exactly. Good employers have nothing to fear. This legislation will have no significant additional impact on or conditions for good employers in the sector. Workers in such establishments will continue to take home tips they have earned. However, a bad employer who does not pass on tips to a worker would rightly be legally obliged to do so from now on.

I am asking for cross-party support. I wish to acknowledge the work of my colleague, Senator Ó Clochartaigh, who worked with me tirelessly and was instrumental in the survey in Galway that produced such shocking results.

Acting Chairman (Senator John O’Mahony): I understand the Minister of State wants to speak now. Is that agreed?

Senator David Norris: Perhaps you would tell us why he wants to speak at this stage.

Minister of State at the Department of Employment Affairs and Social Protection (Deputy Pat Breen): I will explain it.

Senator David Norris: I thank the Minister of State. He is always very courteous.

Deputy Pat Breen: I am always open and honest with Senator Norris, as I was during my days with him on the Joint Committee on Foreign Affairs and Trade. The Minister is ill and I have an engagement at 6 p.m. - it is a long-standing engagement.

Senator David Norris: I fully understand. The Minister of State need say no more.

Deputy Pat Breen: Another Minister will take over after I have spoken.

Senator David Norris: I thank the Minister of State for the explanation.

Deputy Pat Breen: As Senator Nash knows, I have some knowledge in this area - he was a Minister of State in the same area previously. That is why I am here. I am delighted to address the gathering this evening.

I thank Senator Gavan for the Bill. It is a good Bill, well-intentioned. Unfortunately, we need a little more time to look at the situation. The Government policy, as I have always said, is that there should be decent pay for decent work. The purpose of the Bill aligns with this and it is clearly well-intentioned, as I said. The Government will therefore not oppose the Bill.

I understand that the Bill stems from a desire to protect employees and ensure that they receive their entitlements. However, I think it is clear that more research needs to be carried out before we are in a position to decide on the best way forward.

The issues that the Bill seeks to address can be relatively complex. We need to consider the protections and rights already afforded to employees. We could consider appropriate non-legislative options for addressing concerns in this area, for example, a code of practice for the sector that would guide employers and employees. We must be cognisant that legislating in this area without being fully aware of how it will impact on current practices could lead to unintended consequences. That could lead to a negative effect. The Bill, for instance, specifically references “additional protections for employees in the service sector”. However, no definition is offered of what particular industries that would cover.

Let us consider the UK position. Senator Gavan spoke briefly about the UK position in his introduction. In response to public demand, the UK Government produced a consultation paper and calls for evidence on tips, gratuities, cover charges and service charges in May 2016. The consultation process finished in June 2016. The call for evidence initially focused on the hospitality sector. The UK Department for Business, Energy and Industrial Strategy also received evidence from other sectors where the payment of tips, gratuities, cover and service charges is commonplace. They included gambling, betting and hairdressing sectors and taxi operators. Those involved concluded that intervention may be required to improve the treatment and transparency of these payments but they have not yet decided on the appropriate approach.

In my view, options such as introducing a code of practice could be considered rather than legislation. Without carrying out a thorough examination of the current practices relating to tips and gratuities across all relevant sectors, we cannot be certain that a one-size-fits-all approach is appropriate or that legislation is required. On foot of the introduction of the Bill in 2017 the Department of Business, Enterprise and Innovation, which was then responsible for the national

minimum wage legislation, requested input from stakeholders but received no responses. The Irish Hotels Federation was directly contacted by the Department of Employment Affairs and Social Protection in respect of the Bill and expressed several reservations, including potential Revenue implications, the requirement for an employer to publicly display the policy on tips and gratuities and the difficulty of effectively policing any legislation in the area.

It is clear that to gain a better understanding of the complexities of the issue and the practices that currently operate in specific sectors, a thorough consultation in which the relevant stakeholders are engaged would be of benefit. In addition, an examination of current practices, including whether legislation might impact negatively in tax or financial terms upon either employees or employers, would be useful. To this end, the Minister for Employment Affairs and Social Protection, Deputy Doherty, intends to ask the Low Pay Commission to examine the payment of tips and gratuities as part of its work programme for 2018.

Senator Nash knows of the important work the Low Pay Commission has done. He was in office when it came into place. The Low Pay Commission was established under the National Minimum Wage (Low Pay Commission) Act 2015. Its primary remit is to make an annual recommendation on the appropriate rate of the national minimum wage. I know the members of the commission. They are all experienced members. It is an independent body, something I am keen to emphasise. The commission has members who have an understanding of employers and employees interests and members who have a particular expertise in labour market economics. The commission members are an expert group and have considerable experience. That is why the Minister has decided to refer the Bill to the commission for examination. The commission is also charged with taking an evidence-based approach, paying full regard to a range of economic factors while also taking account of the views of stakeholders and the public in general.

Since its establishment, the commission has examined and compiled reports on the sub-minima rates of the national minimum wage, that is to say, reduced rates that apply to trainees and age-related rates, the preponderance of women on the national minimum wage and the allowances provided for board and lodgings under the national minimum wage. It is clear that the commission has extensive expertise and could be considered to be the experts when it comes to the principal Act that the Bill seeks to amend. Furthermore, the commission's independence and experience in engaging with stakeholders while taking an evidence-based approach in examining all available data and assessing the strengths and weaknesses of systems internationally leaves it ideally suited to carrying out a fair and independent review of the payment of tips and other gratuities in Ireland.

We can all agree that an independent review of this nature that aims to take on board all arguments and analyse all available data takes time if it is to be carried out effectively. As I have already indicated, with due regard given to the other vital work the commission is tasked with undertaking, the Minister, Deputy Doherty, will request the commission to report its views and recommendations on this matter to the Government. I understand from the Minister that she will be asking the commission to report back to the Government with its findings within six months.

There is a very comprehensive body of employment rights legislation in place providing protection for employees, including legislation governing working time and pay. This includes the National Minimum Wage Act 2000, the Payment of Wages Act 1991, the Organisation of Working Time Act 1997, the Minimum Notice and Terms of Employment Acts 1973 to 2001,

the Protection of Employees (Part-Time Work) Act 2001, the Protection of Employees (Fixed-Term Work) Act 2003, and the Protection of Employees (Temporary Agency Work) Act 2012. These Acts provide for redress mechanisms through the dispute settling institutions of the State in circumstances where an individual considers that he or she is not getting his or her legal entitlements.

Under the industrial relations Acts, workers, either individually or collectively, can refer a dispute with their employer regarding terms and conditions of employment, not already governed by statute, to the Labour Relations Commission or the Labour Court, which can assist in the resolution of the dispute.

The Government has a policy of continually improving and enhancing legislation and has recently approved the text of the Employment (Miscellaneous Provisions) Bill 2017, which was brought forward by my Department and will strengthen further the protection and rights of the employee in Ireland.

Good progress has been made over recent years in terms of our economic recovery and creating new job opportunities, the majority of which are full-time positions. We must remember, however, those people who, not by choice, are in less secure arrangements and may not know from week to week what hours they will be working. This makes it very difficult for people to plan their lives outside work.

The Employment (Miscellaneous Provisions) Bill 2017 delivers on the commitment in the programme for Government to tackle the problems caused by the increased casualisation of work and to strengthen the regulation of precarious work.

This is very important legislation. The key objective is to improve the security and predictability of working hours for employees on insecure contracts and those working variable hours.

A number of key issues that have been identified as being areas where current employment rights legislation can be strengthened to the benefit of employees have been addressed, without imposing unnecessarily onerous burdens on employers. The Bill addresses five issues.

The first is ensuring that workers are better informed about the nature of their employment arrangements and, in particular, their core terms at an early stage of their employment. Currently, 15 terms of employment are required to be given by employers to employees within two months. Instead, it is proposed that the following five key terms of employment must be provided within five days of starting work for that employer: the full name of the employer and employee in that it is important that the person knows who he or she is working for; the address of the employer, because somebody could be working for somebody else, as we often see; the expected duration of the contract - where the contract is temporary or of a fixed term; the rate or method of calculating pay; and what the employer reasonably expects the normal length of the employee's working day and week will be. Other required terms of employment should be provided within the current two-month period. That is also really good news.

Second, provision is also made for the creation of a new offence where an employer does not provide the proposed statement of the five core terms of employment within one month of commencement of employment. Strengthening the sanction for non-compliance will help to promote better work practices and provide greater clarity around the essential elements of the employment relationship for both the employer and the employee.

The third is strengthening the provisions around minimum payments to low-paid employees who may be called in to work for a period but sent home without any or significantly less work and where they have not been paid. It is intended to introduce a floor payment for employees who are called into work and then sent home in these circumstances. For example, if an employer called six people into work and then decided only three were needed, the three sent home would be entitled to 25% of what they would have been paid for that shift, but with a minimum payment of three times the national minimum wage or three times the Employment Regulation Order rate, where it applies.

The fourth is prohibiting zero-hour contracts except in cases of genuine casual work or emergency cover or short-term relief work for the employer. This proposal is to avoid the contagion of an increase in zero-hours practices in this jurisdiction. There will always be a need for some casual work, but an employer that deliberately misrepresents employees as casual leaves itself open to being prosecuted by the Workplace Relations Commission for providing false and misleading information.

The fifth is creating a new right for an employee whose contract of employment does not reflect the reality of the hours worked on a consistent basis over a reference period of 18 months, to be placed in a band of hours that better reflects the actual hours worked over that reference period. This will provide greater certainty and a truer reflection of the hours of work and level of earnings, thereby addressing, in particular, difficulties employees may have in accessing financial credit, including mortgages. The reference period of 18 months is considered sufficiently long to allow for the normal peaks and troughs of businesses, including those subject to seasonal fluctuations. An employee will be able to seek redress through the Workplace Relations Commission but redress will be limited to being placed in an appropriate band of hours.

Legislation in the area of employment is complex and needs to be carefully thought through. It is important, therefore, that we do not do anything that impacts negatively on employees. Information regarding the codes of practice on the payment of tips and other gratuities in industries in which such payments are commonplace is relatively limited. The introduction of legislation in this area in the absence of such knowledge may have unintended consequences. First, we need to get information about current practices so we have the full picture. The first step is that the Minister, Deputy Doherty, will request the Low Pay Commission to undertake a review of the issue and report its findings and recommendations on the matter. As I said, this will be done within a period of six months. We can then use that evidence to determine the best options with a view to ensuring the adequate protection of employees, particularly those working in the service industry, particularly regarding the sharing of tips. It is about the service industry that Senator Gavan has genuine concerns.

I thank Senator Gavan for introducing this legislation. We will not be opposing it but I hope the House will accept the Government's very genuine reason for referring it to the Low Pay Commission, which has a range of experts. I have worked with them in the past on a number of issues and found them to be very good. I am sure Senator Nash would agree in that regard.

Senator David Norris: May I ask a question on a point of order?

Acting Chairman (Senator John O'Mahony): The Senator may indeed do so.

Senator David Norris: In light of the Minister of State's comment that the Government is not opposing the Bill, does it mean there will not be a vote and that the Bill will pass on Second

Stage unopposed?

Deputy Pat Breen: We are not opposing the Bill. I presume it is a matter for the House.

Senator David Norris: So it will pass on Second Stage unopposed?

Acting Chairman (Senator John O'Mahony): That will be a matter for the House when the question is put.

Deputy Pat Breen: We are not opposing the Bill.

Senator David Norris: The Government is not opposing the Bill so there will not be a vote.

Deputy Pat Breen: We are not opposing the Bill but we would like the support of the House on our proposal to give the Low Pay Commission time to examine the content of the Bill.

Acting Chairman (Senator John O'Mahony): The Senator's interpretation may be correct but the question will have to be put to the House on the conclusion of Second Stage.

Senator David Norris: The Government is not opposing it. Could I ask the Minister of State another question? He has been very helpful indeed. I take it that the Government would not be distressed by allowing the Bill to proceed beyond Second Stage and then go into suspended animation on the Order Paper until the commission reports.

Deputy Pat Breen: If the Senator was listening to me, he would know how seriously we are treating this.

Senator David Norris: Absolutely.

Deputy Pat Breen: We are not opposing the Bill but asking the House to refer it to the commission.

Acting Chairman (Senator John O'Mahony): We have dealt with it. We have said how we will proceed so we will leave it at that.

Senator Rose Conway-Walsh: I welcome the SIPTU representative to the Gallery and thank all the unions and others for their research and input into the Bill. First, I thank my colleague, Senator Paul Gavan, and Barry Kearney for their work on the Bill. I also acknowledge the work of Senator Trevor Ó Clochartaigh in bringing this Bill to Seanad and for all the research work he has done.

Legislation of this type, which can have a positive effect on people's lives, involves a lot of outreach and consultation with interested parties. Senator Gavan has done that in spades during the preparation of the Bill. Notwithstanding what the Minister of State, Deputy Breen, has said, I hope the Government takes notice of the many other solutions that we as a party are more than happy to have discussed in this House at any time, not solely during our own Private Members' business periods.

This is an opportunity to do the right thing. I accept what the Minister of State said but I have major concerns with his response and the stated aim of having the Low Pay Commission deal with the issue. He acknowledged that it is a good Bill and that he will not oppose it. The Minister of State referred to what the British are doing. So often with legislation and other issues in this country, we wait for the British to do something and then we decide what we are

going to do. The Bill is very innovative and simple. It would avoid disputes. The Minister of State listed legislation that offers remedies in disputes between employees and employers, but the fact is that no employee wants to be in dispute with his or her employer. The simple legislation we propose would fix an existing problem that we are aware of through the research carried out and the people to whom we have spoken in the consultation process that took place. If enacted, the Bill will do exactly what it says on the tin.

If the Minister of State proceeds as he has outlined, I am afraid the issue will get buried with all the other issues that are being considered by the Low Pay Commission. I get calls every day, as I am sure do my colleagues and others, from people who are affected by banded-hour contracts and zero-hour contracts among other issues. We talk about those issues and we do various reports but the pace of the implementation of legislation is far too slow. Many people who are on banded-hour contracts would love to have bought their own homes had they had the employment security a couple of years ago. The opportunity to do so has now gone way out of their grasp. That is why I believe time is of the essence.

As someone who goes to restaurants, I would love to have transparency on tips. Tips are given according to the type of service one gets. Like every other person, I want to see the tip going to the workers. If I want to pay extra to the establishment, then I would pay over and above for what I got, but the tip is specifically for the workers and it must remain that way.

Senator Gavan acknowledged that there are excellent employers. The vast majority of them fall into that category. Many employers along the western seaboard struggle during the year to pay their bills, yet the vast majority of them treat their employees in the right way. This legislation is not for them but it is intended to protect the most vulnerable workers. Employers need to see the economic folly of not allowing employees to keep their tips because, at the end of the day, the tips are a motivation for employees, be it a hairdresser or a person working in a restaurant or bar, to give the best possible service. That way, one gets increased customer satisfaction and return customers and a correspondingly increased turnover. Keeping tips is a foolish thing.

I could say much more but I urge the Minister of State to let the Bill to proceed through the next Stages. I do not see any anomalies but if they exist, they could be picked up as the Bill progresses in the same way as other Bills. I accept what the Minister of State said about the expertise of the Low Pay Commission, but it could also feed into the process as expert witnesses in order that we can complete the progress of the Bill as quickly as we can. That would benefit not only the employee but also the employer and the entire industry if there are happy workers who are looked after, which would allow us to have pride in our industries. We can lead the way instead of waiting to see what the British do.

Senator Ray Butler: Since 1 January 2018, under the National Minimum Wage Order 2017, the national minimum wage for an experienced employee is €9.55 per hour. An experienced adult employee for the purpose of the National Minimum Wage Act is an employee over the age of 18 who has an employment of any kind in any two years. However, the national minimum wage does not stop an employer from offering a higher wage. There are some exemptions to those entitled to receive the national minimum wage. The legislation does not apply to a person employed by a close relative, for example, a spouse, civil partner or parent, nor does it apply to those in statutory apprenticeships. Some employees such as young people under 18 and trainees are only guaranteed a reduced or sub-minimum rate of the national minimum wage.

Under the National Minimum Wage Act young people and those in the first two years of employment can be paid lower rates called sub-minimum rates. The National Minimum Wage Act also provides sub-minimum rates which apply to employees who are aged over 18 years of age undergoing a course of structured training or direct study that is authorised or approved by the employer. The Act provides certain criteria which the training course must meet if the trainee rates are to apply. For example, the training or study must be for the purpose of improving the work performance of the employee. The employee's participation in the training or study must be directed or approved by the employer. At least 10% of the training must occur away from the employee's ordinary operational duties. There must be an assessment and certification procedure or written confirmation on the completion of the training course. If an employer cannot afford to pay the national minimum wage due to financial difficulties, the Labour Court may exempt an employer from paying the minimum wage rate for between three months and one year. Only one such exemption is allowed. The employer must apply to the Labour Court for the exemption with the consent of a majority of the employees who must also agree to be bound by the Labour Court decision. The employer must demonstrate that he or she is unable to pay the national minimum wage and that, if compelled to do so, he or she would have to lay off employees or terminate their employment. An exemption may only be sought from paying the full rate of the national minimum wage, not for the cases covered by the reduced rate, for example, employees who are under 18 years of age.

If a person is not receiving the national minimum wage, he or she may enforce his or her rights by completing the online complaint form that is available. An applicant may refer the dispute to the Workplace Relations Commission, WRC, adjudicator. However that may only be done when there is a request from the employer and a statement outlining the calculation of the average hourly pay. The applicant must refer the dispute within six months of the supplying of the statement. If a person is alleging victimisation, he or she should request that the employer restores his or her employment conditions to the position before taking a case. Where the employer fails to do so within two weeks of the request, the applicant may refer the matter to the WRC adjudicator. I also see the direction of Senator Gavan's Bill. When I tip a person after a meal in a restaurant, I expect that person to keep their tip. It is not good enough that this money would go to the employer, whether they had a bad night or there is money short in the till. It is an absolute disgrace. I come from a family retail background of video shop chains and hotels. If our employees got a tip, they kept it. I support Senator Gavan's worthy Bill.

The Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, believes it would be helpful to have some research on how current practices work, including service charges. She intends to ask the Low Pay Commission to examine this issue and report to her in due course. It is a pity the Minister is not in the Chamber tonight. When the report comes back, I see no reason why we cannot go further with this Bill.

Senator Aidan Davitt: After listening to nearly 23 minutes of debate on the national minimum wage, zero hours, casual work and casual employment arrangements, I wonder if we are discussing different legislation.

I acknowledge the work Senator Gavan has done on this Bill. Fianna Fáil has some concerns about certain areas in the Bill which we hope can be strengthened to ensure its easier passage through the House. Fianna Fáil support efforts to improve conditions for workers. We are also in favour of increased transparency for workers and consumers in how tips and gratuities are treated and to make it clear to consumers that they are voluntary. However, this has to be clarified by legislation, as this Bill attempts. The British Government has developed a code of

practice on service charges, tips and gratuities, as well as cover charges, which are voluntary. We believe such a code should be considered as it would strengthen the current position. It would improve information to customers and workers while enabling businesses to operate in a fair and transparent manner, benefiting both workers and consumers.

This measure, along with addressing issues concerning idiosyncrasies in low pay and precarious hours, would go some way in protecting workers in the service industry. We have some concerns with the legislation but, hopefully, they can be teased out during its passage.

Senator Alice-Mary Higgins: I welcome this Bill and congratulate Senator Gavan for his work on it. I also congratulate Senator Ó Clochartaigh who did important work around the research into the realities of the experience of workers in the Galway area. I know he has also highlighted other workers' rights concerns in that area. I welcome the representatives of SIPTU and others to the Gallery.

I will be supporting the Bill. There has been much discussion about its positive intentions. This House, however, is not just simply in the business of positive intentions but of policies. Much as I want to see these positive intentions turned into real and concrete policies, similarly, although I am sure there are positive intentions among most employers for their employees' well-being, the fact is that those intentions are not enough. They need to be underpinned by clear and accountable policies which are published, as the Bill proposes, to allow customers know about how a business works with its employees, values them and deals with tips. There are also public and legal policies which act as the ultimate safeguard in ensuring fair practice and fair treatment.

The fact is we are not dealing with a *tabula rasa* or thinking about tips in some abstract way. We are in fact dealing with tables with money on them, maybe coins or a few euro. That money has been given by people who receive services. This will not stop during a six-month review by the Low Pay Commission but continue. Accordingly, it is important we send a signal now by ensuring this Bill stays on the table and moves from Second Stage to show it matters how that money is divided. We should not simply wait to see what might happen with it, whether the employer will choose to ensure it is shared or it will be taken by them. There are real concerns about the power dynamics involved. It was mentioned that an employee could go to the Labour Court. I do not foresee a situation where most employees would feel able to go to the Labour Court in a case such as this, particularly in many of the service sector areas where wages, conditions and job security have been deeply eroded in recent years.

Some of those issues spoken about earlier, as Senator Davitt pointed out, are not on the table now but do set an important context. We all know this is not the solution to the bigger picture issues which we need, such as the question of moving from a minimum wage to a living wage, the need for real pressure around joint labour committees and the fact we should not be giving tax relief to sectors when they do not deliver on good standards of employment for everyone in them. While these are the wider issues, this issue is simple and straightforward which we can push forward now to send a signal, as legislators, about the tone in which we expect business to behave.

Some of those most affected by these issues in the service sector are women. I have nothing against the Low Pay Commission examining this issue but it can happen in parallel with the legislation moving forward. If we get timely feedback from the Low Pay Commission, I have no doubt Senator Gavan and others will be happy to incorporate it in the Bill as it goes through

Committee and Report Stages. They are open to cross-party discussions on this area.

We cannot simply wait for the Low Pay Commission research, however. We already know from it that two thirds of those on low pay are women, the majority of those in the service sector are women and wages in that sector have not risen like the rates of profit in it. That in itself should be enough to ensure we are seeking to take every step we can to improve the situation for workers in the most immediate way.

Younger employees were mentioned, those under 18 and in apprenticeships, for example. They may not even be on the minimum wage and are often on lower wages. The supplementary income they may get from tips is important. Tips are also an important signal to them, early in their working life, that they are valued by customers which is reflected by their employer.

The tip most of us put on the table, for example after a meal, is intended for the employee and is not part of the remuneration package from the employer. This is a payment from the customer, given in recognition of service. Many tip in cash because they are concerned that, if they tip with a payment card, it will not be properly passed on to the employee. It would in fact be positive if Revenue ensured if people tipped with a card payment, it would reach employees properly.

The Bill has good nuances in that it recognises small employers, for example, who in many cases may work alongside their employees, and should get their fair share. That is a very positive nuance in the Bill. I will support the Bill and urge everybody not just to recognise and praise it but to actively support it because that would send an important message to employers as we go into the summer tourism season. Let us support the Bill and see it get to Committee Stage, and enjoy any feedback we get from the Low Pay Commission at that Stage of the process.

Senator Jerry Buttimer: I welcome the Minister of State, Deputy Byrne, and commend her for being here.

We can talk about ideology and adversarial politics, but this is a debate we need to have. I am very happy that the Government will not oppose the Bill at this Stage. I commend Senator Gavan for putting a lot of work into the Bill. He mentioned Senator Ó Clochartaigh and other Members in his remarks.

I wish to begin on a discordant note. I refer to the remarks of Senator Higgins. She should understand that the previous Government and this one increased the minimum wage and took more people out of the tax net than any other Government in the history of the State. She consistently comes in here and berates this Government and the previous one. She should look at the facts. We increased the minimum wage, took more people out of the tax net and gave people a chance.

Senator Gavan knows my ideology in terms of low pay and workers. I want to ensure that the rights of workers are protected. The opening lines of the speech from the Minister of State, Deputy Breen, were about decent pay for decent work. Senator Higgins should not come into the House and consistently berate the Government and say it did not do anything because it did. A significant number of people have been brought out of poverty. Senator Higgins should be consistent in her approach to politics. New politics is not about giving out about the Government. Rather, it is about trying to bring pay-----

Senator Alice-Mary Higgins: Senator Buttimer might want to look back on my speech. He will find what I discussed.

Senator Jerry Buttimer: I was here. It is important that, in the context of the Bill, we work together to ensure there is a desire to protect employees, as Senator Gavan said. I heard him on Newstalk or RTÉ yesterday, and I agree with him.

A lot of work needs to be done on the Bill, which the Minister of State, Deputy Breen, acknowledged. It is a complex Bill. The fundamental core of what it is trying to do is to protect employees. I have always been concerned about where the money goes and how the pool of money is given to employees when customers use Laser or credit cards in restaurants or other places where people tip at the end of service. The Bill is also about ensuring there are adequate protections for employees.

Our service industry is one of the most important parts of our country. It is clichéd and hackneyed to say that, but when people refer to the céad míle fáilte and welcome they receive in Ireland it is the people who work in the service industry who contribute to that. Front-of-house receptionists, waiters and bartenders in pubs, restaurants and everywhere else contribute to that. By and large, we are very lucky in terms of the people who serve and work for us.

The Minister of State, Deputy Breen, referred to the UK model and what it did and did not do. We should never follow the UK; we should always lead ourselves. I hope we can do that. That is why I am glad we are not opposing the Bill on Second Stage. It is about ensuring that people who work and deliver a service receive due remuneration and respect from us as citizens of a republic. We speak about a republic of opportunity. That applies to those who get up early in the morning or work all day and night. There was a programme on RTÉ on Monday about what Ireland eats. People get up in the middle of the night in order to be in work at a particular time or work antisocial hours. The same applies to those working in hotels and restaurants.

The Minister referred to contact and communication with different stakeholders in our hospitality sector. One of the best things the previous Government did was to reduce the VAT rate, which was an activation measure to create employment in the hospitality sector. Look at what has happened since in the hospitality sector. Prices have increased for hotel rooms in Dublin and other areas. For some reason, hotels in the capital city of our country have this week charged members of the public astronomical amounts of money.

If we are serious about job retention in the hospitality sector, we must sit down with the Irish Hotels Federation, IBEC and any other relevant stakeholders and address the spiralling cost of accommodation in our capital city and other parts of the country. There will be a reduction in jobs if prices continue to increase. That is not good enough, given that in its very first budget in 2011 the then Government took a decision to cut the VAT rate and retained it following lobbying in the intervening period.

Senator Higgins referred to the Low Pay Commission and said we cannot wait. We all want people to be paid a decent living wage - I am all for that. However, she failed to recognise that yesterday the Minister, Deputy Regina Doherty, addressed a pension anomaly. There is a commitment in respect of the Low Pay Commission. I am not referring to Senator Higgins's speech; rather, I am speaking in general about people who, on the Order of Business today, attacked the Minister for not going far enough. She gave a commitment and addressed the matter. The Low Pay Commission was established under the National Minimum Wage (Low Pay Com-

mission) Act 2015. It will come back with recommendations and work to address the issues which need to be ironed out in this Bill.

We must make a statement of endorsement and affirmation to the men and women who work in our service industry. In tandem with that, from a political perspective, there is a need for the political will to bring about change and ensure there is no rip-off Ireland or under-the-counter skulduggery taking place. I am not saying there is because I know from having spoken to people in advance of the publication of the Bill that restaurateurs in Cork operate on the basis that tips go to workers and are pooled or allocated to those waiting on tables, kitchen porters or whoever else is part of the operation.

It is also important to recognise that this Government and the previous one rebuilt our economy with the Irish people. There are more people back at work. People should compare the number of people who were unemployed at the beginning of 2012 with the number for 2018. There has been a gargantuan change in the landscape of our country. There are now cries that we have traffic gridlock and cannot get people to fill certain jobs. On the Order of Business today, I made the point that there is a deficit in apprenticeship numbers which we must address, in particular in the construction sector. People involved in the construction sector say significant holes need to be filled.

I welcome the Bill. I am glad we are not opposing it as a Government. We must all work to ensure that workers get their remuneration and receive what they are entitled to. I again commend Senator Gavan. I put my sword back in the scabbard for this debate but we will resume hostilities another day. I commend the Bill.

Senator Gerald Nash: With respect, Senator Buttimer must have been listening to a different contribution from Senator Higgins than the one I heard. If Senator Higgins can be accused of consistency, the consistency I would accuse her of it being consistently supportive of the low paid, in particular women who are low paid.

I have developed a relationship with Senator Higgins over the years. I very much enjoyed the work we did together. Wearing a previous hat, she gave advice to me when we established the Low Pay Commission. In fact, the very valuable work the commission did included identifying the needs of women, in particular, who are in low-paid jobs. As the Senator correctly pointed out, a preponderance of women experience low pay in Ireland and earn the national minimum wage.

I commend the work of the Low Pay Commission, work I asked it to do, to try to get under the bonnet of the issues pertaining to women in low-paid jobs, who need to be supported and protected by improved legislation and improved statutory minimum rates of pay, particularly when we look at the sectors in which those women are concentrated. Sectors in which women are concentrated include the hospitality, food and accommodation sectors, as referred to earlier.

I am pleased to support the Bill presented by my good colleague, Senator Gavan, and Senator Ó Clochartaigh, who I know did an enormous amount of the research necessary for a Bill like this to be presented to this House and to find its way on to the Statute Book. This work confirms what we already know anecdotally, which is that all too often, workers in hotels and restaurants and the food and accommodation sector effectively have their tips stolen from them. This is what it is. They are cheated out of money that is rightfully theirs.

I want to consider this figure for a moment. On foot of a request I made through the Low

Pay Commission when we dealt with those issues a couple of years ago, we asked the CSO to ask a question in its quarterly national household survey regarding the number of people who are on the national minimum wage. We always made an informed assumption that about 5% of the workforce was on the national minimum wage hourly rate. In fact, the quarterly national household survey figures produced last year indicate that the figure is double that with about 10.1% of the workforce engaged on the national minimum wage rate. This has been confirmed.

The sector with the second highest proportion of workers on the national minimum wage is the services, food and accommodation sector. This is the sector on which we are focusing in the context of this Bill. That is not to say that there are no other sectors where workers receive tips for the work they do. Standing at a quarter of all those earning the national minimum wage, these are among the workers who are least likely to be members of a trade union and, therefore, do not get the protections that members of trade unions generally have and who are the most likely to be on contracts where they are not guaranteed hours or work - precarious work of one description or another.

Despite the fact that it is State policy that there should be a joint labour committee in the hospitality sector, like the joint labour committees that are successfully operated in the security and contract cleaning sectors, there is no such committee in the hospitality sector and there is very little evidence that one will be set up any time soon. Against this backdrop, we see far too many people working in the hospitality sector - a sector that has, as Senator Buttimer, who is not here to hear this contribution, said has benefited from almost seven years of a consistent State subsidy - being cheated out of their tips in a way that is very difficult to comprehend and defend. It takes some brass neck for an employer to do their staff out of tips to which they are rightly entitled but "brass neckery" is not something of which there is a shortage in this country or that industry. Denying a worker the tips to which they are entitled is a horrible, vindictive and cruel act and is nothing short of robbery.

This Bill could be tightened up and nuanced in some ways. I know that Senator Gavan does not have a monopoly of knowledge or expertise on this. Neither do I. Nobody in this House has. Those of us who have the interests of working people at heart are prepared to work with officials in the Department, the Low Pay Commission and the Minister to try to nuance this Bill and make sure it is the best possible piece of legislation we can produce to defend the interests of the people targeted by this Bill. In reality, we are all agreed that the tips that are generated for the staff who wait on tables, work in kitchens and work in this industry should go into the pockets of those who are entitled to them. It is a really sad commentary on us as a society and on elements of that sector that we must have a legislative response to this issue. It would be helpful if companies could be encouraged and obliged to post in their premises a widely understood policy on the distribution of tips and what happens to them because the public needs that reassurance.

I am also pleased to see that there is provision in this Bill to make sure that the owner-manager is in no way excluded because the reality on the ground is that probably the vast majority of small food businesses in this country are operated seven days a week by the owner-manager - often in very difficult circumstances. They need to be acknowledged and recognised in the context of this Bill. They are as entitled as everybody else working on the floor, in the kitchens or in the background in that company to tips because of their hard work.

I am also pleased to see that there is provision in section 5 for the primacy of collective agreements. It is really important that we encourage employers to use the machinery that is in

place, which in this case is a joint labour committee, and that if a joint labour committee can identify a better customised and tailor-made approach to the sector, it is quite free to do so. I have been on the receiving end of a considerable amount of criticism from elements of the hospitality industry in recent years because I have the audacity to believe that workers are entitled to some certainty regarding the income they might expect and their hours. I have no doubt that Senators Gavan and Ó Clochartaigh and others who have introduced this Bill and been involved in its gestation have received similar criticism because they have the audacity to believe there should be a legislative response to address these issues in terms of tips getting to the staff who need them. When I engage with those industry bodies, I always say that there is an alternative to the blunt instrument of primary legislation being imposed on them and that alternative is to engage with trade unions in a joint labour committee to customise an approach to certain rights and entitlements, rates of pay and terms and conditions in their sector, an approach that works for them. However, in the absence of such an agreed order that might emerge from a joint labour committee, legislation like this is needed.

Sometimes I get a bit uncomfortable when I hear Ministers talk about the necessity of introducing a code of practice instead. My experience regarding how the code of practice around self-employment has worked tells us that given what we know with the rise in bogus self-employment, sometimes codes of practice are not worth the paper they are written on. However, I have every confidence that the Low Pay Commission has the expertise, interest and commitment to help us to address these issues that we are ventilating on the floor of the House. I look forward to that report but my absolute preference would be for us to give legislative effect to attempts to address this issue and not rely simply on a weak and toothless code of practice.

Acting Chairman (Senator Gerry Horkan): Eight more Members wish to speak. If everyone gets eight minutes each, that would bring us to 7.11 p.m. but we must conclude the debate at 6.55 p.m. to allow Senator Gavan to conclude for five minutes and reply to the debate. If everyone lost two minutes of their time, we would probably get there; otherwise three or four Members at the end will not get in at all. I will leave it at eight minutes. Is that okay? It is fair that we leave it at eight minutes, but could Members try to curtail their time?

Senator Niall Ó Donnghaile: Gabhaim buíochas leis an Aire Stáit. Gabhaim mo bhuíochas agus déanaim comhghairdeas leis an Seanadóir Gavan as an Bhille seo a leagadh os ár gcomhair anocht agus le Barry Kearney agus a oifig as a gcuidiú leis an reachtaíocht seo a dhreachtú. Gabhaim buíochas freisin as an obair a bhí curtha isteach ag an Seanadóir Ó Clochartaigh, mar a ghabh daoine cheana féin. I do not and should not have to reiterate the fact that this rather simple and direct Bill is about workers. It is about protecting and defending workers and offering the most modest and basic form of support, courtesy and dignity to a point given the circumstances in which many people within the hospitality sector work. When I came to reflect on this piece of legislation, I thought back to last night and a Bill before us on Second Stage from Senator Swanick. It was the Life Saving Equipment Bill. All of us, including its proposer, acknowledged that this Bill needed to be tightened up and that there were elements of it that could be improved and refined with expert input and knowledge. Given that it was positive legislation and could have a tangible impact on people's lives, in keeping with the general practice in this House, we all agreed to allow it to proceed to Committee Stage because that is where we can amend, develop, refine and improve legislation such as this.

I acknowledge that a number of parties will abstain on the Bill, but it would have been much more positive and in the spirit of new politics and would have given a positive message of support to workers in the hospitality sector were they to have voted for it to pass and then sought

to have their amendments made on Committee Stage.

I do not think my time is up yet, but I will not use the whole eight minutes.

An Leas-Chathaoirleach: It is not, but I want to get this man in to respond.

Senator Niall Ó Donnghaile: I will not go the full ten minutes.

An Leas-Chathaoirleach: I do not want to let him down.

Senator Niall Ó Donnghaile: I want to bring it back to the workers. Some of them are represented in the Visitors Gallery while others are following via social media and on the web. The workers have to be front and centre in our minds as we progress the Bill. It is bad enough when the State asks the people to pay for bad banking debt and dips into their pockets to pay for that. It is worse that we would not even consider at this stage very simple legislation that would stop certain employers from dipping into the tips jar. As Senator Nash rightly said, that is effectively what is happening here. People's tips are being taken from them.

Let us reflect on the kinds of workers who avail of, benefit from and, in many instances, rely on these tips. The limited recovery in this State, mentioned by Senator Buttimer, has happened because of those who put their shoulder to the wheel and work in those precarious jobs in the hospitality sector. They get up incredibly early in the morning to clean hotel bedrooms, kitchens and bars. These are the people who have led the recovery. The very least we can do is ensure that they get to keep the tips they get for the good service they provide and despite the often horrible conditions they work in, as identified by the research in Galway carried out by Senator Ó Clochartaigh. We need to ensure their employers are not taking their tips upon which they rely to make up the difference in their wages which perpetuates the kind of awfulness we have seen in this State with homelessness. We are forcing people into poverty where they lose jobs, where they lose their homes and where they are not able to afford rent. Tragically, that is the difference employers taking tips off their staff can make to people's lives. They are stealing from them and effectively driving them further into poverty.

We have an opportunity to do something very simple, straightforward and positive. It is laid out in the Bill. We should allow it proceed to the next Stage, at which point we can, as colleagues have outlined, make the necessary amendments. We have no objection to that.

Senator Frank Feighan: I welcome this Private Members' Bill. When I heard of it first, I said it struck a chord of well meaning. I congratulate Sinn Féin on bringing it before the House. I have some difficulty - not much difficulty - with some issues.

I had a restaurant over 20 years ago and am proud that the staff kept their tips. I had one member of staff who did not remember orders, was not very fast and sometimes got orders wrong. However, she could smile and say, "Hello", "Please" and "Thank you". She got more tips than I got for running the restaurant and fair play to her. It is wonderful to get service with a smile and people tip because of that. It is sometimes not because of the quality of the meal, but because somebody has been pleasant to them. Fair play to anybody who gets plenty of tips.

I saw anomalies in my restaurant where I allowed the staff to keep their tips. While it was not a high-class restaurant, the tips were quite good. However, when there was a party of 15 or 20 people and the person serving that table got a huge tip, sometimes it did not go into the fund for all the staff. That is an issue. Some people are blaming unscrupulous employers, but

sometimes it is an issue when a bill came to €200 or €300 and somebody got a tip of €50 that did not go into the pot. I do not know how we can legislate for that. I suppose it is human nature in some ways. I am very supportive of staff keeping tips.

I agree with Senator Nash that if there are 15 or 20 staff in a restaurant, from a solidarity point of view, everyone should have a fair share, and maybe the owner-manager of the restaurant should be able to have a say in how the tips are divided. Maybe even if there was €300 or €400 at the end of the night, it could be €10 or €20 each, because it shows that people were involved. The Senator is right in what he said about joint labour committees. We are looking at one angle and I can understand where he is coming from, but we need to tease this out further.

I think we in Ireland are quite generous with tips. When I visit the United States, a state of panic and confusion sets in because we do not know exactly what to give. I can be in a bar and if someone buys me a bottle of beer, I nearly buy him two or three bottles of beer back, and that is the barman. The minimum wage in the United States is only \$5.85 and most of the staff rely on the tips, whereas in Ireland it is €9.55. I agree it is not a living wage and I accept that tips should be considerably more generous.

A balance needs to be struck here and it is never easy. We have to think about businesses, restaurants and employers. I want to speak on behalf of employers because I employed up to 50 people in two separate retail businesses. It is quite difficult to keep businesses open. It was quite difficult to address the minimum wage, although I welcomed it. If a business cannot afford to pay the minimum wage, it is not a viable business. There were challenges. Most businesses did not go out to oppose the minimum wage, but effectively there was no system in place. When it came, I would not say it closed many businesses but it certainly did not help to keep the businesses open. I very much welcome the minimum wage which was one of the best things that happened in our country. It provides solidarity with the staff.

The Bill is welcome. We need to look at practices elsewhere, such as what is happening in the UK. We can probably come up with a better and more holistic way of dealing with it. Senator Nash's proposal of a joint labour committee addressing all the major issues could be the way forward. It is a Bill worthy of debate and contains many good points.

Senator Trevor Ó Clochartaigh: Tréaslaím leis an Seanadóir Gavan as ucht an Bhille seo a thabhairt chun cinn. I have been getting a lot of praise, but the lion's share of the praise on the Bill has to go to Senator Gavan and to Barry Kearney who works with him and who is in the Gallery this evening. They did a huge amount of work on the matter over the past year.

There has been a lot of talk about the survey we did in Galway and the campaign we have on restaurants. There were two real heroes in that campaign in Galway. One of them, Eva Mitchell, is sitting in the Gallery and the other lady was Kaela Mac Cormaic. They were workers in the restaurants who told their stories publicly and were very brave to do that. What we found is that people working in the industry are afraid to speak out because of the possible repercussions of doing so. The workforce in the sector is highly fluid and employees are told they will be quickly replaced if they open their mouths.

I will recap some of the findings of our survey. The Bill must be viewed in the context that most of those working in restaurants are young people. The majority of the 415 respondents to our survey described themselves as Irish and were between 18 and 34 years of age. Some 45% were employed full time in the sector and a further 25% were working part time. The survey

found that 43% had been employed for at least one year. The three most common occupations were waiting staff, bar staff and chefs.

The key findings of the survey were that 45% of respondents were not given written statements setting out the terms of their employment within the first two months and 18% did not receive regular pay slips; almost 60% indicated they did not receive the statutory 15-minute break after 4.5 hours work; 50% did not receive a 30-minute break after six hours; 50% did not receive their entitlement to nine public holidays per year; almost 50% did not receive 11 consecutive hours of rest between shifts; and more than 40% did not receive four weeks of paid annual leave.

While tipping is an important issue, workers in these sectors are also suffering for many other reasons. Some 44% of respondents to our survey indicated that the rota in their workplace was used regularly as a negative control mechanism. Effectively, this means that those who do not toe the line lose hours or are not rostered for the hours they need.

On an issue directly related to the Bill, 34% of respondents reported the withholding of tips regularly, very often or constantly, and 28% reported being underpaid regularly, very often or constantly. Instances of physical and verbal abuse were also reported.

I wish to be positive on the basis that the campaign has made significant progress. The committee working with me includes members of SIPTU, some of whom are in the Public Gallery, academics from the National University of Ireland, Galway, people working with migrant workers and employees in the industry. We found an unexpected ally in the Minister for Transport, Tourism and Sport, Deputy Shane Ross, who, following a meeting with us, brokered a meeting with the Restaurants Association of Ireland. We hope to meet representatives of the Irish Hotels Federation in the next couple of weeks.

We put it to industry representatives that there are issues in the sector and they should acknowledge them. We want to work with the industry. We also want to turn our campaign into something positive by rewarding employers who treat their workers well. We are starting an awards programme for companies that show respect for employment and labour. We will develop an awards system for restaurants that treat workers properly, similar to the rosettes given to restaurants under other awards schemes. We met representatives of the Galway Chamber of Commerce, which responded favourably to our proposal, and we hope to meet restaurateurs in the city. We will turn this into a positive campaign.

One of the angles in respect of tips that has not been mentioned is that good employers are penalised by the lack of regulation in this area. Good employers who pass on tips in a proper manner and treat their workers well are being undercut by employers who are dipping their hands into the tips jar. The latter are able to provide services and food at a cheaper rate and are, therefore, undercutting their next door neighbours. The good employers whom we met agree that the sector requires this type of legislation and regulation. It is important to point out, therefore, that they will support the Bill.

Much has been said about the Workplace Relations Commission, WRC. The responses we have received indicate the commission has no teeth. We have dealt with cases involving people who have won cases in the Workplace Relations Commission. Marius Marosan who represents Romanians in Ireland has taken 50 cases to the Workplace Relations Commission, most of which he has won. However, the employers in question laugh at the outcome because little can

be done if they do not pay out. They do not give a damn about the WRC or the possibility of staff taking a case to the commission. They laugh at employees who indicate they intend to take a case to the WRC. The way in which the commission operates must be reviewed.

I commend the work being done by Senator Gavan and fully support the Bill. Molaim go mór na hoibrithe atá ag labhairt amach. I encourage more workers to speak out and tell their stories. That is how we will get to the bottom of what is taking place. I thank the Restaurants Association of Ireland, which I have castigated previously, on coming on board and showing support. We hope to work with the association, the Irish Hotels Federation and others to create a positive culture and make this Bill a win-win scenario for everyone.

An Leas-Chathaoirleach: I know Senator Norris will be brief.

Senator David Norris: I will do my best. I welcome the Minister of State and commend Senator Gavan on introducing the Bill. I was glad to hear Sinn Féin Senators pay tribute to Senator Ó Clochartaigh despite his separation from the party. He is one of the best Senators in the House and I sincerely hope he finds a way to continue in public life.

Senator Martin Conway: Hear, hear.

Senator David Norris: The definition of a “gratuity” in the Bill is extremely good. It is defined as a “payment voluntarily made to or left for an employee by a customer of the employee’s employer in such circumstances that a reasonable person would be likely to infer that the customer intended or assumed that the payment would be kept by the employee or shared by the employee with other employees”. One could not better this definition, which is excellent.

However, I have some questions regarding the Bill. I would like more clarity on the reference in section 3 to “adjudication officer”. From where will the adjudication officers come and what qualifications will they have? They cannot be simply dredged up from nowhere. Greater clarity on this issue would improve the Bill.

The Bill provides that employers display on menus and so forth the policy regarding the distribution of tips. If the Bill passes, this requirement will hardly be necessary because all employers will have to behave in the same way regarding tips. The provision may, therefore, be redundant.

The penalty provided of imprisonment to a term not exceeding six months appears a little harsh. While pilfering tips is a nasty thing to do, I am not quite sure people should be sent to jail for it.

An Leas-Chathaoirleach: Fining them would be enough.

Senator David Norris: I beg your pardon.

An Leas-Chathaoirleach: Perhaps I should not suggest that they be fined.

Senator David Norris: They would be fined under the legislation in any case. I would leave that provision in the Bill.

Senator Niall Ó Donnghaile: The proceeds from fines should be given to the workers.

Senator David Norris: The Minister of State referred to considering options such as “a code of practice for the sector that would guide employers and employees”. A code of practice

is no bloody use because it would catch good employers, while bad employers would give us the two fingers. They will not care a damn about this.

I do not know what the Minister of State was going on about when he referred to “gambling, betting and hairdressing sectors and taxi operators”. I do not gamble and I do not imagine that people give tips in BoyleSports or whatever the other bloody places are called. I always give a tip to the hairdresser, however.

Senator Martin Conway: That is why the Senator always looks so well.

Senator David Norris: The same applies to taxi operators. People give the tip directly to the driver as there is no other person involved in the transaction.

The Minister of State referred to reservations expressed by the Irish Hotels Federation when it was directly contacted. Of course the federation will query the legislation. Given that hotels are profiteering from this, why would they not object to the Bill?

There is no harm in asking the Low Pay Commission to give a view on this matter. The Minister of State referred to asking it to report back within six months. There is no harm in imposing a time limit on this.

The Minister of State indicated that workers can refer disputes under the industrial relations Acts. Like hell they can. They would be fired and their feet would not touch the ground if they tried to do so. Who is the Minister of State kidding when he comes out with this crap? I will withdraw unreservedly that word if it is considered unparliamentary language.

An Leas-Chathaoirleach: I thank the Senator.

Senator David Norris: The circumstances addressed in the Bill do not only affect Ireland. We heard evidence of similar legislation in Canada. Restaurant staff in the United States could not survive on their wages and need tips. In France, if one does not leave “service” in a restaurant, one is battered on the head.

With regard to credit cards, it is a bit cheeky to leave a space for tips on bills paid by card. Sometimes the staff are no bloody use. Why should one give a tip to someone who is absolutely useless? I had an experience recently while waiting outside the Gresham Hotel for a taxi to take to me to St. Patrick’s Cathedral where I was due to speak at a service. After waiting for about ten minutes, a woman approached and when a taxi pulled in, I got in because I was the first person in the queue. The driver then asked me if the woman was with me. I replied that I had never seen her before and she had just arrived in the queue. He responded by calling me a disgrace. “You call yourself a gentleman”, he said. I have never called myself a gentleman and I told him I had been waiting for ten minutes before the woman in question floated into the queue. He wanted to let her into the taxi because she was a bit of skirt and he could go to hell, I said. When I was getting out I told him he was not getting a tip because he was an ignorant, ill-mannered thug. At that stage, I had got out of the taxi and was standing on the pavement. I was afraid he might take a smack at me. Among the things I do not like in restaurants is the way they push drinks, particularly upmarket restaurants. They do not ask if guests would like three starters instead of two but they will keep pouring and opening more bottles and pushing the drink.

Senator Martin Conway: Apart from water.

Senator David Norris: Apart from water - my colleague is absolutely right.

With regard to the tax situation, it is a gratuity, a gift. I do not think it should be taxed at all. It is a matter between the customer and the person who provides the service. I do not think it should be taxed. I always give cash because if one puts it on a credit card, the credit card company and the management take money out of it and there is damn all left for the unfortunate employee. I am glad to say that when I give cash - to use a word I really like that came out in one of the tribunals - it is "trouserred" immediately. Trouserred - into the pocket and off they go. That is the way it should be. It is a way of saying "Thank you very much" outside the tax system.

I hope I have not used the whole eight minutes.

Senator Martin Conway: It is hard to follow on from that very agreeable contribution from Senator Norris. I do not always agree with him but on this occasion I agree with practically everything he has said. I welcome the Minister of State, Deputy Catherine Byrne, to the Chamber; it is great to have her here. The Minister of State, Deputy Pat Breen, was here earlier but he did not stay to answer questions. That is all right too.

I come from County Clare, where the hospitality industry is a very significant employer. This is an extremely important piece of legislation. What has gone on in businesses when it comes to gratuities and tips is an absolute disgrace. Tips are paid because people are happy with the service. They got a good product and felt good about themselves. The people serving and looking after them did so in a way that made them feel happy about their meal and the occasion for which they were out. It is not acceptable for businesses to retain any portion of the tip.

Equally, if there is a restaurant with five staff out front and another five or six staff in the back doing the cooking and washing up, when a tip is left, the staff in the back should be entitled to their portion as well. They are part of the equation that makes up the overall experience. People usually will not tip if they do not get a good meal or if they do not like the food, irrespective of how good the service is. Equally, if people have a very nice meal but the service is not good, they will not tip either. Usually when people tip, it is because they have had a whole, rounded, positive experience. The various people who help make up that experience should be rewarded. Unfortunately, in a lot of cases and particularly in tourist areas - I would not be as familiar with Dublin - it is the front-of-house people who benefit most when the tips are given. There are many fair employers who divide it up, however, which is welcome.

As to whether gratuities should form part of someone's taxable income, Senator Norris is right that it is a gift. There is a certain threshold here whereby one can receive up to a certain threshold per annum tax free in terms of a gift. It should be classified as a gift. I do not think there is anybody in this country who is paying tax on tips. If there is, I would love to meet them because they must be getting some ginormous tips.

A lot of young people fund their college courses and their accommodation, in particular, through tips they get from employers that do pay them back out. That is good because it is educating young people, giving them the opportunity to embrace education and fulfil their lives. I talk to many young people who tell me it is as a result of the tips that they have been able to live in reasonably good accommodation and so forth. Not all restaurateurs, hoteliers and so forth are blackguarding when it comes to tips. Quite a lot of them are paying them out.

I commend Senator Ó Clochartaigh. It is the first I heard of that scheme in Galway. It is

like a quality mark for treating staff right. Maybe it could be extended into other industries as well. I would encourage the Minister of State, if there is a few euro somewhere along the line, to see if they could get a grant towards what they are doing on a pilot basis to see if it could be extended. It sounds like a wonderful concept.

There is a practice that goes on in tourist areas in particular, where bus drivers will bring a busload of people to a restaurant. The driver will get his meal free, which is absolutely appropriate and I do not have an issue with it. However, there may be hello money involved whereby a bus driver is getting €100 or maybe even more if he brings 50 people into a particular restaurant. That is a worrying practice that should be taxed and should not really be allowed. I have some concern that this is becoming very prevalent. I am also concerned that some of our State operators are also engaging in it, perhaps in an *ad hoc*, informal way. My understanding is that there could be a blind eye being turned to it. CIÉ and all those organisations need to publish their policies on bringing people to certain venues to reassure us that there is no money changing hands or anything like that. If it is the case, it is certainly not appropriate.

Overall, it is a very innovative piece of legislation. If the Government cannot support it for whatever reason, I hope it may take the benefits and good parts out of it and bring them into another Bill that could be developed. The debate has been extremely useful. It has highlighted something that has evolved in an *ad hoc* way. When that happens, those who are less honourable in how they treat people can get away with things. As Senator Ó Clochartaigh quite rightly pointed out, it does not help those who do their business right. Some sort of guidelines through legislation would be very welcome in this area.

Senator Máire Devine: I welcome Senator Paul Gavan's Bill, ably helped by Senator Trevor Ó Clochartaigh. I want the House to recognise that it would be a stand-alone Bill. If there are concerns about unintended consequences such as those we have heard from different sides, I ask that it be allowed go to Committee Stage where the issues can be argued out. That is what these Houses are for, not to shut down debate or kick anything down the road. I hope this is not a ploy to do that.

The Bill enjoys countrywide support among all the workers in the hospitality sector, who are, in the main, young people, as well as from their parents and families, who want to see their children having job satisfaction and being able to progress to independent lives of their own at some stage. We all love our children but eventually it is time to go as well.

I do not think it is necessary to refer the Bill to the Low Pay Commission for examination or to make recommendations. It is a very easy Bill for us to manage and allows us to improve workers' rights and security of pay. It is appropriate that we discuss it here and not kick it to touch at the Low Pay Commission. It would take up too much time, which would be time wasted. These tips which have been left to workers by customers are direct payments to staff and a "Thank you" for and an acknowledgement of their good work and an enjoyable experience in a restaurant, hotel, etc. Customers want a guarantee that their tips go to the young workers in question, the majority of whom are low paid. Since they are legally entitled to that money, taking it would amount to theft. The tipping culture is not new in Ireland. It is no longer foreign and has become normal practice in society in the past decade. That brings with it the possibility of exploitation, which is happening in some instances.

The public's interest in the Bill is considerable. The issue impacts most negatively on young workers and those in precarious employment. If one speaks to young people, they auto-

matically calculate tips as a top-up to their wages to see whether they will be able to afford an extra gúna or go out for a night. I have in mind a young woman in my own family. She moved out after sharing a house, as one does when one is 22 years of age. She had just about been managing to pay the rent and in her head her tips were automatically a part of her wages. That they were hers is the truth. She decided to have a conversation with her employer about lunch breaks. While we cannot tie it to that conversation, she was let go a week later. She managed to find another job in the restaurant business and, again, it was low paid. She was not aware that the tips would not be hers, that they would instead be taken by her employer. Eventually, as she could no longer afford to pay for her room in the shared house, she moved back home. Luckily, she had parents to whom she could move back. That is an important point. This issue does not only affect the low-paid worker who in many circumstances is young but also the individual's family and friends.

I call on the House to allow the Bill to progress. Let us have a concise and comprehensive debate on it. That needs to happen today.

Senator Kieran O'Donnell: I welcome the Minister of State. I wish to speak about this issue because I support the thrust of the Bill. Senator Máire Devine is right - it affects people across the spectrum, including students, males and females, young and old. Why do we tip in restaurants? I will define "restaurant" as both a restaurant and a pub, as pubs now usually serve food. We are more inclined to give a larger tip when we get better service. I feel strongly about this matter. It is important that we have structures in place to ensure the person to whom we intend the tip to go actually receives it. The majority of employers are reasonable and fair, but as there are unscrupulous individuals in every walk of life, we must ensure that whatever measures are in place address this issue.

When the House debated the Life Saving Equipment Bill 2017 last night, it was stated that, although there were probably many measures within existing legislation through which we could deal with the issue of people wilfully damaging defibrillators and other life-saving equipment, it would be a good idea to address the matter in specific legislation that would be worked on by Fianna Fáil and the Government to leave us with something that would function. This Bill fits into a similar category. Everyone agrees with its import. There is myriad legislation on the protection of workers' rights, but there does not appear to be anything specific to deal with this issue. The Low Pay Commission has addressed various matters. While it has not dealt with this one specifically, it has a body of knowledge.

What is being proposed in the Bill will be accepted by all and there is significant goodwill towards it. In a cross-party spirit, I hope that goodwill will be reciprocated when we engage in detailed due diligence so as to ensure there will be no unintended consequences. What I have learned during the years is that legislation is not perused enough by Members. That is possibly not the case in this House, but it is certainly the case in the Lower House. In many instances, legislation went through in double-quick time without the perusal required, only for us to suddenly find that it did not work in practice.

What is being proposed in the Bill makes great sense. Like all legislation, it must go through the process of having a body of research prepared. We will then consider the legislation in the normal way on Committee Stage. Much legislation moves over and back. Obviously, we cannot consider legislation forever, but the longer we consider it and the more time it receives, the more we can strengthen it and tease out its unintended consequences.

The Bill is specific rather than overarching, as the Title describes. I hope it will progress and be examined by an expert group. All parties are aiming to research it. I am a research man and hope we will find a way to ensure that, when we have a meal in a restaurant or a pub in Limerick or anywhere else and receive particularly good service, the tip we leave will get to the person for whom it is intended. In my experience, those who work in the industry are invariably good and polite. We still have the céad míle fáilte.

I have only addressed a single aspect, but the Bill contains several measures. I am glad to support the basic principle behind it. I would like the Bill to be subject to the normal perusal and due diligence it deserves. It could then be reverted back to us as a body of work that would function in practice, as the main intention should not just be to get a Bill through but to get legislation through that will do exactly what it is intended to do.

Senator Gabrielle McFadden: I wholeheartedly support the Bill and its intention. I agree with the Minister of State that it needs to be examined, as nothing should crop up down the line, for example, benefit-in-kind or other tax implications. We need to do this properly as people deserve their tips. When I eat out, I am always conscious to bring cash for a tip. I never leave it on a card because I am concerned to ensure the people who serve me and deserve the tip get it.

My daughter is in college and has been funding herself through working in restaurants. One time in particular, she deserved a tip just for putting up with the restaurant's owner, never mind difficult customers. It is important that people of all ages get their tips.

The Bill is excellent and has wonderful intentions. I admire it. I admire the initiative in Galway to award restaurants that look after their employees. It is really important and I commend Senator Ó Clochartaigh for bringing it forward. I absolutely agree tips should go to the workers, but it should be done properly. However, we do not want to see tips being considered as a benefit-in-kind with tax implications down the line. I agree that this should be referred to the Low Pay Commission. I agree wholeheartedly with the Bill.

An Leas-Chathaoirleach: Senator Gavan has a decent five minutes.

Senator Paul Gavan: I thank the Minister of State and all the contributors to the debate. We have had a constructive debate this afternoon. I am very conscious of the visitors in the Gallery who work or have experience in the industry and have taken the time to travel from Galway and other places across the country. People who work with Migrant Rights Centre Ireland know the way some foreign nationals have been unfairly treated in this sector. I wonder what they are thinking right now because, on the one hand, we have had positive talk about the Bill - I welcome and accept the sincerity of my colleagues - but, on the other, I must admit that I am still frustrated. I am frustrated as a trade unionist and as a person who has worked alongside these people and has seen the conditions and the terrible treatment that has been meted out to them. I cannot see a reason for delaying this Bill.

Senator Máire Devine: Hear, hear.

Senator Paul Gavan: I really cannot. It reminds me a little of what happened to the Banded Hours Contracts Bill 2016, with which everyone agreed but it was postponed for 12 months. It then went to the then Oireachtas Joint Committee on Jobs, Enterprise and Innovation, where it received cross-party endorsement but now it has been parked again. We hear about the Bill sponsored by the Minister for Employment Affairs and Social Protection, the Employment (Miscellaneous Provisions) Bill 2017, that is coming up. We will have to see what it looks like.

In the meantime workers are waiting for help and support.

I acknowledge that the Bill is not perfect and take the point made by my colleague, Senator Davitt. We are very happy and open to working on Committee Stage to correct the Bill. I have to say I had a really constructive and helpful meeting with my colleagues in SIPTU yesterday, who were really supportive of the Bill but who pointed out ways in which it could be strengthened and improved. That was fantastic. We are willing to work with all Members on this Bill.

My worry is that at times this Chamber, no less than the Lower House, can be seen as a talking shop. Those in the Visitors Gallery and the thousands of people who work in this sector need our help. They do not need to be told that it will take six months before we can even progress to the next Stage of the Bill. I do not think they should have to wait six months because it is a very simple Bill.

I will address a couple of the points that were made. I am really concerned to hear talk about a code of practice. Trust me, as someone who has worked as a trade union official for ten years, codes of practice do not work with bad employers. Do not let a code of practice be a get-out clause for what is a simple Bill which will not damage good employers. Everybody is correct that there are plenty of good employers out there. We need to ensure that they do not suffer the unfair competition from unscrupulous employers.

I was delighted with Senator Norris's speech. I will now address his point as to why one would display the tipping policy. The tipping policy may be to share the tips with everybody or it might be a direct tip to the person who served the customer. Customers like to know that. It gives clarity and transparency and that is why it is important.

The Minister of State at the Department of Employment Affairs and Social Protection, Deputy Pat Breen, who was present earlier, stated there was no definition of the particular industries to which we are referring. We are talking about the service sector because it should not be restricted just to hospitality workers. When I was in a taxi yesterday the taxi driver explained that when he takes fares on his app, 12% of his tips are taken back by the app employer. That is just as unfair as having a tip stolen if one is working in a restaurant. There has been a significant response to the Bill. My colleague, Mr. Barry Kearney, from our office has been working night and day on this Bill. He will confirm that the office has been inundated with telephone calls. I have been on 17 radio stations during the course of the past two days. The stations have run polls on their Facebook pages and have had huge responses on this Bill. What they are telling us is that there is something fundamentally wrong. It is young people, such as those in the Gallery, who are suffering. I do not think it is good enough to say that the Bill will have to wait six months. Of course, we need due diligence - that is the purpose of the Committee Stage of a Bill. This is a short Bill and we can do this on Committee Stage. I urge Members to support that principle. Let us work together. Let us show that we are good, that we are not just here to talk and to state our good intentions but then park the bus for six months. There could be an election in six months' time. What do we do then? Start the clock rolling again. How much longer do the visitors in the Gallery have to wait for respect and dignity. When the banks were in trouble, we did not wait six months. We did not wait to do due diligence, we passed the legislation at midnight and it was in place the next day. Why do these people have to wait? This is not complex legislation, it is very simple.

I genuinely welcome the comments from across the Chamber. Senator Buttimer talked about a statement of endorsement. We need more than words. We need action. Would it not

be wonderful if the Members of Seanad Éireann were able to produce a simple Bill that would make a major difference to tens of thousands of workers; that would send a strong message to the bullies and the unscrupulous employers that they cannot do this anymore; and that would stand by the very many thousands of good employers across the country who do their best and look after their staff and give them a fair wage? We need to do a little more than we have agreed to. I am really pleased the Bill will pass Second Stage. The intention of my party is to pursue this Bill to Committee Stage. I would ask for and expect the support of everybody in this Chamber in this regard.

An Leas-Chathaoirleach: I thank Senator Gavan.

Question put and agreed to.

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

Senator Paul Gavan: On Tuesday, 30 January 2018.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 30 January 2018.

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

Senator Gabrielle McFadden: Ar 10.30 maidin amárach.

The Seanad adjourned at 7 p.m. until 10.30 a.m. on Thursday, 25 January 2018.