



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Déardaoin, 15 Feabhra 2018

Thursday, 15 February 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 Martin Conway that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Health to outline his plans, if any, to recognise the qualifications of Irish citizens who are trained, qualified and practicing nurses in the United States who wish to return and continue their professional careers in Ireland.

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

The need for the Minister for Employment Affairs and Social Protection to provide an update on the pilot social welfare scheme for artists.

I have also received notice from Senator Aodhán Ó Ríordáin of the following matter:

The need for the Minister for Education and Skills to consider removing the cap on enrolment in Educate Together schools in Trim, County Meath; New Ross, County Wexford; Tuam, County Galway; Tramore, County Waterford; and Castlebar, County Mayo.

I have also received notice from Senator Jerry Buttimer of the following matter:

The need for the Minister for Transport, Tourism and Sport to outline the plans his Department has to combat the ongoing reliability and capacity problems on Bus Éireann services in Cork.

Of the matters raised by the Senators suitable for discussion, I have selected Senators Conway and Warfield and they will be taken now. Senator Ó Ríordáin has withdrawn his Commencement matter, which I had selected. I regret I had to rule out of order the matter submitted by Senator Buttimer on the ground that the Minister has no official responsibility in the matter. Cuirim fáilte roimh an Aire Stáit.

Commencement Matters

Registration of Nurses

Senator Martin Conway: Cuirim fáilte roimh an Aire Stáit. Gabhaim buíochas leis an gCathaoirleach for taking this Commencement matter. Over the years many Irish people, including a very good friend of mine, have emigrated to the United States for economic and other reasons. I know of a number of examples of people who have gone to the United States, who have qualified and worked as nurses for many years there and who want to relocate back to Ireland. They find that the regulations, requirements, qualifications and so on that are required for nurses in Ireland mean their qualifications from the US are not recognised here.

We have a problem in respect of nurses in this country. We do not have enough of them. Many of our nurses are going abroad. Many of them are young people who want to travel and to live life abroad for various reasons. When they qualify as nurses, they find they have to go abroad. We have a significant shortage of nurses. We are opening the doors and welcoming nurses from many other countries but there seems to be a difficulty or problem with recognising nursing qualifications from America. It is probably because of some small technical issue but I believe that, if we were to deal with that particular issue and recognise their qualifications, a number of nurses would enter the HSE system very quickly and be available for work in this country, even if they had to prove five years' experience of working in hospitals as nurses in various disciplines in the United States.

I know of one particular lady who came back to Ireland to be with her elderly mother and to look after her. She is a qualified nurse who worked for years in America but because of the regulations she cannot work as a nurse in Ireland. She can work in many other disciplines but not as a nurse. Will the Minister of State tell me what specifically is the problem? Are we going to address it? If not, why not?

Minister of State at the Department of Health (Deputy Jim Daly): Gabhaim buíochas leis an Seanadóir as ucht an t-ábhar seo a ardú anseo inniu. I thank Senator Conway for raising this issue. An Bord Altranais, the Nursing Board, was established under section 6 of the Nurses Act 1985. This Act was repealed in 2011 under section 4 of the Nurses and Midwives Act 2011. The Nursing Board was renamed the Nursing and Midwifery Board of Ireland, NMBI, under section 6 of the Nurses and Midwives Act 2011 and has two main objectives. One is to protect the public and the other is to ensure the integrity of nursing and midwifery practices.

The NMBI is an independent statutory organisation that regulates the nursing and midwifery professions in Ireland. The main functions of the NMBI are maintaining the register of nurses and midwives, evaluating applications from Irish and overseas applicants who want to practise as nurses and midwives in Ireland, supporting nurses and midwives to provide care by developing standards and guidance they can use in their day-to-day practice, setting requirements for nursing and midwifery educational programmes in higher level institutions, investigating complaints made by patients, their families, health care professionals and employers and holding fitness to practise inquiries.

Section 48 of the Nurses and Midwives Act 2011 enables the board of the NMBI to register an applicant, if satisfied that the person meets the relevant criteria, in the division or divisions

of the register of nurses and midwives, which is considered by the board to be appropriate. I have been advised by the NMBI that applicants who trained outside the EU-EEA are individually assessed against current Irish standards of education and training to include a full review of the applicant's education and training programmes. This review includes all pre-registration and post registration nursing education programmes. American and Australian nurses must provide the following documents in advance of their application being individually assessed: a completed application form; identity documents, transcripts of training from their university school of nursing; professional employment reference; and verification of registration and good standing from all competent authorities with which they held their registration.

Some American and Australian applicants unfortunately do not meet NMBI standards and requirements in terms of the nursing programmes they undertook when compared to Irish standards and requirements. Many programmes fall significantly short of the hours required for registration with NMBI or to be offered a period of adaptation aptitude test, and unfortunately these applicants are refused registration. An applicant has the right to appeal this decision within 56 days of the date on the decision letter.

I am happy to inform the Senator that my Department recently received correspondence from the NMBI regarding a change in registration process for non-EU applicants. The new process takes into consideration post qualification experience as part of the assessment process for qualification recognition. The change was instigated in the hope of widening access to non-EU trained applicants who apply for registration while maintaining the standards for access to the register of nurses. The NMBI has informed the Department of Health it will also be publishing an updated guide to registration and making all of the information regarding registration available on its website. It is currently in the process of updating the registration application forms and guidance which it hopes will assist applicants in submitting their documents.

I have been advised by the NMBI that as of 14 February 2018, a total number of 236 individuals who undertook their training in the United States are registered on the active register with NMBI. The vast majority of these registrants would have had to undertake either an adaptation placement or aptitude test as a pre-requisite to registration.

Senator Martin Conway: The NMBI has advised the Department that it is updating its guidelines. Is there a timeline for the work of updating the guidelines to be completed?

I do not expect the Minister of State, Deputy Daly, to have the answer at his fingertips, but will he revert to us with it?

An Cathaoirleach: One would never know, he is a shrewd Minister.

Deputy Jim Daly: It is in the process of being updated and we expect that will be completed very shortly.

Social Welfare Scheme for Artists

Senator Fintan Warfield: I thank the Minister for coming to the House. I fully support the concept of a social welfare scheme for artists. This is important and long overdue. We need to shape the scheme so that it appreciates the work of artists and supports them to produce work during a meaningful career.

It has come to my attention that the number who have availed of the pilot scheme has been quite low, some 13 artists as of September 2017 and 24 as of 24 January 2018. That is a rate of around four successful applicants per month. I acknowledge that this is a pilot scheme.

As the Minister will know, the scheme is open only to visual artists and writers and not performing artists. As a musician, I wonder, as do other performing artists, why we are excluded from the scheme. Given the nature of their work, visual artists do not produce work with a quick turnaround. Works of art such as books of poetry, novels, sculptures, paintings, etc., can take years to produce. Under the scheme, the artist will have to be registered as self-employed with the Revenue Commissioners and be able to demonstrate that at least 50% of his or her income has been derived from his or her art in the preceding year to be eligible for the pilot scheme. The artist's status as self-employed under the scheme is reviewed every year. When one considers this condition in the context that visual artists do not necessarily produce completed work every year and the lack of artist focused copyright legislation, which of itself does not produce much of a long-term income in terms of royalties, it means that the chance of generating 50% of one's income from one's work is unrealistic. The model also works on the notion that there are full-time, secure jobs available for visual artists. That simply is not the case and has never been a reality in the sector in our time. That may have been the case at a time when painters or musicians were employed by the elite of society, but not today. Work in the arts in Ireland can be precarious by nature, on a contract or project basis, rather than secure long-term contracts.

The model of the pilot scheme treats artists as jobseekers who should be seeking employment and, therefore, consistent incomes. That would mean that artists, after a year without producing works, should take any employment offer and training courses offered by INTREO, including classes such as CV preparation, job-searching or referral to JobPath, Tús and jobs clubs.

Most, if not all, of Ireland's notable writers and visual artists, such as Joyce, Wilde, the Yeats brothers, Beckett and so on, all produced works that took longer than one year to create or write. I reassert that I am fully in support of the notion of a social welfare scheme for artists. It is commendable that such a pilot scheme has been launched. However, has the Minister considered why the participation rate is so low? I genuinely believe, from discussions with writers and visual artists, that this pilot scheme is not fit for purpose and a future scheme would need to be restructured.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I thank Senator Warfield for raising this matter.

The jobseeker's benefit and allowance schemes provide an income for periods when people do not have employment to support themselves. This pilot scheme is different. The aim is to support artists with a view that the artists would provide their own enterprise. Senator Warfield's figures are slightly different from mine. My figures go up to the end of February, and there are 32 artists on the scheme. That figure is still incredibly low. There is a reason that only 32 artists are on the pilot scheme and I need to find that out.

I welcome Senator Warfield's support and I think he knows there is a willingness both in the Department of Culture, Heritage and the Gaeltacht and my Department to recognise the special nature of works of art. I would also be curious as to why performing artists were not included in the scheme because I would say we would have many more performing artists than visual artists or writers.

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I need to wait until the end of the 12 month period to look at the operation of the pilot scheme and to adjudicate on it, warts and all. That 12 month period will end in June 2018, which seems a long time from now. However, as a favour, would Senator Warfield write to me, outlining his ideas on what is wrong and what we could change to put it right from his experience with his fellow artists who have interacted with the pilot scheme, either successfully or unsuccessfully? I will ask for the review to be brought forward with a view to shaping the scheme so that it reaches more artists than the 32 people who have availed of it.

I agree with Senator Warfield's point that the work of a visual artist or a writer does not happen with a certain flow and we need to consider that point. Perhaps performing is different, one will get a gig this month but one might not get a gig next week. Let us agree that I will try to bring the review forward and that he will help me feed into the review by speaking to his friends and colleagues and providing data on what is wrong and what we could do to improve the scheme. Ultimately, we want a scheme that we can roll out not just on a pilot basis, but across the country that will support our creative Irish citizens to do what they do best, and have that cushion to support them in their creativity.

An Cathaoirleach: That is a very fair offer.

Senator Fintan Warfield: I thank the Minister. We will feed into any review. The ideas are for an extension of the scheme to performing artists and a longer review time for self-employment. Sweden, for example, has three years compared to our one. An exemption from non-relevant training courses or reactivation schemes would also be welcome, as would robust copyright legislation that allows artists to make a living from royalties and takes into account the precariousness of self-employment in the field of cultural activity. The pilot scheme is welcome and it should be a permanent initiative.

Deputy Regina Doherty: Would the Senator send me the details of the Swedish model? I am not aware of it but if it works it is worth looking at.

An Cathaoirleach: Perhaps the Minister could give the Senator a job in her Department.

Sitting suspended at 10.51 a.m. until 11.30 a.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, Data Protection Bill 2018 - Committee Stage, to be taken at 12.45 p.m. and to adjourn not later than 1.30 p.m.

Senator Catherine Ardagh: I wish to raise three items today so I beg the Cathaoirleach's indulgence.

I wish to express my genuine disappointment at the collapse of the power-sharing talks in the North yesterday. I concur with the statements my party leader, Deputy Micheál Martin, made when he expressed his bitter disappointment at the lack of an agreement to restore devolved government. As he said, politics is about governing and the people of the North now continue to face into another prolonged period without representation. This is, of course, amid one of the most uncertain economic and political times, with Brexit on the horizon. Mrs. Foster's call on

the UK Government to set a budget and start making policy decisions on schools, hospitals and infrastructure is regretful. All the hard work and achievements of the Good Friday Agreement seem now to be forgotten. The DUP is clearly looking for direct rule and it is such a shame we are now in this position. The Irish and UK Governments have failed to nurture and nourish the relationships between all parties in the North in recent years, and this has led to the breakdown and the disappointment we all feel today. I note the surprise of the Minister for Foreign Affairs and Trade, Deputy Coveney. I ask that he be invited to this House to explain what he knew and to outline his view of this impasse.

The second item I wish to raise is Permanent TSB's sale of its loan book. We learned yesterday that Permanent TSB has decided to sell a loan book of non-performing loans worth €4 billion. The amount represents 28% of the total Permanent TSB loan book. We understand that the Minister for Finance, Deputy Donohoe, was aware of the forthcoming transaction and knew it would possibly cause great upset and a political storm. I ask the Minister to come to the House and explain what he knows about the transaction and when he first knew it, and what he will do to safeguard the interests of vulnerable homeowners who may soon be at the mercy of global private equity funds and distressed debt investors. Many people are now at home, sick and worried that their loans will be sold off and they have not been given any assurances by the Government to date.

Finally, I wish to raise the issue of the State Ombudsman's report on the Magdalen restorative justice scheme and the scathing remarks of the Ombudsman, Mr. Tyndall, about the administration of the scheme. I raised in the House in November, when his report was originally published, the criticism of the way in which the scheme was being administered, in particular how many vulnerable women have been left out of the scheme. Approximately 100 women have been wrongly left out of the scheme. The scheme had a budget of €58 million. To date, only €25.7 million has been paid out. To include an extra 100 women would cost in the region of €3 million to €5 million, which is a fraction of the initial budget. Of particular concern and worry to me are those who were excluded from the scheme on the basis that they lacked capacity and therefore a mechanism to receive a lump sum. The Ombudsman immediately recommended that the State work with the Courts Service to appoint wards of court for these women in order that they may be included in the scheme without delay. It is extraordinarily important that in 2013, 40 such women were alive, but five years later only 17 of these women are still alive. This is a damning indictment of our treatment of women, especially vulnerable women, in Ireland. The Minister must not delay any further. Time is crucial, and these women must be cared for. I call on the Minister for Justice and Equality to implement immediately all the recommendations in Mr. Tyndall's report.

Senator Michael McDowell: I wish to address two matters. First, I note that the Leader has proposed that the debate on the Data Protection Bill should finish at 1.30 p.m.

Senator David Norris: Ridiculous.

Senator Michael McDowell: He has explained to me the personal circumstances of the Minister for Justice and Equality and his inability to bilocate on this occasion. The Leader has put this forward as a reason for the debate to be adjourned at 1.30 p.m. The consequence of this is that important issues will not be reached today which I had a significant personal interest in having read. However, I know the House is not run at my personal convenience. The age of digital consent is a very substantial issue and if and when this House gets to it, I will appeal to every Member in every group to think very carefully about its implications. It is a significant

issue which cannot be dealt with superficially as it deals with the erosion of childhood. People say it is being done in the interests of children's rights, forgetting that parents and children are members of a family under the Constitution, with parents having obligations to protect their children, as well as the State. I hope Fianna Fáil, Fine Gael, Sinn Féin, the Labour Party and all the Independent and non-aligned groups will take the opportunity to look at the material which is now being circulated to see where they really stand on this issue before we make a major blunder.

I echo what the leader of the Fianna Fáil group said on the sale of non-performing home loans by a bank which is owned by the Irish State. I have seen at first hand, as a practising lawyer, the consequences of sales of personal indebtedness to vulture funds. A non-performing loan is where homeowners have got into difficulties and it may be culpable or non-culpable but banks who took the risk of lending them the money originally, taking the upside when it was all upside, are now selling those loans for a fraction of their nominal value, maybe 10 cent or 20 cent in the euro depending on the quality of the loans, to a group of people who will look for 100%.

Senator David Norris: Exactly. Why do they not sell them to the mortgage holders?

Senator Michael McDowell: There is a moral issue here.

Senator David Norris: Hear, hear.

Senator Michael McDowell: The one group of people who will not be offered 10 cent or 20 cent in the euro is the homeowner whose house is being repossessed. There is a serious moral issue and it is entirely wrong for the Irish State, through a wholly owned bank, to hand over homeowners who are in difficulty, for whatever reason, to people who will gouge them for every last cent and sell their property without offering them the opportunity to buy on the same basis. The banks do not have the moral courage to do it and no Member of the Oireachtas would stand over it being done. This is not theoretical as I have seen it happen. Lawyers acting for victims of these sales to vulture funds are never allowed ask how much those funds paid for their client's loan. How can it be just to ask for 100 cent in the euro when one has bought the loan for 10 cent or 20 cent?

Senator Catherine Noone: It is shocking.

Senator Michael McDowell: I ask the Leader to ask the relevant Minister to hesitate and to ask him or herself whether it is appropriate that a State-owned bank throw a load of people to the wolves for profit. It is out of cowardice as they are not able to deal with these difficult cases themselves so they prefer to allow greedy people to pick at the corpse of other people's lives.

Senator David Norris: Absolutely. 1916 how are you?

Senator Rose Conway-Walsh: We in Sinn Féin are very disappointed that agreement has not been reached in the North. I find it very difficult to listen to what Deputy Micheál Martin has to say on the subject. He has never sought to be constructive around the talks and has no credibility whatsoever. Sinn Féin has engaged fully and we have worked in good faith with the DUP. We have stretched ourselves and we had reached an accommodation with the leadership of the DUP, only for them to fail to close on it and the talks have now collapsed. The issues have not gone away, however, and we will continue to work in a constructive manner with the British Government, the Irish Government and others who want to be constructive to get the

institutions up and running again.

I thank the Leader for accommodating my request for a full debate on Versatis at 3.30 p.m. next Wednesday. I look forward to it and to the Minister being present for it. We are indebted to all the people who have contacted us on this in the past number of months, including consultants, GPs and other medical professionals. I also thank those who came into the AV room for the presentation, particularly John Lindsay and Deirdre Ryan from Chronic Pain Ireland, and I thank them for the work they have done, as I do Brian Lynch from Arthritis Ireland. I also thank Mary Carroll, who has personal experience of using Versatis, for being there.

This issue affects 25,000 people across the State in every constituency but there has been no constructive response to the questions we have raised to date. The patients' voices detailing their own suffering, and the effectiveness of Versatis in treating their chronic pain, have been ignored. We know that this particularly affects low-income patients and this means if one has the money one does not have the pain, while if one does not, one continues with the pain or goes on morphine patches or other less effective remedies.

Introducing a secondary layer of approval completely undermines the relationship of the consultant, the GP and the patient. No indication was given to GPs on how to take patients off this drug safely and there were only guidelines around the cost, which tells us a lot. There was no clinical treatment plan for an alternative and we have no evidence that the manufacturer of Versatis was approached by the HSE to reduce the cost of the patches. It is absolutely unclear as to whether a cost-benefit analysis was carried out before the decision was made. The additional costs for alternative medicine, hospitalisation, homecare packages, home help hours and antidepressants were not taken into account, not to mention the loss of working hours, social isolation and exclusion. Even at this stage and before next Wednesday, I appeal to the Minister to ask the HSE to review this decision and to take time out until some of the concerns have been addressed.

Senator Maura Hopkins: I wish to raise issues related to the voluntary homeowners relocation scheme. Nobody takes the decision to seek to leave their own home lightly but where a person is left without options, we must ensure we provide the greatest possible level of support for homeowners. This scheme is apparently targeted at individuals whose homes are no longer suitable due to flood risk but I am working with a family whose home is located in a turlough area and they have been rejected for the scheme. The family, their neighbours, the wider community, emergency services and the county council all worked around the clock for days and weeks to keep flood waters out of their home. Their entire property was surrounded by several feet of water but they successfully managed to keep the waters out. This scheme is not supporting them. We are punishing them for the hours of work they put in and had they not taken action, but let the flood waters into their home, they would have been accepted into the scheme.

The OPW and local authority have not found an engineering solution that would remedy the flood risk and this family has not been able to secure flood insurance. There has been no site visit from the OPW. The scheme does not serve its intended purpose. Turlough areas are very unpredictable in terms of water levels. Are we going to allow this family live in constant fear of flooding and of losing their home, as they do at the moment? It is illogical to punish a family which worked tirelessly to protect their home, which otherwise would have suffered significant damage.

I ask the Leader to invite the Minister of State at the Department of Public Expenditure and

Reform, Deputy Kevin Boxer Moran, who has responsibility for flood relief, to come in here. I want him to tell Members how he will support and is supporting families like the one I have mentioned. I also want him to tell Members how many people have applied for the scheme and how many people have been accepted into the scheme.

An Cathaoirleach: That might be a matter more appropriate for a Commencement notice but I will let the Leader reply. I call Senator Craughwell.

Senator Gerard P. Craughwell: First and foremost, the situation with Permanent TSB is outrageous. God be with the days when one could walk into the office of a bank manager, sit down with him or her and discuss a matter. I will never forget the generosity of the bank manager who dealt with me when I went bust financially. He sat me down in his office and gave me a cup of tea and biscuits before proceeding to discuss how I would transfer my home to him. As my colleagues have said here this morning, the Permanent TSB is a State-owned company. God help us if that is what we are up to now.

All day yesterday and this morning I felt a sense of foreboding. We are back where we were with regard to Northern Ireland and we cannot get an Assembly. What has happened is detrimental. We visited north Belfast during the summer and there was a lot of correlation between north Belfast and north Dublin because there were thugs in the wings waiting to start up again.

I deeply regret having to say the following. Right now there is no republican voice in Westminster. There is nobody there to speak for the republicans who live in the North of Ireland. There is nobody in Westminster to represent the citizens of the Republic of Ireland who have passports in the North of Ireland and who are unable to have a voice. I urge Senator Conway-Walsh not to look at me in that way.

Senator Rose Conway-Walsh: No, I am not.

An Cathaoirleach: I suggest that the Senators do not look at each other at all.

Senator Rose Conway-Walsh: Senator Craughwell thinks that somebody swearing allegiance to a foreign queen is going to solve the impasse.

Senator David Norris: She is not foreign. She is more Irish than Senator Conway-Walsh and is a direct descendent of Brian Boru and Hugh O'Neill.

An Cathaoirleach: I suggest Senators do not interact with Senator Conway-Walsh.

Senator Máire Devine: What right has the Senator to stand up in here and say what he said?

An Cathaoirleach: The clock is ticking. Please allow Senator Craughwell to conclude. He tried to make his point and Senators might not agree with him.

Senator Gerard P. Craughwell: The citizens in the North of Ireland, who are petrified out of their lives at the thought of Brexit coming down the road towards them like a railway crash, have no voice. For this reason alone, we must immediately ensure that all of the North-South institutions are brought back into full being. If the people who live in the North of Ireland and are elected in the North of Ireland are unwilling, for whatever reason, to represent their constituents, then we in the South must take a proactive step to ensure they are protected as best as possible as we move into Brexit.

Senator Rose Conway-Walsh: When the Senator is President he can do that work.

Senator Máire Devine: When that happens, Senator Craughwell can carry out the wishes of the people.

Senator Gerard P. Craughwell: Having a swipe at me before the Senators nominate me for the job of President is probably not a good thing to do.

(Interruptions).

An Cathaoirleach: I ask the Senator to sit down before he is interrupted again, please.

Senator Gabrielle McFadden: Yesterday, my colleague, Senator Craughwell, mentioned the ruling by the European Committee of Social Rights in response to a case lodged by the Permanent Defence Force Other Ranks Representative Association, PDFORRA. The committee ruled that there was justification for the absolute prohibition of the right to strike. However, the committee has upheld the entitlement of the Irish armed forces to better collective bargaining and negotiating rights. The issue of industrial relations in the Defence Forces is big news this week. Whether the changes to pay and conditions come about as part of collective negotiations through ICTU or as a result of the review of the current conciliation and arbitration processes within the Defence Forces, one thing has become very clear. There are issues concerning pay and conditions for the Defence Forces that must be dealt with.

One issue that is of particular concern to many members of the Defence Forces is the allowance paid for security duty. In 2013 the allowance, along with other allowances paid to the Defence Forces, was cut by 10%. On top of that, a bonus rate of 40% for working on Saturdays and 60% for working on Sundays was also cut. Therefore, all days are treated the same. The Leader is probably tired of my constant raising of issues about pay and conditions for the Defence Forces but this issue is of huge concern to the men and women who serve our country with distinction. I do not argue necessarily for a specific rate for weekends but emphasise the double cut was particularly unfair. Instead, we should be looking for ways to improve the terms and conditions for members of the Defence Forces and an increased duty allowance is one way to do so. We should do so, in the first instance, to reflect the fact that the crater blown in our economy by the Fianna Fáil Government is being repaired, due in no small part to the sacrifices made by the citizens of this country, including members of the Defence Forces. We should also be aware that the improving economy offers an alternative option to the well-trained and dedicated personnel in the Defence Forces. We need to ensure that military service remains an attractive option for them.

I call on the Leader to convey to the Minister of State at the Department of Defence, Deputy Kehoe, the message that we need to address these issues promptly and to the satisfaction of all members of the Defence Forces. I also ask the Leader to arrange a debate on the matter.

Senator Robbie Gallagher: I wish to address and highlight the comments made by the Taoiseach, Deputy Varadkar, last weekend when he took the opportunity, yet again, to take a swipe at general practitioners, GPs, and to blame them for contributing to the current health crisis and overcrowding at accident and emergency departments. Over the past week, I have spoken to a number of GPs and they conveyed to me how disappointed, angered and saddened they were by the Taoiseach's comments and even more so due to the fact that he is a GP himself. All Senators know and appreciate the vital role that GPs play in the health service. They are the first point of contact for many of us whenever we become unwell. The Taoiseach's comments

were insulting to all of the hardworking GPs who work throughout this country. He demonstrated a lack of understanding of what is needed to address the critical situation that exists in the accident and emergency departments.

Senator Gerard P. Craughwell: Perilous.

Senator Robbie Gallagher: Let me be very clear. GPs only refer patients to accident and emergency departments when they, in their professional opinion, feel it is in the best interest of their patients to do so. To say otherwise is an insult to GPs. It is an insult to their professional integrity and insults a profession that is one of the most respected throughout this country. Clearly, we need the Government to provide our hardworking GPs with more resources, which would allow them to expand the services they currently give. Action, and not talk, is needed immediately to tackle the overcrowding situation we read about every day of the week.

Senator Máire Devine: The House should send its condolences to the teachers and pupils who have been shot at a school in Florida. As many as 17 people have been killed and many others have been injured. Florida used to be known as the sunshine state but that has been changed to the gunshine state. The state of Florida hands out millions of gun permits and more than any other state in the US. President Trump's tweets and condolences ring false.

Senator Craughwell, presumably as part of his presidential campaign, asked republicans to take their seats in Westminster and represent their voters. Does he understand what he has just asked? Does the House understand what he said?

Senator David Norris: I certainly do. This is the Senator's job. One should do the job that one is paid for.

Senator Máire Devine: Excuse me, Senator, I am addressing Senator Craughwell.

An Cathaoirleach: Yes, Senator Craughwell.

Senator Máire Devine: Does Senator Craughwell understand what he has just said? Perhaps his presidential campaign has got to his brain.

Senator Gerard P. Craughwell: No.

Senator Máire Devine: The voters who voted for Sinn Féin and who Sinn Féin represents voted for the party and gave a mandate not to sit in Westminster.

Senator David Norris: One must represent all of the voters in one's constituency and not just the republicans.

Senator Máire Devine: Perhaps Senator Craughwell should learn a little bit more about the issue. In terms of him raising the issue on a continual basis in this House, he is misguided and misinformed. Perhaps he knows but does not really care for the voters who are republican - and not just voters in the North - who do not want Sinn Féin to sit in Westminster.

Senator David Norris: How does the Senator know that?

Senator Frank Feighan: I support what my colleague, Senator Hopkins, said about a house. The family concerned did a huge amount of work with the local authorities to save the house from being flooded but it is now in no-man's land, for want of a better word. The Minister of State, Deputy Moran, or the Minister should come in here to outline what will be

done. The Minister is working hard around the country but the Minister must intervene on this occasion and do the right thing.

I support my colleague, Senator Craughwell.

We are in a very difficult situation. I go back and forth to Westminster and there is an Irish voice lacking there. There is a huge Irish caucus in Westminster and we are working closely with an MP called Conor McGinn who is from Crossmaglen and whose father was a Sinn Féin councillor. He is an MP for St Helens North and chair of the all-party Irish in Britain group. We

are lacking a nationalist voice in a Parliament that needs it. Sinn Féin has its own views but in 1997 there was an abstentionist policy in respect of the Dáil.

There was an abstentionist policy or boycott of Stormont. Sinn Féin members changed their minds then. It is up to its members but I really think it is in the interests of the Irish people and the island of Ireland and could be of huge benefit. Sinn Féin has changed its mind twice already on it. We are allowing militant unionism to have that say in a Parliament that we should really be using. It is up to Sinn Féin, of course.

There is great goodwill in Westminster towards the island of Ireland on which we need to work. We are missing a nationalist voice because the SDLP is not sitting there. I know the work it has done. It has articulated the needs of the Irish in Britain and of nationalism in Northern Ireland. Those who get elected and do not use that voice are allowing somebody else to fill the vacuum. Sinn Féin changed its mind when it came to Stormont and Dáil Éireann.

Senator Máire Devine: Why were we elected?

Senator Rose Conway-Walsh: Fine Gael could always run its own candidates up there. We could see how much support they would get.

Senator Victor Boyhan: It is disappointing that we have had a breakdown in respect of devolved government in Northern Ireland. It is a time for cool heads and calm words. At stake are the issues in terms of Northern Ireland and its people on all sides. There is great volatility and danger in Northern Ireland; there are the challenges of peace and economic prosperity and the challenges that come with Brexit. One must ask who is representing those who do not vote DUP or Conservative. That is another very profound question. Who is representing that large cohort? I am always concerned when there is a vacuum. I am a member of the British-Irish Parliamentary Assembly, BIPA. As the previous Senator said, there is always ongoing dialogue with people in this House, the Dáil and all political dimensions within the island of Ireland. It behoves us to continue to keep that dialogue and discussion going on. Anyone who is a member of BIPA will say we are warmly received and have many opportunities to engage on a social, personal and political level, which is very sensible.

Some young people attended a BIPA conference last year and they told us of their frustration at the lack of any representation. It is a whole generation of people aged 18, 19 or 20, who are really getting fed up with all of the political parties and the whole political process. They cautioned us about many issues such as high unemployment, disadvantages, prejudice and alienation. All of that adds up to volatility and a dangerous situation.

I am hopeful that discussions will be ongoing between Sinn Féin and the DUP and that they can get back together. It might be helpful if people had some idea of the terms. Nobody should be allowed get away with compromising fundamental rights of the people and their expressions of their culture, language and identity. We would be failing if we backed down and did not

support people of any political hue who fought hard for people's rights and their expression of culture and language.

An Cathaoirleach: I call Senator Norris.

Senator Rose Conway-Walsh: President Norris.

Senator David Norris: I completely agree with Senator McDowell. If he cares to put down a motion that Seanad Éireann utterly condemns the decision of Permanent TSB to sell off those mortgages, I would certainly be honoured to second it. We had a discussion in the House about a year ago when I introduced the National Housing Co-operative Bill 2017, which would have addressed the situation of the vulture funds. It is an absolute disgrace. I have to laugh when I think of 1916. God almighty, when we have the State evicting people it is a bit of a nonsense.

Last night I saw a film on television. I congratulate RTÉ on producing it. It was a documentary called "Condemned to Remember", by Tomi Reichental, who is a survivor of Bergen-Belsen. It was extremely powerful. It was in two parts; the first dealt with his origins in Czechoslovakia and his capture at age seven by the SS, when he was sent to Bergen-Belsen. The second part was even more powerful. It showed interviews with people all over Europe and news footage of what is going on now in places like Bratislava, where Muslims were having stones pelted at them and being told "Slovakia for Slovaks", "we do not want you", "we do not want Muslims" and "F-U-C-K Allah".

Senator Máire Devine: Senator Norris-----

Senator David Norris: It is absolutely disgraceful. It is not a laughing matter. It is extremely serious. We are now looking at a recreation of the kind of conditions that happened in the 1930s. We really have to do something about it.

Tomi Reichental also spoke to a young Syrian man. The documentary showed hundreds and thousands of desperate Syrian refugees. It showed the conditions in Aleppo, with completely bombed-out suburbs. Where are these people to go? It is the same situation as in Nazi Germany and the rest of Europe, yet Europe is turning its face against these refugees, with the exception of Germany. This is something that, out of humanity, we must address. We really should look at the refugee situation. I have known Tomi Reichental for many years and have always honoured him but my respect for him increased enormously as a result of that powerful and moving film.

Senator Michael McDowell: Hear, hear.

Senator Colm Burke: We need to be very careful in respect of Northern Ireland at present. It is a time for cool heads and calmness. There is a problem in that we do not have an Assembly. We have a group representing the entire population of Northern Ireland in the House of Commons that has the support of about 36% of the population. There is another 64% that is not represented there. We really do not know where we are going in respect of Brexit and how it will affect Northern Ireland. It is a very difficult time. We need to be very careful about how we deal with it. There have been set-backs in the past after which progress was made. Hopefully, over the next six to eight months, we will see some real progress on all sides. There has to be some movement by the people who are purporting to represent all of Northern Ireland in the House of Commons. It needs to be very carefully managed from the point of view of the entire island of Ireland. I might have had my disagreements with Sinn Féin previously but I believe

that it made substantial concessions and tried to bring about a solution to this problem. Let us not play the blame game at this time.

My colleague raised a matter in respect of the Taoiseach and I think his comments were taken out of context. I have been very much to the forefront of the general practitioner contract negotiations. I have been consistently meeting and discussing the issues with the Irish Medical Organisation, IMO, and the National Association of General Practitioners, NAGP. We need to make progress on this matter and it needs to be fast-tracked. I have dealt with this within my own party and will continue to deal with it. I assure the House that serious efforts are being made to bring all sides together in order that we can progress the negotiations on this matter. Over the next three to four weeks, I hope that substantial progress will be made.

We need a new contract for GPs and we need to give them the support they deserve. A very interesting figure was highlighted at a meeting of the Joint Committee on Health yesterday. The cost of funding St. James's Hospital for 12 months is €864 million. That is exactly the same amount of money that is paid out to cover the cost of supporting GPs. This is an issue that needs to be given priority. We need to give priority to the people on the front line. Finally, I am a little disappointed with the way the HSE has used funding. There are now 2,600 more people working in administration and management in the HSE than was the case in December 2014. This is at a time when the issue in respect of front-line staff is not being given the same priority.

Senator Aidan Davitt: I was contacted by a councillor yesterday. I know many Senators talk to councillors every day. This lady is a hardworking single mother and she is surviving solely on her councillor's pay. Due to her mother's death in January, she missed two council meetings and somebody in the council saw fit to deduct €600 from her pay and allowances. That is absolutely sickening. I could not believe how somebody working in the same building could have had the stomach to carry out such an act. I contacted her after she emailed me to clarify the position and to ask if she minded if I mentioned her case in the House. I would say she just wanted to get it off her chest. She was happy to let me raise the matter and I told her I would not mention her name. It beggars belief that somebody would carry out such an act. I will give the Leader the details afterwards. Perhaps this is something we could mention to the council. I could not see this as being correct.

Senator Rónán Mullen: I have listened to several colleagues speak about the sale of loans by Permanent TSB to an investor, a so-called vulture fund. I was particularly taken with what my colleague, Senator McDowell, had to say as he got to the heart of the matter when reflecting on his professional experience of cases of people losing their homes. He spoke to the heart of the moral problem in this area. We know what is happening here. Banks are bundling loans together into larger instruments and selling them to investors at a discount. Of course, the reason these are attractive products is that the investors know they can pursue the loans for greater value.

In a sense, I agree with the approach of Mr. Justice Kelly who does not permit the term "vulture fund" to be used in his court because, he says, it has no legal meaning or value. It is important to protect the rights of people or institutions to access the law, especially the rights of those with whom we do not sympathise. Their access to law is a very important thing. That was why I challenged Senator Ó Ríordáin last week when he was giving out about some developer threatening him with the possibility of legal proceedings. People should always feel that they can access law.

What is the solution? There is a manifest injustice if an investor fund - let us call it that - can make big money from buying properties when, had the distressed homeowner been offered a similar deal, he or she would have been able to avail of it. We sense the injustice in the ordinary individual not being able to access the same kind of deal, but it is our job, as legislators, to discuss whether there are solutions. We point to the moral problem, and what is going on is odious, but what is the solution? We need to have a debate on what can be done. Part of the reason this is happening is that banks are trying to protect their deposit capital retention ratios. They are doing this for a reason. Is this about tightening the code of conduct of the Central Bank in order that banks would be required to disclose the terms before entering such a deal-----

Senator Michael McDowell: Exactly.

Senator Rónán Mullen: -----so that the homeowner could have one last shot at negotiation? Alternatively should we be thinking of something bigger? Should we be thinking about some kind of instrument or some kind of body that would be given access to privileged information about the deals on offer and which would then be able to intervene and to deal with individual homeowners? Those are the kinds of solutions we need to be thinking and talking about in these Houses.

Senator Michael McDowell: Hear, hear.

Senator James Reilly: In respect of Senator Robbie Gallagher's comments, I am a practising GP and I talk to other GPs. I know that what really makes them cross is the FEMPI legislation. I put my hand up because I was responsible for the introduction of some of those cuts during our financial emergency. However, the Senator's party was responsible for two thirds of the cuts. This has caused general practitioners tremendous problems in attracting new people into the profession and is also inhibiting those in it from staying on. We will see 600 GPs retire over the next couple of years. At the same time, our young doctors go abroad. The FEMPI legislation must be addressed urgently. I have raised that time and again.

I know that the Taoiseach understands general practice. He is trained as a GP, his father was a GP and he grew up in a household of general practice and family medicine. He is committed to the health sector and to taking the wonderful opportunity that has presented itself to us to start negotiations to introduce a new contract which will focus more on prevention and early detection than on episodic illness. If we want an example of that approach we should look at the excellent work carried out by Dr. Velma Harkins and many of her colleagues in the midlands. They reduced the rate of complications relating to diabetes by 80% over the period of several years for which their scheme ran at a fraction of what would be the cost to hospitals. Not alone is it more cost-effective, it results in better outcomes for patients and operates in a setting which is in their community and which is more convenient to them. General practice delivers more than 100,000 consultations every single day. A 1% shift from general practice creates serious problems for the hospital system. A 4% shift and it would all be over.

I will conclude by asking the Leader to call on the Minister for Transport, Tourism and Sport to come to the House and introduce the legislation on the new regulator to be appointed for noise at Dublin Airport in the Fingal County Council area as quickly as possible. We need the legislation to allow for the appointment and we need a funding mechanism to be put in place to allow specialist individuals to be employed to take charge of such work in order to give confidence to the public and to industry alike.

An Cathaoirleach: Before I call on Senator Niall Ó Donnghaile, I would like to welcome a former Member of this House and current Member of the Lower House, Deputy Darragh O'Brien. It is nice that he has come back to show respect to this Chamber again.

Senator Niall Ó Donnghaile: I will begin by expressing my disappointment at the seeming collapse of the talks process in the North yesterday. Despite having what appeared to be a comprehensive deal on the table, the DUP has walked away, unfortunately, and it appears that it has not been able to seal that particular deal. I will take a lead from Senator Colm Burke and agree with him that this is a time for cool heads and for respecting the delicate political situation in the North, particularly in light of the key, critical and important issues that pertain to the negotiations and the need to restore not just the devolved institutions but also the all-Ireland institutions that flow from them. The latter is a need to which Sinn Féin is fully committed.

In the most respectful, measured, collected and calm way, I want to challenge a negative narrative that may be creeping into this Chamber. I want to put a few things on the record. The key issues that pertain to the problems and the lack of an Executive in the North are primarily, but not exclusively, rights-based. Part of the reason there is no executive in the North is an ongoing litany of disrespect being shown not just to an Irish national identity or to people who choose to live their lives through the medium of Irish, but also to our LGBT citizens, our ethnic minority citizens-----

Senator David Norris: These issues could be dealt with if there was an assembly, no problem.

Senator Niall Ó Donnghaile: That displays the highest level of ignorance yet because, unfortunately, despite the majority of the Assembly voting for marriage equality in the past, one party blocked it. This notion of two problem parties being as bad as each other-----

Senator David Norris: Then it is as bad to appear to do it again

Senator Niall Ó Donnghaile: Allow me to correct the record.

An Cathaoirleach: I ask Senator Norris to allow Senator Ó Donnghaile to speak. He is running out of time as a result of interruptions.

Senator Niall Ó Donnghaile: I will be very quick. The Irish language is one issue. The rights that are envisaged there are available to everyone in this State and to people in Scotland and Wales as well. Marriage equality is another issue that a majority of MLAs support, just as a majority support Acht na Gaeilge. It dispels this myth of two problem parties being the issue.

We need access to funding for legacy inquests. Some victims in the North have been waiting 40 years. Their grandchildren now have to take on the mantle of campaigning for inquests. An inquest is the most basic of rights when someone loses his or her life. People are trying to cite national security to prevent the release of funding for that. Again, it is not down to two problem parties. I wanted to correct the record in the calmest possible way. If we are serious about getting the institutions back up and running, all of us should follow the lead of Senator Colm Burke and remain measured and calm. It is very politically important to remain factual and truthful in this.

Senator Paul Gavan: Well said.

Senator Paul Daly: Dogs not being microchipped is a serious issue in urban and rural ar-

eas. In 2016, it became compulsory for every dog to be microchipped. Since then, it has been the responsibility of a combination of the Department of Agriculture, Food and the Marine and local authorities through the dog wardens to police this. In reality, however, nobody is checking if a dog is microchipped until that dog is taken in by a warden or shot by a farmer after it has attacked his sheep. Only at that stage can it be checked if the dog has the required microchip. It is not being policed or enforced. There is a serious spate of sheep attacks at the moment. Unfortunately, it is the same in every sector and now it affects dog owners also. A large number of dogs that are not microchipped are out there running wild.

I would say that most people here are dog lovers. A tame, quiet dog can change when it becomes part of a pack, which can happen unless they are under lock and key. The perpetrators come in a pack and a quiet, tame dog, owned by a person who has adhered to the law and microchipped it, will get out through a stone wall to run with that pack in the heat of the moment and the excitement that is involved. When the incident happens and the dogs are captured, the poor unfortunate owner of the quiet dog that was brought along is the only one identifiable and the buck then stops at that owner's door.

I am aware of housing estates in two villages near my home where people could not let their children out in their own gardens to play because dogs were rampaging in packs around housing estates. Eventually, the animals were taken in but they had no identification or microchips. It needs to be policed. It is a combination of the Department of Agriculture, Food and the Marine and local authority dog wardens. Nobody is checking if dogs are microchipped before they get themselves into bother.

Senator Catherine Noone: I agree with those who spoke about Permanent TSB. It is a disgraceful way to proceed as far as I am concerned. I do not know how much control the Minister has over what it can do. That is the problem, is it not?

Senator Michael McDowell: He is a shareholder.

Senator Catherine Noone: That is, perhaps, the difficulty here. Legally, it is entitled to do as has been outlined unfortunately. It is a disgusting way for the bank to proceed given the context of many of these loans.

I want to make a positive suggestion that could benefit the environment, our pockets and our health. Many European cities have taken serious steps to reduce plastic waste. The amount of plastic used on a daily basis is likely to be one of the biggest problems over the next 100 years. I like to drink sparkling water in order to stop me drinking something less healthy. With all these plastic bottles, I am contributing to it. There are novel ways in which we could try to help the environment. In Ireland, we have a very deep connection with land and our environment. We should try to come up with more innovative ways, one of which might be to have more water fountains in private and public areas around the country so that people could reuse plastic bottles and reduce waste. That would be cheap for people. When one thinks of it, bottled water is ridiculous in a country where we have good water in the taps. We are willing to pay more than in any country I ever visit. We spend more on water than the rest of our EU neighbours. We should have a debate with the Minister for Communications, Climate Action and Environment on innovative ways to deal with this. Small ways all add up so that we all become more aware of the environment and the huge problem we have with plastics.

Senator Paul Gavan: An issue close to my heart is football. It is not because Spurs had a

great comeback the other night - fair play to Harry Kane. The tragedy about Harry Kane is that his folks are all from Ireland and he really should be playing for us.

Senator Jerry Buttimer: Correct. Well said. Hear, hear.

Senator Paul Gavan: That is a whole other kettle of fish. The League of Ireland is kicking off this weekend.

Senator Máire Devine: I cannot wait.

Senator Paul Gavan: It is a tremendous league that does not get the support or recognition it deserves. All of us should support our local clubs. We have a great club in Limerick, Limerick FC, which returned to the Market's Field a few years ago. We are getting much better crowds now. The standard of football would surprise people. There is an idea out there that the standard is pretty low. I ask people to think about the wonderful players who have come through the League of Ireland, including Roy Keane, Seamus Coleman, Kevin Doyle and Paul McGrath.

This matter merits a debate at some point. To some degree, the League of Ireland is the poor relation when it comes to funding and recognition. That should not be the case. This weekend, thousands of people throughout the country will support their local teams. It is apt, just before the league starts, to highlight that all of us should get out and support our local teams. When people do that, they are supporting the development of young players. They are supporting the league and supporting football in the truest way possible. I like watching Spurs, of course, but the point is that we should start at home. Our home clubs need support and it is kicking off this weekend.

An Cathaoirleach: That is a significant advertisement for the sport.

Senator Diarmuid Wilson: I join colleagues in expressing my disappointment that the talks in the North have broken down somewhat unexpectedly. I have no doubt that the outline of an agreement had been agreed between the leadership of the DUP and that of Sinn Féin. Unfortunately, however, it appears that Arlene Foster was unable to get it through her party. We now have a weak British Prime Minister who is leading a weak British Government and dealing with a weak leader of the Democratic Unionist Party. That will lead to major difficulties if progress is not made quickly. It will create a vacuum that will be very difficult to fill. Senator Colm Burke spoke about calmness and Senator Ó Donnghaile referred to that also. I respect what Senator Ó Donnghaile has said because he is at the coalface, living in Belfast and being a member of the hierarchy of his particular movement.

There is one way Sinn Féin might concentrate minds in the Democratic Unionist Party, which is obviously stalling matters. I am a nationalist and a 32-county republican. I was born and reared on the Border and I observed the consequences of the conflict for over 30 years. There is one way to concentrate the minds of those in the Democratic Unionist Party. In that context, if I had been elected there, I would temporarily take my seat in the House of Commons. I understand - that is why I asked for calmness - why that would seem an affront to the people who vote for Sinn Féin. By temporarily taking their seats in the House of Commons - and they could hold their noses if they wanted while taking the Oath of Allegiance - Sinn Féin MPs would put a weak British Prime Minister and her weak Government out of office, thereby eliminating the problem of the influence of Arlene Foster's party. Ms Foster's party is effectively in government and holding the British Government to ransom.

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Senator David Norris: Sinn Féin cannot do that. It does not have the numbers.

Senator Diarmuid Wilson: By doing that temporarily, they could put an end to Brexit.

Senator David Norris: That would be a good thing.

Senator Diarmuid Wilson: I ask Sinn Féin Senators to consider that proposal or to bring it to their party leadership in Belfast.

I take this opportunity to wish Gerry Adams the best of health and happiness in his retirement. If this vacuum is created, I hope, for the sake of many communities in the North of Ireland, that he has not gone away.

Senator Máire Devine: Diarmuid, we are best friends today.

Senator Jerry Buttimer: I thank the 20 Senators who contributed to the Order of Business. Senators Ardagh, Conway-Walsh, Craughwell, Devine, Feighan, Boyhan, Colm Burke, Ó Donnghaile and Wilson raised the issue of the collapse of the talks at Stormont yesterday. All of us are disappointed at the outcome and about what has failed to materialise, namely, the return of devolved government. It is now a time for reflection, for regrouping and for leaving the door open to those on all sides of the political divide. I will not exacerbate the antagonism shown by some Senators, other than to say that it is imperative there is devolved government in the North and that all sides come together. We were all of the view that there was an impending agreement. That was what was indicated by the smoke signals coming from the talks. It is incumbent on all involved, be it the British Government, the parties in North or the Irish Government, to take a mature, reflective step back and then proceed. What does not help, and I will not do it now, is to apportion blame. It is critical that there be a government in the North at a time, as Senator Wilson rightly said, when there is a very weak British Government. The North and the Republic are at a critical juncture in the context of Brexit. There is an obligation to wear the green jersey. As we said yesterday, the majority of people in the North voted to remain in the EU. I wish everybody well. It is now a matter of people continuing to keep the door open and talking.

I thank the Senators for their co-operation regarding the Data Protection Bill. The Minister does not have the power of bilocation. I am not sure how the scheduling ended as it did and I thank Senators for their co-operation with adjourning the debate on the Bill at 1.30 p.m.. That has not been done since I become Leader and I hope it will never happen again.

Senators Ardagh, Craughwell, Norris, McDowell, Mullen and Noone referred to the sale of Permanent TSB's loan book. That is disappointing. It is also a source of concern and worry. There is a duty on the bank, in terms of whatever happens with the sale of its loan book, to ensure that the rights of its customers and mortgage holders are protected and upheld. Senator Mullen was right to ask the fundamental question as to what is the solution. As Senators will be aware, under the terms of the relationship framework with the banks, loan schemes do not require the Minister's consent. The bank is required to consult the Minister and I believe it is doing so. It is also important to recognise the contractual rights of the borrowers or tenants will remain in place following the sale of the loan book. Many of us would prefer that it would not happen. I would be happy to arrange for the Minister to come to the House to discuss this issue in due course.

Senator Ardagh referred to the remarks made by the Ombudsman, Peter Tyndall, regarding

the Magdalen laundries. I know he appeared before the relevant committee yesterday. There is a different viewpoint between the Department and Mr. Tyndall in this regard. The matter needs to be ironed out. There is a need to achieve justice for the women involved. I am sure all of us will work to ensure that happens.

Senator Conway-Walsh raised the issue of Versatis. Senator Ardagh's party, Fianna Fáil, has a motion relating to this matter on the Order Paper and agreed to allow the facilitation of a debate on it next week. We have a combination of Senator Conway-Walsh raising the issue and Senator Ardagh's party having tabled a motion, in respect of which a debate has been arranged, on it. I thank all Senators for their co-operation regarding that debate. I am happy for it to take place next week and, therefore, I will not have an engagement on the issue now.

Senators Hopkins and Feighan referred to the relocation scheme. The Cathaoirleach made the sensible suggestion that it might be more appropriate to table a Commencement matter on the issue. I hope the Senator Hopkins will do so.

Senator McFadden again raised the issue of PDFORRA and the issue of pay and conditions in the context of the role of the Defence Forces. The Senator made a fair point. I would be happy to arrange a debate with the Minister of State, Deputy Kehoe, on that matter. Certainly, the issue of security duty and rates of pay is one that needs to be continually addressed, especially in view of the work Defence Forces personnel do at very unsocial, family unfriendly hours and which can be very dangerous at times.

Senators Gallagher, Colm Burke and Reilly referred to the role of GPs. As the former chairman of the Joint Committee on Health and Children, I have great respect for all GPs. They do a tremendous job within our health system. It ill behoves people to come in here with half-baked stories. What the Taoiseach said - and it was a fair point if the Senators want to listen to it properly - was that if two fewer patients per GP practice were referred to hospital and could be dealt with in primary care settings, that would free up nearly 6,500 spaces in accident and emergency departments in acute hospitals. That is not a very unreasonable suggestion.

Senator Robbie Gallagher: In saying that, the Leader is implying that GPs are sending to accident and emergency departments people who should not be going there.

Senator Jerry Buttimer: No. I did not interrupt the Senator. He must be fair about this.

Senator Robbie Gallagher: I am.

Senator Jerry Buttimer: The Senator is not. He is being mischievously political, which is disappointing.

Senator Robbie Gallagher: I am absolutely not. I am only relaying problems that were outlined to me by GPs in my constituency.

Senator Jerry Buttimer: Earlier, the Senator did not acknowledge the new primary care centres that have been built, the changes in the GP contract hours and the provision of medical cards to all children under the age of six. In addition, he failed to recognise that talks are under way on a new GP contract. Let us be fair. If the Senator wants to be political, I will have a right political palaver with him about the way his party leader ran out of the Department of Health.

Senator Robbie Gallagher: Here we go again.

Senator Jerry Buttimer: Yes, but-----

Senator Robbie Gallagher: Will the Leader try to stay in the present if at all possible? That might be more helpful than delving into the past. People are only interested in solutions for today and tomorrow.

An Cathaoirleach: The Senator is normally very balanced. He made a point which the Leader is entitled to answer.

Senator Jerry Buttimer: As the Cathaoirleach knows quite well, that is what the Taoiseach is trying to do with the new GP contract. As a doctor, he is committed to the health system, unlike Senator Gallagher's party leader who would not let any Senator sit on the committee that worked on the Sláintecare report and, in that way, deprived Members of this House from having that opportunity.

Senator Aidan Davitt: Come down to Mullingar hospital and see the number of people waiting for treatment on trolleys.

Senator Jerry Buttimer: Let us have that debate again when we see what happens with the GP contract. I advise Senator Gallagher that it is important to acknowledge the importance of the role of GPs in our health system. Nobody has ever not done that.

On behalf of the House, I join Senator Devine in sympathising with the parents and members of families of loved ones, young children, adults, teachers and members of staff who were shot and killed in the tragedy in Florida last night. It is absolutely unacceptable to those of us who do not live in United States of America to see this carnage continue. This is the 18th gun shooting in America this year. It is in the hands of the American authorities to deal with the issue. I know Americans have the right to bear arms under their constitution but there comes a time where vested interests must not be allowed to continue to dominate the debate on the need for change regarding legislation on guns in the US. The tragedy and heartbreak in the homes of many people today as they wake up to a new day in Florida is unimaginable to us here. We should ask our Government, as part of the St. Patrick's Day visits across America, to lobby and advocate for gun reform. It is unacceptable that this continues and we should all stand up and say, "Enough is enough".

I missed the second half of the contribution from Senator Norris. I apologise; I did not hear what he said.

Senator David Norris: It was about Tomi Reichental.

Senator Jerry Buttimer: I beg the Senator's pardon. I saw the documentary yesterday. It was very powerful and moving. Senator Norris is correct. It posed lots of questions. As Senator Gallagher said, we should move on from the past, but we have to learn from the past. Anyone who watched the documentary had to be moved by his courage and strength. I thank RTE. The power of public service broadcasting brings such documentaries to us. It poses the question of what type of world we live in and whether potential still exists in the minds of many around the world.

Senator David Norris: It clearly does.

Senator Jerry Buttimer: It clearly does. That is why it is important that the issue is kept to the forefront and the Minister would come to the House. I would be happy to have that debate

in due course.

Senator David Norris: That would be great.

Senator Jerry Buttimer: I join with Senator Davitt in offering our sympathies to a councillor on the death of his mother. I understand one has to miss 80% of council meetings before pay is deducted. I will be happy to talk to the Senator later. It certainly shows very poor judgment on the part of the officials if a letter was sent so soon after the death of a loved one, given that the person was still in mourning and involved in the care of his mother. It is very insensitive and shows poor judgment.

Senator Aidan Davitt: I appreciate it. I thank the Leader.

Senator Jerry Buttimer: I would be happy to discuss the issue with him

Senator Reilly referred to the need for the Minister, Deputy Ross, to come to the House regarding legislation. I will put the question to him as part of a legislative meeting with the Chief Whip's office. I would be happy for the Bill to come to the House as soon as possible.

Senator Paul Daly raised the very important issue of the need for ongoing vigilance and action around people who fail to comply with the law on the microchipping of dogs. He is correct. Now is a critical time, given that the lambing season is beginning and we will, unfortunately, have tragic outcomes for farmers such as sheep being destroyed, lambs being slaughtered and a loss of income. This can be prevented in many cases by action. I would be happy for the Minister to come to the House.

Senator Noone raised the issue of the environment and plastic water bottles. The suggestion of a water fountain is worth looking at. I was amused when she said people are willing to pay for water. Some do not want to pay for it at all. We will leave that where it is.

I join Senator Gavan in wishing all the teams well.

Senator Niall Ó Donnghaile: Including Spurs.

Senator Jerry Buttimer: I will talk about the League of Ireland. I hope Cork City win another title this year back-to-back. I wish every team well. It is a very competitive league and an expensive operation for clubs. It brings great joy and creates bonds of unity among supporters when they go to Turner's Cross or Markets Field, as Senator Gavan said. It is important that we support League of Ireland football and all the nurseries which allow players to become part of the league. We must also recognise the contribution the League of Ireland has made to our international team and cross-channel football.

I again thank the Members for their co-operation today.

An Cathaoirleach: Is the Order of Business agreed to? Agreed.

Order of Business agreed to.

Section 1 agreed to.

SECTION 2

Acting Chairman (Senator Gerry Horkan): Amendment Nos. 1, 37, 38, 57 and 58 are related and may be discussed together. Is that agreed? Agreed.

Government amendment No. 1:

In page 10, to delete lines 28 to 35 and substitute the following:

“ “public authority” means—

(a) a Department of State,

(b) a regional assembly,

(c) a local authority,

(d) the office of the Director of Corporate Enforcement,

(e) the Irish Auditing and Accounting Supervisory Authority,

(f) any other person established by or under an enactment (other than the Act of 2014 or a former enactment relating to companies within the meaning of section 5 of that Act) other than—

(i) a recognised school or board within the meaning of section 2 of the Education Act 1998 but including a recognised school established and maintained by an education and training board and a board of a school so established and maintained, and

(ii) a management committee established under section 37(3) of the Education Act 1998,

(g) a person with whom the Health Service Executive has, under section 38(1) of the Health Act 2004, entered into an arrangement for the provision of a health or personal social service by that person on behalf of the Executive,

(h) the Garda Síochána;”.

Senator David Norris: Perhaps in his contribution the Minister can explain how they are related. I am not at all sure how they are related.

Acting Chairman (Senator Gerry Horkan): I am sure he can do that. We have agreed that amendment Nos. 1, 37, 38, 57 and 58 will be discussed together now and not at a later stage.

Minister for Justice and Equality (Deputy Charles Flanagan): Explaining why amendments are grouped is not something I do. I am in the hands of the Seanad.

Senator David Norris: I accept that.

Acting Chairman (Senator Gerry Horkan): They are decided by the Cathaoirleach on the advice of the Bills Office.

Deputy Charles Flanagan: Amendment No. 1 replaces the definition of “public authority” in this section. This is important because article 37 of the General Data Protection Regulation, GDPR, requires public authorities to designate a data protection officer to carry out the tasks listed in article 39. The amended definition would ensure that both the Office of the Director of Corporate Enforcement and the Irish Auditing and Accounting Supervisory Authority were classified as public authorities under the Bill. The definition will exclude recognised schools other than those established and maintained by education and training boards, ETBs, and where the ETB is the sole patron. From the entry into force of the GDPR next May, all schools, as data controllers, will be required to implement appropriate measures to ensure, and to be able to demonstrate, that the processing of personal data is performed in accordance with the regulation. However, most of the 4,000 recognised schools are small and independently owned and, therefore, the exclusion of non-ETB schools from the definition is recognition of the fact that many of them, as small, independent organisations, would face additional administrative burdens were they to be so defined as public authorities. ETB schools in contrast are part of a larger ETB organisation, which is the data controller for all processing activities within the board.

The revised definition will also ensure that certain bodies funded by the Health Service Executive, HSE, will be classified as public authorities for the purpose of the Bill. The Health Acts empower the HSE to enter into arrangements with service providers to provide health and social services on its behalf. Specifically, section 38 arrangements involve organisations, mainly large voluntary organisations, being funded to provide services on behalf of the HSE. Section 38 bodies are found primarily in the acute hospital and disability sectors. The public funding provided to these bodies by the executive is significant and the Minister for Health considers that it is proper from a data protection perspective that such bodies should be treated in a similar manner to statutory bodies operating in the same area. The inclusion of paragraph (g) in the definition of “public authority” will achieve that purpose.

Amendment No. 37 can be moved by Senator Higgins. Amendment No. 38, which substitutes the correct definition of “genetic data” in section 63, is taken directly from article 4 of the GDPR and article 3 of the directive. Amendments Nos 57 and 58 are drafting amendments to the definitions of “relevant enactment” and “relevant provision” in section 100.

Senator Alice-Mary Higgins: There is serious concern about amendment No. 1. I appreciate that the Minister is suggesting that it is important that a data processor would be appointed in companies that are contracted by the HSE and I understand that is what he is trying to get at. However, the amendment does not do that in the most appropriate way and it opens up other potentially unforeseen dangerous provisions. For example, there is nothing to prevent the Government inserting a separate section on Report Stage which specifically addresses companies, voluntary and private, that are contracted by the State and requires them to have in place a data processor and to meet the highest standards in processing the data of individuals. There is a concern that provisions have not been put in place throughout the legislation in respect of the procedures private companies must follow to implement the GDPR. The regulation will stand regardless and any individual can take a case, but in respect of legislative guidance or procedures or processes for companies based in Ireland to demonstrate to us as legislators, who are the first point of call, that they are compliant with the GDPR, there are few provisions in the Bill unfortunately. It seems the Bill is more focused on actively finding points at which data protection may not apply to public authorities rather than enforcing data protection requirements on private companies. There is a double concern in this regard - the removal of responsibility on

public companies and the failure to give clear guidance. For example, there should be a provision that requires every corporate entity, whether voluntary or non-voluntary, to have a data processor, to have clear criteria in place for data processing and to show how they will implement GDPR provisions such as the right to be forgotten.

However, the way the Minister proposes to deal with the concern of companies contracted by the HSE is to amend the definition of “public authority”, which is significant, so that a public authority can be any private company contracted by the HSE. He indicated the responsibilities he wants public authorities to take on and there is nothing to preclude him from placing those responsibilities on them in their own right without them having to be a public authority, but section 54(3)(iii) outlines restrictions to data protection rights for individuals, which can be applied “for the administration of any tax, duty or other money due or owing to the State, a local authority or other public authority or body,”. This would seem to give any body classed as a public authority under section 2 the right to bypass data protection rights if money is involved. That raises a serious concern. We cannot in this early section of the legislation leave hostages to fortune in later sections. I regret that the Bill is being rushed thorough. We requested an additional week to tease these issues out. Now that it is bring rushed through, we have been told that the debate will be curtailed, which is unfortunate.

I oppose amendment No. 1. Powers are given to public authorities in later sections in circumstances in which the right of individual data subjects can be bypassed. Public authorities are given the potential authority to collect biometric data, for example. There are also implications for the protection of children. Article 6.1(f) of the GDPR states: “Processing shall be lawful... processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.” Will children who access services that are contracted out by the HSE be subject to lesser protections? Private companies may have a contract with the executive in one area of the health service but may have a number of contracts in other areas. I respectfully suggest that the Minister may wish to address this important issue of the regulation of contracted parties with a separate explicit section, which sets out proper provisions and protections, rather than by amending the definition of “public authority” in this regard or if he must bring in a category of public authority, let it be a separate category explicitly excluded from the exceptions given to public authorities later in the legislation. There are a number of ways the issue may be tackled but it is crucial that it should be.

I did not realise my amendments would be grouped like this and it is unfortunate to have to jump to amendment No. 37. There are nine mentions of the phrase, “necessary and proportionate”, throughout the legislation. It is invoked where general data protection rights of an individual may be overridden. I understand that is a European framework and there is no clear European definition.

There is a concern. Perhaps the Minister could clarify what processes will be in place to determine what is “necessary and proportionate”. Will it be entirely in reference to European case law or will the Minister be drawing on other processes? That is a clear issue because the definition is missing from section 2.

The justice committee requested that the full text of the GDPR with all of its provisions might be included in section 2, yet this is also missing. I may table amendments in this respect

on Report Stage. The argument has been that we need to have a separation of European and domestic law and that they cannot simply be transferred. The concern is that many of the provisions in the GDPR have not been reflected in comparable or complementary sections in the Bill. One very blunt solution would be to include the text or a reference to the text of the GDPR.

My other amendments in this group are to a much later section. I do not see how they are connected with amendment No. 1 but I will not challenge a judgment of the Chair in that regard. Amendment No. 37 is to section 63 of the Bill, which is a very important section that sets out a definition of biometric data. The definition included in the Bill at present is contrary to understood definitions of biometric data in Europe and elsewhere. This is a crucial point because the definition of biometric data included in section 63 at present is complementary to the interpretation the Government has chosen to employ in the context of the public services card debate.

Biometric data as largely understood in most contexts means personal data relating to physical, physiological or behavioural characteristics of an individual that allow or confirm the unique identification of the individual, including facial images or dactyloscopic data. That is the common definition. However, a reference has been inserted here by the Government, which I seek to remove, to “personal data resulting from specific technical processing” A person’s biometric data is their data. One’s fingerprints are one’s fingerprints, one’s blood is one’s blood, one’s facial profile is one’s facial profile, and one’s irises are one’s irises. However, the insertion of “from specific technical processing” would mean an individual’s biometric data is not really his or her biometric data unless it is processed in a specific way.

This argument has been used in respect of the public services card, for which biometric data such as photographs and potentially, in the future, fingerprints, etc., are gathered. Unless there is a particular kind of technical processing involved in what they do with that data, they are claiming that it is not biometric data. That claim has been widely challenged by most parties and has been named as a specific issue of concern for the Data Protection Commissioner in the section 10 investigation she is currently conducting into the public services card. The commissioner expressed her lack of satisfaction with the Government’s answers in respect of biometric data and how the Government was choosing to define it. The Government is now seeking to embed that chosen interpretation into a new piece of legislation which would no doubt be retrospectively applied. I am sure it will not be retrospectively applied and it certainly would not be retrospectively applicable. When we come to vote on this amendment at a later stage, I urge the House to strongly consider that the very simple deletion of the phrase “from specific technical processing” will give us a definition that is comparable to the most internationally accepted understanding of biometric data.

Amendment No. 38 is related to amendment No. 37. Later in section 63, the Government includes a definition of genetic data. I note that it is choosing to change its definition of genetic data by way of amendment No. 38. It is probably doing so because some of its legal advisers have informed it that it will run into the same problem. Perhaps the Minister can confirm that point.

The current definition in section 63 is as follows:

“genetic data” means personal data—

(a) relating to the inherited or acquired genetic characteristics of an individual that give unique information about the physiology or health of the individual, and

(b) that result from an analysis of a biological sample from the individual in question;

Paragraph (a) reflects the normal understanding of genetic data, but paragraph (b) limits the definition to genetic data resulting from an analysis of a biological sample. Obviously, that narrows what will be considered genetic data and also opens up the scope for all kinds of things to be considered genetic data which do not result from a biological sample. The Government has recognised that this is a problem and the new definition it is proposing in amendment No. 38 is as follows:

“genetic data” means personal data relating to the inherited or acquired genetic characteristics of an individual that give unique information about the physiology or the health of the individual and that result, in particular, from an analysis of a biological sample from the individual in question;

This is a tacit acknowledgement that although it may result specifically from biological sample, that is not the only way genetic data can be transferred. It is still a woolly attempt to bring the biological sample into the wording in a woollier way. Given that the Government has acknowledged that it cannot make technical processing a criterion for how data is determined in terms of genetics, I suggest that it may wish to provide a similar frame of reference in respect of biometric data and may similarly wish to reconsider the current definition and its reliance on a specific form of technical processing.

I will leave it at that. I had not expected to be speaking to these amendments to a later section of the Bill at this point but I am sure we will have a chance to return to the wider questions of biometric data, if not the particular amendments, in the future.

Senator David Norris: I welcome the Minister to the House. I understand completely the fact that he will not be able to be with us after 1.30 p.m.

Senator Michael McDowell: He has less important things to do.

Senator David Norris: Amendment No. 1 recites some of the material in the original Bill but it also extends the coverage to include the Office of the Director of Corporate Enforcement and the Irish Auditing and Accounting Supervisory Authority. There is a change in paragraph (f) and where it previously stated “a person” it now states “any other person” and then adds other information as follows:

other than—

(i) a recognised school or board within the meaning of section 2 of the Education Act 1998 but including a recognised school established and maintained by an education and training board and a board of a school so established and maintained, and

(ii) a management committee established under section 37(3) of the Education Act 1998,

Then there is another new piece:

(g) a person with whom the Health Service Executive has, under section 38(1) of the Health Act 2004, entered into an arrangement for the provision of a health or personal social service by that person on behalf of the Executive,

I remember quite a number of years ago fighting on this issue of describing companies as

persons. It is a little disingenuous because the average citizen reading a Bill like this would think it was a person in the sense of a human individual, although the provision clearly envisages a company. This would appear to give considerable exemptions to private companies in line with the exemptions given to public authorities and that is a cause for concern. It also allows them to call in biometric data.

I listened with great interest to the very erudite exposition by Senator Alice-Mary Higgins and, pending listening to what the Minister has to say, I am persuaded by her on amendments Nos. 37 and 38. It seems to me that she makes extremely good points in support of deleting “resulting from technical processing” and substituting a definition of genetic data which is more appropriate to the Bill. Unless I am otherwise persuaded by the Minister, I will certainly be voting with Senator Higgins on this issue.

Deputy Charles Flanagan: In respect of amendment No. 37, I am not sure of the extent to which the Minister can influence the disposition of Senator Norris now or, indeed, ever.

Senator Higgins’s amendment seeks to change the definition of “biometric data” in section 63. The definition is taken directly from Article 3.13 of the directive. It is identical to the definition in Article 4.14 of the general data protection regulation, GDPR. I do not see how there is scope for diverging from these definitions in our national law and, therefore, I am unable to accept the amendment. The definition in the Bill is fully in line with the GDPR. It is an issue that I believe is important in the context of the Bill. It comes directly from the directive. I am not putting down any amendment. I am not encouraging any divergence. I am merely saying that what we have here is a direct derivation from the definition permitted. While Senator Higgins went into some detail and at some length, I believe what we have done in the circumstances is entirely appropriate having regard to the transposition of the regulation into our national law. Any derivation from that or any departure from the alignment will give rise to an element of uncertainty that I am not sure will be helpful in the context of this legislation.

As regards issues raised by Senator Higgins, when she speaks about what is necessary and proportionate, I would point to the important changes and the increased authority of the Office of the Data Protection Commissioner, which will have a considerable increase in its authority and membership and will be properly resourced to ensure it can engage in the type of activities that will be necessary under the law. The issue of proportionality and necessity will be enforced by the data protection commission. It is a rights threshold. It has been developed and, presumably, will continue to be developed in accordance with the European Court of Justice and the European Court of Human Rights. This is an issue that will be monitored closely, supervised and enforced by the data protection commission.

I note what the Senator said regarding the obligations on private companies and the perceived lack of information about the new regulatory framework. I agree it is very important that there be a national campaign, an appropriate level of information and that companies be advised, encouraged and mandated to prepare for what is a changed landscape. As we process this legislation through the House, there will be a wide range of information meetings, seminars and engagements throughout the country. The GDPR applies directly to private companies and all other data controllers.

On the issue of the supervisory role, much of the information campaigning that is under way is being orchestrated and organised by the Office of the Data Protection Commissioner, ably assisted by Government, but there is a lot we can all do, as public representatives, to ensure there

are appropriate and adequate preparations on the part of private companies, as well as public companies and agencies. I advise on the important information tool, that is, the website *www.GDPRandYou.ie*. I do not believe that what we are doing through Government amendment No. 1 is opening the door for widespread exemptions within the private sector. That will not happen. The Data Protection Commissioner will ensure a role in respect of oversight, supervision and enforcement.

There are other issues of enforcement to which we will revert later in terms of amendments. I indicated on Second Stage that I was open to listening to Senators in that regard. That still stands. With particular reference to an issue raised relating to public companies, agencies and entities, we will have an opportunity of debating that later.

I am unable to accept amendment No. 37 because it strays from the strict and important reading of the GDPR and the directive. I am not introducing any change and, in the circumstances, I do not believe it is appropriate to introduce a change to such a very important definition in the Bill.

Senator Alice-Mary Higgins: To follow up on one point regarding amendment No. 37, when the Minister spoke about ensuring we do not have any ambiguity, the key concern is the specific technical processing. The Minister might be able to assure us that it will be the widest definition of specific technical processing and that we will not have a situation, for example, where the Government would decide that one particular form of processing was what was specific technical processing. That is something on which the Minister might be able to assure us because it is a key concern.

Regarding my specific question on section 54(3)(a)(iii), it refers to the restriction to data protection rights where money is due or owing to any other public authority or body. That is not a matter of interpretation for the Data Protection Commissioner. It is an explicit right to restrict data protection rights where money is owing to a public authority. The Minister might address the concern that by changing the definition of public authority to a private company contracted under paragraph (g) he is thereby opening up the provision in section 54(3)(a)(iii) and giving that body or company the right to restrict data protection rights when money is due. That is a specific concern.

We will have an opportunity to contribute again on the wider question. An information campaign is not what is needed. The Minister used the words “mandated” and “required”. We will come later to the serious restrictions that are placed in terms of the way individuals can seek justice via the new data protection commission. I understand there will be huge resource implications and huge implications for our courts and restrictions in terms of certain areas of legal aid. In practical terms, I understand there is nothing to stop this State introducing complementary provisions in this Bill that set out, for example, clear criteria and clear, immediately accessible guidance, not information about the European regulations but regulations which are complementary and already in our Irish law. Why would we not put those into this Bill?

Deputy Charles Flanagan: I wish to assure the Senator that there is no intent on the part of Government to introduce any uncertainty or list of exempted persons, to use the word adopted by Senator Norris. What we are doing here is using the corporate person, which has been enshrined in law for many decades. I assure Senator Higgins that under the stewardship of the Data Protection Commissioner there will be an information campaign. In addition to the information campaign, there will be a preparatory campaign to ensure that Ireland will be ready

from the appropriate date in May. A large element of information, knowledge and preparedness is necessary as part of the enforcement and compliance element of this process, which is ongoing. By the time we reach the end of this Bill later in the spring, after Report Stage, we will have seen the type of appropriate campaign that is necessary in these circumstances. I assure Senator Higgins that there are no circumstances in which the introduction of amendment No. 1 will open the door for the type of exempted status she fears. I am happy to return to that.

Senator Alice-Mary Higgins: It is in section 54(3) of the legislation. It is not a matter of assurance. The text of section 54(3)(a)(ii) specifically provides that restrictions on data protection rights can apply “for the administration of any tax, duty or other money due or owing to the State, a local authority or other public authority or body”.

Deputy Charles Flanagan: We will return to this issue when we are discussing section 54.

Acting Chairman (Senator Gerry Horkan): We have agreed that amendments Nos. 1, 37, 38, 57 and 58 are to be discussed together. The only time we will discuss them is now.

Deputy Charles Flanagan: Amendments Nos. 37 and 38 relate to section 63.

Senator Alice-Mary Higgins: I am asking the Minister about his intention regarding section 54. Rather than making a contracted company a public authority, why it is not proposed to include a separate section that makes specific and clear provision for contracted services? Why was it decided to go this way?

Deputy Charles Flanagan: I do not see a need for such a separate section but I would be happy, at the invitation of the Senator, to have a look at the matter again in advance of Report Stage.

Amendment put.

The Committee divided by electronic means.

Senator Gabrielle McFadden: Under Standing Order 62(3)(b), I request that the vote be taken by other than electronic means.

An Cathaoirleach: The Senator is entitled to do that. Before we proceed with the division, I would like to welcome Deputy Noel Grealish and his friends to the Chamber. They are more than welcome and should not be in any hurry to leave us.

Amendment again put:

The Committee divided: Tá, 18; Níl, 16.	
Tá	Níl
Burke, Colm.	Boyhan, Victor.
Burke, Paddy.	Conway-Walsh, Rose.
Buttimer, Jerry.	Craughwell, Gerard P.
Coffey, Paudie.	Devine, Máire.
Conway, Martin.	Dolan, John.
Daly, Paul.	Gavan, Paul.
Davitt, Aidan.	Higgins, Alice-Mary.

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Feighan, Frank.	Humphreys, Kevin.
Hopkins, Maura.	McDowell, Michael.
Horkan, Gerry.	Mullen, Rónán.
Lawless, Billy.	Nash, Gerald.
McFadden, Gabrielle.	O'Sullivan, Grace.
Noone, Catherine.	Ó Clochartaigh, Trevor.
O'Mahony, John.	Ó Donnghaile, Niall.
O'Reilly, Joe.	Ruane, Lynn.
Reilly, James.	Warfield, Fintan.
Richmond, Neale.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Gabrielle McFadden and John O'Mahony; Níl, Senators Alice-Mary Higgins and Grace O'Sullivan.

Amendment declared carried.

An Cathaoirleach: Before we report progress, I welcome to the Gallery Mr. Pat Gilroy, one of the great Dublin footballers and the current manager of the Dublin hurling team. I wish him well in the championship this year, as long as Dublin does not beat Cork. He is welcome to the House.

Progress reported; Committee to sit again.

An Cathaoirleach: When is it proposed to sit again?

Senator Jerry Buttimer: Ar 2.30 p.m. Dé Máirt seo chugainn.

The Seanad adjourned at 1.50 p.m. until 2.30 p.m. on Tuesday, 20 February 2018.