



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Business of Seanad	714
Commencement Matters	715
Home Care Packages	715
Homeless Persons Data	718
School Accommodation Provision	720
Rail Network Safety	722
Order of Business	724
Joint Sitting of Dáil Éireann and Seanad Éireann: Motion	737
Position of UK and Ireland in Respect of Area of Freedom, Security and Justice: Referral to Joint Committee	738
25th Anniversary of Decriminalisation of Homosexuality: Motion	739
Small and Medium Enterprises: Statements	756
Data Sharing and Governance Bill 2018: Order for Second Stage	772
Data Sharing and Governance Bill 2018: Second Stage	772

SEANAD ÉIREANN

Dé Máirt, 19 Meitheamh 2018

Tuesday, 19 June 2018

Chuaigh an Leas-Chathaoirleach i gceannas ar 2.30 p.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

An Leas-Chathaoirleach: I have received notice from Senator Michelle Mulherin that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Health to request the HSE in community healthcare organisation area 2 to address the delay in the provision of home care packages for patients in Mayo and outline the division of the budget and resources between Mayo, Roscommon and Galway and the basis for same.

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

The need for the Minister for Housing, Planning and Local Government to collate data on LGBT homelessness.

I have also received notice from Senator Jennifer Murnane O'Connor of the following matter:

The need for the Minister for Education and Skills to provide an update on the requirement for two additional autism spectrum disorder, ASD, classrooms for Fr. Cullen memorial school, Tinryland, County Carlow.

I have also received notice from Senator Lorraine Clifford-Lee of the following matter:

The need for the Minister for Transport, Tourism and Sport to implement safety measures on our rail network.

I have also received notice from Senator Colm Burke of the following matter:

The need for the Minister for Health to outline the current position in respect of the provision of additional funding to Cork University Maternity Hospital which would enable the opening of a second gynaecological theatre in 2018.

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

19 June 2018

The need for the Minister for Housing, Planning and Local Government to provide an update on preparations for a referendum on voting rights in presidential elections for Irish citizens outside the State.

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

The need for the Minister for Health to provide an update on the medical rehabilitation unit project at Roscommon County Hospital.

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

The need for the Minister for Education and Skills to address the current workload on school principals.

Of the matters raised by the Senators suitable for discussion, I have selected those raised by Senators Mulherin, Warfield, Murnane O'Connor and Clifford-Lee and they will be taken now. The other Senators may give notice on another day of the matters that they wish to raise.

Commencement Matters

Home Care Packages

An Leas-Chathaoirleach: The Minister of State, Deputy John Paul Phelan, is very welcome.

Senator Michelle Mulherin: A Leas-Chathaoirligh, thank you for selecting this important matter. The Minister of State is welcome. I know he will not be surprised when I say I would be happier if the line Minister, either the Minister for Health or the Minister of State with responsibility for this issue, was here but I have no doubt he will relay to them the seriousness of this situation. Basically, I am asking that the Minister for Health immediately require the HSE and the CHO area 2 to address and make right the delays that have been experienced by people who have been approved home care packages, but to date have not received them.

A far as I can ascertain, this is going on since May. Quite a number of families and constituents have been in contact with me who are in a terrible situation. What has happened is that people have been approved as needing home care and needing the support to live in their homes. They have been sent a letter saying they have been approved, but that they are on a waiting list. That is not much good to somebody who is in a hospital, taking up a bed and who is fit to be discharged. That is the case in Ballina, Swinford and Belmullet district hospitals, which to a greater or lesser extent operate as step-down facilities for Mayo University Hospital, which is an acute hospital. That is adding to delays in patients being discharged from Mayo University Hospital and is at great expense to the State.

We gave a commitment to people, and it is an aspiration of our Government, that those who want to stay at home should be supported in their bid to do so. That is not happening here and it is unacceptable. How long will these patients have to wait with a letter in their hand? How long will they have to be taking up hospital beds or are we directing them into nursing homes? That

would appear to be the only other option, that they go into a nursing home. Hard-pressed families are trying to cope with a situation where it has been clearly identified that help is needed.

We are half way through the year. How can the budget be spent? How can they be told there are no resources when we are only half way through the year? If nothing else, I would like a clear answer to the following question. How has the budget for CHO area 2 been spent? It is being divided between Mayo, Roscommon and Galway. What is the priority? What home care packages are being provided and when will more resources be given? How is the HSE managing the situation?

I raise this matter as a last resort. I have been raising cases since the beginning of May on behalf of individuals who are stuck and are in terrible situations. It is not on as far as I am concerned.

This is not the first time this has happened. It happened about a year or 18 months ago. What was revealed at that time was that the money was being spent on University Hospital Galway, UHG. Nobody needs to be a genius to know that UHG is in the news every other day for its trolley count. Priority is being given to shifting patients off trolleys and moving them on from beds within UHG to the detriment of Mayo patients. Mayo has one of the most aged populations in the country. Our aged and older people need care. This is not on and I would like to get some answers today about what the HSE is not providing. I would like somebody in the HSE to be held to account for what is going on. I am a public representative. Public representatives should be entitled to information in a timely manner so at least constituents can know some answers are being given within a system. I have no confidence in the way things are being conducted at the moment in the area I live in.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I thank Senator Mulherin for raising the matter. The Minister of State, Deputy Daly, was unavailable hence my presence here. It is a serious issue.

The overarching policy of the Government is to support older people to live in dignity and independence in their homes and communities for as long as possible. Home care is an increasingly important part of the supports for enabling older people to remain at home and for facilitating their discharge from acute hospitals. The HSE has operational responsibility for planning, managing and delivering home and other community-based services for older people. Services are provided on the basis of assessed healthcare need. This year the HSE has moved to a single home support service combining home help and home care packages into a single service, the home support services for older people.

Home support services were a particular focus of budget 2018. An additional €18.25 million was allocated. The resources available in 2018 bring the total budget for the direct provision of services to €418 million. The HSE's national service plan provides for a target of €17.094 million home support hours to 50,500 people. A further initiative saw 324 people being provided with home support services following this winter's adverse weather conditions.

The demand for home supports continues to grow in parallel with the increasing number of older people. Many more of our older people with complex care needs are now being maintained at home, leading to increased demand for additional levels of service and for services outside of core hours Monday to Friday.

Arrangements for home care have developed over the years with a significant local focus

and there is considerable variation in access to services in different parts of the country. It is also accepted there is considerable demand for home support services over and above existing service levels.

Since 2016, home support in CHO area 2 has been allocated based on prioritised needs of assessed applicants. Since the introduction of the prioritisation system, Mayo has had an increased budget with a corresponding reduction in other parts of the CHO area, particularly in Galway. In March 2018, the last month for which figures are available, Mayo had an over-expenditure of 4.2% on its budget.

The overall budget for CHO area 2 in 2018 is €43.2 million, an increase on both 2016 and 2017. The budget is broken down as follows: Galway, which has 52% of clients has a 56% share of the budget; Mayo has 30% of clients and 29% of the budget; and Roscommon has 18% of clients and 15% of the budget.

As I have said, the demand for home support continues to exceed supply. Those with the highest priority have home support implemented, while those on a lower priority are put on a waiting list. Ongoing measures to maximise the available budget, together with financial support for winter access measures have resulted in additional funding availability. Consequently, a process began in late-April to allocate home support to those on the waiting list.

Those responsible in CHO area 2 are conscious of the significant number of applicants on the home support waiting list. The waiting list includes both those waiting on new services and those awaiting additional hours, with approximately one third awaiting additional hours and two thirds awaiting a new service. When care was offered to those on the waiting list, approximately one third declined the offer. CHO area 2 has, therefore, commenced a process to validate the waiting list. It is envisaged that this process, together with the release of hours from the available budget, will see a noticeable reduction in waiting lists, including in County Mayo, over the coming months.

Senator Michelle Mulherin: I ask that the HSE in CHO area 2 is made to answer public representatives who contact them in a timely manner. I do not think six to eight weeks is satisfactory, especially when there is still no answer for people. It is wrong. How will this be addressed? If we have people in a district hospital step-down facility or in an acute facility in Mayo general hospital, how much more is it costing the State? How will this be addressed? I do not think what the Minister of State has said addressed it. Is the idea that when somebody dies people on the waiting list will take over that person's hours? In the case of Mayo an awful lot of the clients and people who have been approved are older people. I understand people other than older people require home care packages. People in recovery from conditions, illnesses or accidents may also need this help. We are pushing these older people into nursing homes at extra expense. I know we have our hospitals, but then we have people on trolleys. Something needs to be done and I think much more digging needs to be done. The HSE would want to pull up its socks and start dealing with public representatives.

Deputy John Paul Phelan: I will certainly ask the Minister of State, Deputy Jim Daly, about it. The Senator is right. Members of the public who come to any politician deserve to know what the situation is when they are on a list like that. Across CHO areas there is a wide variation in responsiveness. It is not acceptable that people would wait for eight weeks. I will bring that in the strongest terms to the Minister of State, Deputy Jim Daly.

The issue with the list in CHO area 2 seems to be that circumstances have changed substantially, maybe because the list has been in existence for such a period of time. The initial work on the validation process would indicate that the list will be shortened as a result. In addition, the HSE maintains the release of hours from the available budget will see a noticeable reduction in the coming months in County Mayo.

I will certainly bring back the Senator's issue about timely answers.

Homeless Persons Data

Senator Fintan Warfield: As of April there were 924 homeless people aged between 18 and 24 according to figures from the Department of Housing, Planning and Local Government. We know that youth homelessness can be subject to substantial underestimation as young people are more likely to stay with family and relatives in situations of hidden homelessness.

The quantitative research on the causes of youth homelessness is quite robust. However, smaller-scale qualitative research which could reveal the scale of LGBT homelessness is quite limited. Numerous countries around the world are showing worrying trends that LGBT youth are, and historically have been, disproportionately more vulnerable to homelessness. There is a growing consensus across the homelessness-research literature that LGBTQI young people are over-represented in homeless youth populations.

Studies in the US indicate that about 40% of young people who access homeless services identify as lesbian, gay, bisexual, queer or intersex. A recent study in the UK found that a quarter of young homeless people are LGBT. If these figures are in any way replicated in this State, our responses should meet the needs of LGBTQI homeless. An Albert Kennedy Trust report found that 69% of young LGBT people reported that parental rejection was a reason for their homelessness. Our current responses are not set up to deal with these kinds of issues or give the kind of support and intervention that the Albert Kennedy Trust and the Purple Door in Britain offer.

The State needs data on LGBT homelessness; only then can targeted responses follow. The lack of data collection also means that young LGBT people are relatively invisible to most housing and homeless services and staff. This can leave them vulnerable to prejudice or abuse in emergency accommodation settings and has therefore led to a higher number of LGBT youth sleeping rough in other jurisdictions.

Focus Ireland has taken the lead in this issue. I commend its work and that of BeLonG To which are undertaking research into the issue. However, we will not be able to track homeless LGBT figures unless we collect the data on Pathway Accommodation and Support System, PASS, intake forms. Inevitably that comes to the Department's responsibility. Has the Government considered data collection on LGBTQI homelessness through PASS? What are the plans to address the issues?

Deputy John Paul Phelan: I am taking this Commencement matter on behalf of the Minister, Deputy Eoghan Murphy. It used to be called an Adjournment Debate in my day.

Addressing homelessness is an absolute priority for the Government. Rebuilding Ireland, the Government's Action Plan for Housing and Homelessness, contains a wide range of mea-

asures which are being delivered. Ultimately, to fully address homelessness requires continued increases in the supply of new houses, particularly social housing. In this regard, the Government is determined to increase the stock of social housing by 50,000 homes by 2021, with over €6 billion ring-fenced to achieve this. More than 19,000 households had their social housing needs met in 2016. This increased significantly last year, when almost 26,000 such supports were delivered. The 2018 target is to deliver a similar level of tenancies via social housing supports. The level of funding available to local authorities has also increased to ensure they are in a position to provide effective supports and assistance to those who find themselves in need of emergency accommodation. In 2018, a budget of €116 million was provided by the Government for homelessness services. This was an increase of 18% on the 2017 allocation.

Despite the high levels of homelessness, results are being achieved. While the numbers remain very high, 2,080 families exited hotels last year and more than 4,700 individuals exited homeless emergency accommodation generally. We are also seeing progress in reducing the numbers of individuals rough-sleeping, with the latest count in April showing a large reduction since the previous count in November 2017. Over 200 permanent new beds were put in place before the end of 2017, with a further 40 beds introduced following Storm Emma earlier this year. The Pathway Accommodation & Support System, PASS, is a case management system which allows front-line staff in local authorities to register service users and provide them with the supports they require while accessing services. It also acts as the source of all statistical information that is used when reporting on homelessness, such as the Department's monthly homelessness report. This report delivers information on the number of persons accessing emergency accommodation in a given survey week, broken down by location, gender, age and accommodation type.

Data protection legislation provides robust protections to individuals, and the core principle of data minimisation ensures that an organisation can collect no information on a person beyond that which is required to carry out its explicit function. It would be inappropriate for a user of emergency accommodation to be asked to provide information concerning his or her sexual orientation. Accordingly, the Department does not collate data in this regard, but I am satisfied that the range of services in place to respond to homelessness can address the needs of all individuals, regardless of sexual orientation.

Furthermore, in response to Senator Warfield's points, I do not have information to contradict or to affirm his statement that around the world LGBTQI people are more prone to homelessness, although I think most of us, if we thought about the matter, would see that there is a logic to the argument he makes. They possibly are more prone to homelessness. Those data are not available in Ireland, and I really do not think it would be appropriate for local authorities to know who the gay people and the straight people are on their housing lists.

The Senator spoke about Focus Ireland. In possible answer to his question, while people have a right to their own privacy, I am sure there must be a method to ascertain a breakdown, in consultation with some of the agencies that deal with homeless people, and on the basis of anonymity, of the number of LGBTQI people on homelessness lists. While the official Government response, which I would defend to the hilt, is that local authorities should have no right to know someone's sexual orientation, I believe there is a method by which the Department might be able to fund some of the agencies that deal with homeless people to ascertain a breakdown of that figure while maintaining people's right to privacy.

Senator Fintan Warfield: It is all very disappointing. It would certainly be an appropriate

measure if the figures are correct. It is done elsewhere. It would be an optional preference that people would make to disclose their sexuality. It would allow the State to target responses at specific areas. I have met Irish people in London who talk about coming out and telling their family and it having been the end of the road. They go to London, and that is that. We are talking about an apology to the LGBT community being made tonight. These are the kinds of actions that will change the lived experiences of people in Ireland. The evidence is so overwhelming and the issue is so alarming that it should be an initiative taken on by the Government. It is appropriate that we ask people this type of information on intake forms. What we need to know is what comes back from the Focus Ireland report and its work with BeLonG To. I have to say the response is quite disappointing. I acknowledge there is some interest from the Minister of State and the Department in continuing this conversation after the report. Is that fair to say?

Deputy John Paul Phelan: I understand the Senator's position, and perhaps this is the difference between our points of view. I really do not think any Government agency should know whether somebody is gay or straight or not, but I think we can address the issue. It would serve no purpose as an optional question on the form. It would not be an indication as to the amount of LGBTQI people who are homeless. Is there a way of using the agencies' expertise in dealing with homeless people and ascertaining on a confidential basis the proportion of homeless people in any given local authority area who are LGBTQI? I am one of those who believes the State already has far too much information on people, and the State has no purpose in having information such as this. However, can the agencies that work with these people bring this information by declaring real figures in an anonymous fashion and not through an optional preference on a questionnaire? People could deal with the agencies face to face and then we would see whether there is an issue. I suspect the issue does exist in other countries, and there is no reason to think there would not be some sort of effect in Ireland. We could then deal with it in Ireland, but I just do not trust the Government as much as the Senator does.

Senator Fintan Warfield: I voluntarily go to a gay men's health service and have-----

An Leas-Chathaoirleach: I am sorry Senator but I am not allowed to allow a second supplementary question, unfortunately, but maybe the Senator and the Minister of State can have a chat about it as they leave the Chamber.

Senator Fintan Warfield: That information belongs to the State. The Minister of State is essentially arguing that NGOs or the agencies should have the information, but the State should not.

Deputy John Paul Phelan: There is a way of cracking the nut.

An Leas-Chathaoirleach: I ask the Senator and the Minister of State to have a chat about it, because at this stage I must thank them both. I am not allowed to allow a second supplementary question but they can have a chat outside.

School Accommodation Provision

Senator Jennifer Murnane O'Connor: I thank the Minister for coming to the House. I want to draw his attention to a little school in rural Carlow. Fr. Cullen Memorial school in Tinryland is a digital school of distinction, a fair trade school, a green school, and a school

which excels in sports, academia and extracurricular activities. It had an enrolment of 161 students for the past year but the numbers are growing. Fr. Cullen Memorial school has an autistic spectrum disorder unit catering for 12 students. When the school contacted the Department about its desire to have a proper autism spectrum disorder unit it was given sanction for two classrooms, which were listed on the Department's website for intake last year. When the school wrote to the Department asking for help in building sufficient accommodation for this sanction it was asked about renting the local hall or inquiring about a vacant shop across the road. None of these ideas was suitable because a sizeable amount of work was necessary to bring them up to scratch. Meanwhile, the school was offered someone else's Portakabin. Now it has 12 lovely children, four SNAs and two teachers working in a hand-me-down Portakabin.

The area is too small and the children are stressed out and deserve so much better from the Department of Education and Skills. Following on from an inspection earlier this year, the report states that the school's policies and provision for pupils with additional learning needs should be comprehensively reviewed to ensure more effective programme planning and implementation. The Department has been made aware of the need for more effective implementation yet the school believes it has been left to its own devices. In 2018, a portacabin is not sufficient accommodation. There are no changing facilities and this is a major challenge for a child on the autism spectrum who is non-verbal and has toileting issues. There is no withdrawal space, which is key in the correct education of children in this spectrum. The unsuitable accommodation is putting a massive strain on staff and an unnecessary strain on already struggling families. There is no reason these children should be taught in unsuitable accommodation.

3 o'clock

We have to start showing that we mean it when we say all children are equal. It is distressing for young parents and families when their children do not get the support they need. If we aim to look after all children then we need to show it. This is a terrific school with a terrific principal who is doing her very best despite the fact she does not have an office. It is unacceptable that in 2018 this principal does not have an office. This school deserves better. It needs additional accommodation and it should have the opportunity to pitch for it. Enrolment at the school is predicted to increase in September. While the school has the necessary staff to meet this demand it does not have sufficient classrooms to accommodate it. In addition, parking at the school is so tight it is unreal.

Where on the schools building programme list is this project? It is important that the school is granted funding for the provision of these two additional classrooms. The school is creaking at the seams and it needs a little help. We need to know when this urgent accommodation will be provided. It is unacceptable that in 2018 children are still being taught in portacabins. It is not good for them, teachers, families or the school environment. These children are our future. I plead with the Minister to urgently address this issue.

Minister for Education and Skills (Deputy Richard Bruton): By way of background, over the last number of years we have been running hard to accommodate the additional 100,000 pupils at primary and secondary levels, which is a staggering number of additional school places that we have had to provide. This task has dominated our capital budgets and this has meant that some of the refurbishment and upgrades we would like to be able to do have not been possible. On a positive note, the national development plan provides for €8.8 billion investment in school infrastructure. We plan to start a prefab replacement programme in 2019. Beyond this, we intend to have a deep refurbishment of all schools over ten years old, including energy retrofit. There is a very strong pipeline of investment for the future. We are nearing the end of

real pressure on our budgets to in the future being able to do more.

As mentioned by the Senator, in 2017 the school was approved by the NCSE for an ASD unit, for which the school sought commencement in September 2017. In the intervening period, the school was granted temporary accommodation to enable the ASD unit to get off the ground and provide the service needed. Earlier this year, the school submitted an application for capital funding for not only the two ASD classrooms but additional mainstream classrooms which it considers will be required into the future on the basis of the schools projected enrolment. The school has gone beyond the original application in respect of the ASD unit, which the Senator referenced when she said it wanted the opportunity to pitch for additional accommodation to develop the school.

Those two issues will be looked at slightly differently within the Department. The ASD unit is clearly necessary accommodation. We always want to move to try to upgrade those facilities. Officials are working closely with the principal and they will be looking at this specific application. A response to the school is imminent and I have been given an assurance that it will be before the end of this school year. While facilities are there and are providing accommodation, we are assessing the application made by the school and we will get back to it as soon as possible.

Senator Jennifer Murnane O'Connor: I thank the Minister. It is good news that the school is a priority. It is an excellent school but it is unsuitable that 12 young students are in a portacabin. It is crucial that an ASD unit is up and running as soon as possible. I know it is a priority and that the Minister will be back to us. I will not leave that door alone until he gives word to the school.

Deputy Richard Bruton: It is not a decision that I make. The inspectorate will look at the accommodation currently available and the merit of the application against the ability to deliver the progress that needs to be delivered. The decision will be made on that fair and equal basis. Senator Murnane O'Connor has to bear in mind that capital funds are still under pressure. We have continued growth at both primary and secondary levels this year, with roughly 10,000 extra students to be accommodated at each level. That is the reality of the present climate. Most countries in Europe would give their right arms to have such strong growth in pupil numbers. It is a sign of a young growing population.

Rail Network Safety

Senator Lorraine Clifford-Lee: I thank the Minister for Transport, Tourism and Sport, Deputy Shane Ross, for coming to the Chamber to discuss this important issue of safety on our trains and in our train stations. I live in north County Dublin. We have six train stations at Balbriggan, Skerries, Rush and Lusk, Donabate, Malahide and Portmarnock.

I raise this issue because there was a report on RTÉ radio at the weekend. It outlined that there has been a 43% increase since 2016 in anti-social behaviour, assaults, intimidation, theft and aggressive behaviour on our trains and in our train stations. This has a devastating effect not only on the commuters using the trains daily but on the staff operating the trains and the train stations.

Representatives from the National Bus and Rail Union, NBRU, claim this 43% increase is just the tip of the iceberg and that incidents of assault, intimidation and anti-social behaviour

are so frequent that people do not even report them. They only report very serious incidents. It is very worrying when the union representing the workers is saying that. Many workers have reported being kicked, punched, spat upon, having things thrown at them and being subjected to verbal abuse and intimidation. It is not on for workers to be subjected to that kind of treatment when they are trying to work and provide a public service.

That report I heard at the weekend reflects what I hear on the ground in my constituency. People regularly contact me about issues in train stations. Many of these issues relate to unmanned train stations or those only manned part time. It was interesting to hear on the radio report that there is no particular time of day when assaults and intimidation take place. It happens from early morning until late at night. It is not acceptable, therefore, to have part-time or unmanned stations. This report and recent incidents in Clongriffin and Malahide highlight the shocking state of affairs on our trains. We need to discuss the unmanned stations but we should also start a conversation and give serious consideration to a dedicated transport police service like they have in the UK. It is the point we are at. We have many people using our trains on a daily basis, including thousands from my constituency and right across Dublin and the country. These people depend on such services and they should be provided with a safe mode of transport. The workers need protection in the workplace. Dedicated transport police should have the same powers of arrest and detention as gardaí, and that would protect staff who must intervene to stop anti-social behaviour and violence. Currently, such personnel do not have powers to arrest or move people on as does the Garda. This would help and I want to hear the Minister's views in that respect.

I know a security firm has been hired by Irish Rail but it does not seem to act as a deterrent as we have seen such a large spike in this violent and anti-social behaviour. This just adds an extra cost to Irish Rail, which is not having the required effect. I would appreciate the Minister's views on that.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank the Senator for bringing this matter to my attention and I take it extremely seriously. The Senator and everybody else would have read the reports over the weekend and on the surface they seem very alarming. The safety and security of passengers and staff, including arrangements to deal with anti-social behaviour on trains, is a matter, first and foremost, for Iarnród Éireann with support, as appropriate, from An Garda Síochána. I have asked my Department to engage with Iarnród Éireann and the Rail Safety Advisory Council, which includes representatives from operators and trades union, to examine the evidence and explore the adequacy of current policing arrangements. Pending the outcome of this engagement, I will engage with the Minister for Justice and Equality, if necessary. Any such dedicated transport police that may be considered necessary would require primary legislation and additional resources. The dedicated airport police operating in Dublin Airport, for example, are authorised persons under the airport and aviation Acts 1936 to 2014. Under those Acts, authorised officers who are employees of the airport have a number of powers, including the power of arrest in certain circumstances.

There were 45.5 million passenger journeys in 2017 on Iarnród Éireann, the vast majority of which occurred without incident. According to Iarnród Éireann, the number of recorded anti-social incidents rose in the past number of years. In 2016 there were 492 incidents recorded, of which 12 were assaults on staff. In 2017, 705 incidents were recorded, of which 15 were assaults on staff. To date this year, 305 incidents have been recorded, of which five were assaults on staff. Iarnród Éireann has been actively encouraging employees to report all safety-critical matters, including threatening and violent behaviour, which may partially account for

the increase.

Security patrols by Iarnród Éireann have increased by 21.8% since 2016 and the company has advised that it has enhanced general security cover and provided for enhanced security patrols for major events. Anti-social behaviour is a matter for An Garda Síochána, which works in close co-operation with Iarnród Éireann on this matter. The company liaises, at a minimum, on a quarterly basis with An Garda Síochána in major districts to address trends and issues on an area basis. This allows for proactive planning for events and known recurring issues, such as summer beach days at Howth, Sutton and Portmarnock.

Senator Lorraine Clifford-Lee: The response I was given is not what the Minister read so I would appreciate a copy of the response from the Minister. I am happy to hear that an assessment is being undertaken and on the basis of that report there may be the suggestion of a dedicated transport police. I would like to know the timeline. The staff and gardaí do their best in these areas but they are under-resourced. By the time gardaí come along to arrest somebody for assault or graffiti in a train station, for example, the individuals could have attacked staff members. The staff do not have the same powers of arrest and detention so this must be considered urgently. I ask the Minister to put a very short timeline in place. It should be as short as possible as staff and commuters need this. If we are going to have faith in our rail services, on which thousands of people in north County Dublin rely, then we need this looked at urgently.

Deputy Shane Ross: I recognise the urgency but I am not going to put an absolute timeline on it because that is particularly difficult, especially if it was decided, and it has not been, that primary legislation would be necessary. The Senator can be reassured that the urgency is something we have already recognised. As I told her, I have asked my Department to engage with Iarnród Éireann and the Railway Safety Advisory Council to examine the evidence. Pending the outcome of this engagement, I will engage with the Minister for Justice and Equality, if necessary, and we will take any action which we think is necessary in the meantime.

Additional summer staffing is in place to enhance staff coverage. In addition, Iarnród Éireann has advised that it has outlined proposals to trade unions to enhance staffing onboard trains, with the deployment of full-time customer service officers across intercity services. This will mean that where currently trains can be driver-only there is a customer service presence - a deterrent to anti-social behaviour - onboard. Iarnród Éireann has advised that it is keen to secure trade union agreement to progress this and commence recruitment. The Senator can be absolutely assured that Iarnród Éireann, the Department of Justice and Equality and my Department will be extremely vigilant on this particular issue.

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

Sitting suspended at 3.20 p.m. and resumed at 3.30 p.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, motion re the joint sitting of Dáil Éireann and Seanad Éireann for exchange of views with Mr. Jean-Claude Juncker, President of the European Commission, to be taken on the conclusion of the Order of Business without debate; No. 2, motion regarding the position of the UK and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on

the Functioning of the European Union, referral to committee, to be taken on conclusion of No. 1, without debate; No. 3, motion regarding the 25th anniversary of the decriminalisation of homosexuality, to be taken at 4.45 p.m. and to conclude no later than 6 p.m. if not previously concluded, with the contributions of all Senators not to exceed five minutes and the Minister to be given not less than five minutes to reply to the debate; No. 4, statements on small and medium enterprises, to be taken at 6 p.m. and to conclude no later than 7.15 p.m. if not previously concluded, with the time allocated to group spokespersons not to exceed eight minutes and the time can be shared, and that of all other Senators not to exceed five minutes with the Minister to be given not less than four minutes to reply to the debate; and No. 5, Data Sharing and Governance Bill 2018 - Order for Second Stage and Second Stage, to be taken at 7.15 p.m. with the time allocated to group spokespersons not to exceed eight minutes and that of all other Senators not to exceed five minutes, and the Minister to be given not less than five minutes to reply to the debate.

Senator Mark Daly: I thank the Leader for organising the events marking the 25th anniversary of the decriminalisation of homosexuality. Senator Norris and Máire Geoghegan-Quinn are rightly central to the events and it is a sign of the ongoing maturity of the nation as we grow, develop and evolve.

I wish to raise the situation on the Mexican-American border, where children are being separated from their parents and held in cages. Congressman Kennedy was in west Texas over the weekend and highlighted their plight. He spoke of his own great-grandmother who reminded her own children of a history in which “No Irish need apply”, saying the story was our story. I also commend Ms Laura Bush, former First Lady, on her intervention in *The Washington Post* in an article condemning the practice of the US Government. I also commend the current First Lady on her words on the issue and the concerns she has expressed over how the children are being treated. In the ongoing situation, since April and May over 2,000 children have been separated from their parents.

As we all know, every country is entitled to protect its borders but it must do so in a humane way. Congressman Kennedy said humanity did not come with citizenship or a green card. We are a friend of the United States and when a friend fails, we must point out that they must do better, not just to protect their own citizens, which they are entitled to do, but others, whom they must treat with humanity and respect. We have circulated a motion to all Senators and we hope they sign it so that this Seanad passes a motion to condemn the current US practice on its own border.

Senator Billy Lawless: I stand as an Irish citizen, an immigrant citizen and a naturalised United States citizen. I am also a father and a grandfather and someone who moved to the United States over 20 years ago to pursue the American dream. I feel compelled to speak out today against the inhumane separation of immigrant children from their parents at the United States-Mexico border. These families, seeking asylum in the United States, are often fleeing the most horrendous conditions in their home countries. They are the most vulnerable of immigrants and their only desire is to seek a better life for themselves and their children. The children have done nothing wrong.

We have been repeatedly told by experts, mental health groups and human rights organisations that this separation can have a lifelong impact on children and their parents and could be tantamount to Government-sanctioned child abuse. Over a six-week period, more than 2,000 children have been separated from their parents. I am not speaking about politics and this

should not be about democrats or republicans, or left and right. These are children, human beings, and they are being locked in cages. Toddlers are being separated from their parents. Despite what is being said, there is no law in the United States that requires this separation. I am deeply ashamed to say that these human rights abuses are taking place in the United States of America under the direction of the President, the Secretary for Homeland Security and the Attorney General. This is a policy of the current Administration, which could change it immediately should it choose to do so.

On many occasions we have castigated the Irish Government and authorities here as being barbaric in the context of the policy of separating children from their mothers in the past. However, here we are, in 2018, seeing the same happen again in a supposed First World country. These policies do not reflect the country I know and love. They do not reflect the core values of the American or the Irish-American people. I commend the Tánaiste and Minister for Foreign Affairs, Deputy Coveney, on his strong statement condemning the actions of the Trump Administration. I stand with those United States Senators and Congressmen, Republican and Democrat, who have visited these prison cages. I urge the Government and this House to use whatever means are at their disposal to let those mothers, fathers and children know that every voice counts and that this country - and our people - stand firm with the values most Americans hold dear. Ireland, Irish citizens, Irish-American citizens and our Irish diaspora must stand united with politicians around the world. I ask them to join me and the United Nations in speaking out against this inhumane, horrendous policy.

Senator Lynn Ruane: I would like to add my voice to those of the two previous speakers. I would be happy to sign Fianna Fáil's motion on what is happening at the US-Mexican border, which is nothing short of evil when we see the pictures of those children being separated from their parents.

I welcome last week's report that CURA, the Catholic Church's crisis pregnancy agency run by the bishops, has closed its doors for the final time. The service had been open since 1977 and had allowed the Catholic ethos to determine the advice it gave to women, even when it was at odds with the best interests of women attending it. In such circumstances, its closure is to be welcomed. The decision was attributed to an RTÉ report on a declining demand for its services and a "new regulatory environment for counselling". It cannot be a coincidence that the closure came only a few short weeks after the Minister for Health, Deputy Harris, moved to clamp down on rogue crisis pregnancy agencies through regulation and following extensive investigation and work by the Irish edition of *The Times*.

I raise the issue of CURA for another reason other than welcoming its closure. It relates to a number of correspondences I have received in which the correspondents make a fair point. It may have been considered already but I ask the Leader to inquire from his party whether consideration will be given to handing over to the State the records of the 160,000 women advised by this organisation. When we consider the Adoption (Tracing and Information) Bill, St. Patrick's Guild and everything else that has been happening in the past while, 160,000 women attended this rogue crisis agency and the data it has might be hugely important in the current climate in terms of forced illegal adoptions in this State. I recall that a part was carved out of the Data Protection Bill that waives all data protection laws when it is in the public interest, and seeking the data from CURA might be in the public interest in terms of illegal adoptions in Ireland. It is worth considering it at least, and I will look to the Leader for feedback on whether progress has been made on that.

Senator Paul Gavan: I want to begin by agreeing entirely with my colleagues, Senators Lawless and Mark Daly, regarding the horrors currently happening in America. While I have always been critical of many aspects of American policy, I never thought I would see the day when children would be separated from their parents and kept in cages. It is horrific and has echoes of the worst kind of 1930s politics. When one thinks of what is happening in Italy, Hungary, Austria and Poland with far-right parties coming to power with openly racist and bigoted agendas, it is important for all of us as democrats to unite around this issue. I commend the statement on it from the Tánaiste and Minister for Foreign Affairs and Trade. It was strong and clear as it had to be. We should go further in calling in the US ambassador, when available, to explain events.

I want to raise the disturbing issue of the McKesson Corporation and LloydsPharmacy. The McKesson Corporation is the largest pharmaceutical corporation in the world with annual revenues of \$195.8 billion. LloydsPharmacy benefits enormously from the State and it is only too willing to accept contracts from State bodies such as the HSE. It gets millions of euro in taxpayers' money but it refuses to recognise the rights of workers who have had to go on strike on this matter. The company has refused to recognise a simple Labour Court recommendation that it should talk to its workers and their legitimate representatives. What the company actually did was set up its own workers' representative body and fund it to the tune of €10,000. What kind of independent body is that?

We have one of the richest companies in the world flagrantly ignoring workers' rights and leaving workers with no choice but to go on strike last week and again for two further days in the coming week. The Seanad must unite around this issue. I will be proposing a motion without debate in the coming week if this matter has not been resolved. I expect all parties to support this motion which will simply call on the company to recognise and work with the Mandate trade union. It is a disgrace that in 2018 we have corporations availing of taxpayers' money to the tune of millions of euro while ignoring the State's industrial relations machinery and the Labour Court. It is appalling.

I support Mandate and I expect all parties to support the trade union in this dispute. Members will have received correspondence from Brian Forbes of Mandate. I urge Members to read this and act on it.

Senator Ivana Bacik: I join with others in noting the 25th anniversary of the historic legislation which decriminalised homosexuality in 1993. I commend my colleague, Senator Nash, who has led the way on this by putting forward Private Members' legislation on it, as well as working with the Leader and the Government in drafting a motion to be taken in the Seanad this evening acknowledging the anniversary and offering a sincere apology to individuals convicted of same-sex sexual activity which is now legal. It is an important motion and a similar one will be taken in the Dáil this evening. It started with Senator Nash but has been accepted as a Government motion. I commend the Leader for his leadership on this issue.

It is unfortunate, however, that an amendment has been put down by Sinn Féin Senators, as well as one to the Dáil motion. This motion reflects a genuine cross-party desire to see an apology and an exoneration offered to those who were convicted of offences which were historically decriminalised in 1993. These amendments deal with other matters and, in some respects, use language which is not appropriate to the spirit of exoneration and apology in which the motions were carefully drafted. I suggest we might move on a cross-party basis, without dividing the House, in agreeing the motion once we have debated it this evening. I look forward to that

debate and I thank the Leader for facilitating it.

As we are debating this motion this evening, we should remember the tragic killing of Declan Flynn in Fairview Park in 1982. I am grateful to my colleague, Séamus Dooley, for reminding me of that. That was an appalling low for LGBTI communities in Ireland.

I join with colleagues in expressing condemnation of the current US practice of separating children from parents on the Mexican border and detaining them in cages. It is extremely disturbing and shocking to see such brutal treatment of children and of their parents, as well as a defence of this being offered by the current US Administration. Senator Lawless spoke eloquently in expressing his condemnation. I join with him in that condemnation on behalf of the Labour Party Senators. I think we will all support the motion put forward by Senator Mark Daly on the issue. I commend the Tánaiste on his strong words, which we all support.

The issue of teaching principals has been raised in the Seanad previously. It has also been raised by a number of my constituents who are graduates of Trinity. They have talked about the need for teaching principals to have at least one administration day per week so they have the support commensurate with the immense workload of teaching principals. In Northern Ireland, stronger support is given to teaching principals. It is an important issue. I ask that we have the Minister for Education and Skills in here to deal with it and other education issues at some point in the near future.

The House is due to take Second Stage of the Judicial Appointments Commission Bill tomorrow. When will the Government's Committee Stage amendments for that Bill be ready? When will we have sight of them? Without the expected Government amendments to clear up what became a dog's dinner rather than caviar and oysters, we do not know what will be the shape of the Bill the Government is proposing. It is very difficult to engage in Second Stage debate on a Bill that is in the process of being quite comprehensively amended and, in particular, when we have not seen the Government amendments. The Labour Party will have its own amendments. I ask the Leader that we have sight of the amendments in advance of Second Stage.

Senator James Reilly: I would like to be associated with Senator Nash's motion - I look forward to contributing on it later - on those who were treated so poorly by our State prior to 1993.

I was not going to address the following issue because I am always very reluctant to interfere in the affairs of other nations. I grew up in a country that admires America. I have admired much about its ethos, its willingness to fight for smaller nations and its willingness to place its men and women in danger for the freedom of others. We find ourselves with an American President who is prepared to separate children from their parents, a policy which harks back to much darker times. I agree with Senator Mark Daly when he says that friends must speak out. We are very close to the United State of America. This is an immoral, totally wrong practice that is utterly unnecessary. I call on the American President, not that he will listen much to me, to come to his senses and realise what he is doing. He is morally bankrupting the American people and their authority in the world and their standing internationally. If he does not see that, then he needs someone to advise him very strongly of his blind spot. I think of all those great Americans over the centuries who fought for freedom and human rights. They must be turning in their graves.

The major issue today is one which concerns businesses in particular. I refer to insurance. There are several things for which the Alliance for Insurance Reform has asked. The alliance represents the small and medium-sized enterprises that are the backbone of the nation and our economy. The setting up of a Garda insurance fraud unit funded by the insurance industry was well advanced and now there are question marks hanging over it. I am calling on the Minister to come in and explain why this will not be done. It wants sections 25 and 26 of the Civil Liability Act to be linked so exaggerated and misleading claims are automatically forwarded to the gardaí for further investigation. When the Judiciary exceeds the book of quantum, an explanation should be given for why an award that would not normally be given was given. If those three things can be done, we would go a long way to addressing what has become a minor industry of people making fraudulent claims with absolutely no incentive not to do it again the next day. I hope the Leader will be able to prevail upon the relevant Minister to come in and address the House on the issue because it is a matter of huge concern.

Senator Jennifer Murnane O'Connor: I want to speak about insurance. My office has been made aware of a remarkable level of discrimination in the car insurance industry. Many of us have stories of our own or have heard stories about the rising cost of insurance. A sector that seems to be heavily affected is the taxi industry. This week, I heard about a taxi driver who had been driving as a named driver on his company fleet insurance. He had his test and wanted to get a policy in his own name. He was quoted €11,000 in respect of a vehicle that is valued at €12,000. That is insane.

We have an ageing population of taxi drivers which is causing more strain on supply. While the supply of taxi drivers has decreased, the demand for taxi services has increased. We often talk about carpooling and trying to encourage public transport, but in places such as Carlow where there is no bus service, taxis play a major part. However, the greatest challenge facing taxi drivers is the cost of insurance. Because of the massive rise in the cost of insurance, the number of taxis in Carlow has dropped by a quarter. I am sure the numbers are similar elsewhere in the country. Drivers looking for taxi insurance under their own name for the first time are getting prohibitive quotes of more than €10,000. It is not just the driver looking to go out on his own. Others who have been driving taxis for years are also finding it impossible to get a quote.

Taxis provide jobs, boost the local economy, encourage people to socialise and reduce the incidence of drink-driving. We need to help the industry. My office has been contacted by many taxi drivers who feel they are being unfairly treated just because they are taxi drivers. In some cases the drivers seeking a quote have no option but to go through the Insurance Ireland declined cases agreement. This means they must receive a quote if they have been refused. However, the quotes they are receiving do not make economic sense.

The taxi industry takes pride in ensuring their drivers have only the best safety record and impeccable driving skills to provide a safe and reliable service to the clients they service. Because the market is pricing them out of the industry, it is time for us to look at how we can support them. We have supported the tourism industry in the past with the reduced VAT rate and we are looking at supporting the construction industry with apprenticeships, which are crucial. However, we also need to support the taxi industry. I have made representations to the Minister and I will follow it up.

Senator Pádraig Ó Céidigh: I want to bring to the attention of the House a huge issue relating to transport in Ireland, which is Dublin Airport. It is a fantastic facility with 30 million

passengers passing through annually. That is approximately 83,000 passengers every day. It has exceeded its capacity. The staff at Dublin Airport are great, as Senator Marshall has said. Fantastic people are working hard to try to cope with that volume of passengers, but they are not able to deal with it.

I suggest moving to Baldonnel. That aerodrome is ready and completed. It is used by the Air Corps and is owned by the Department of Defence. The runway is long enough to accommodate the vast majority of commercial aircraft coming to the country. It is nine miles from Dublin city centre and it is located near a significant number of business parks in a greenfield area. Let us consider airports in other cities. In Belfast, for example, Belfast City Airport has 2.6 million passengers and Belfast International Airport has 5.8 million. There are two airports in Belfast. There are two airports in Glasgow - Prestwick and Glasgow Airport. There are 2 million people in the greater Dublin area and 1.7 million in Warsaw, which has three airports. Milan has two airports while Brussels with a population of 1.1 million has two airports.

I hope the House will support my suggestion to ask the Minister for Transport, Tourism and Sport through the Leader to actively look at Baldonnel as a second airport for Dublin. It is critical at this stage. We are an island community. If we have a vision for transport to facilitate access, we need to look at an alternative to Dublin Airport.

Senator Maria Byrne: I welcome the good news announced by Limerick and Clare ETB regarding an apprenticeship programme it is putting in place along with Clenn Construction, an American company, to build eco-friendly homes. They are coming in and training people in how to build homes in an eco-friendly manner. We hear a lot about climate change and our housing crisis. More than 100 people have been accepted on the apprenticeship programme. This will go a long way to providing people with the skills to address our housing shortage by building houses in a quicker manner.

I welcome the fact that An Bord Pleanála yesterday decided to grant planning permission in respect of an €8 million expansion of the Savoy Hotel in Limerick. This will create up to 75 jobs. There were objections to the project, but when we have tourists coming into the country, bringing development not only to Dublin but also in the various regions outside of the capital, it is very important that we give as much support as possible to expansions of this nature, which will lead to job creation down the line and which will also provide for tourists.

Regarding Senator Ó Céidigh's call for another runway at Dublin Airport, there are plenty of runways in the regional airports as well. There is a great counterbalance in the west of Ireland, of which I am sure the Senator is aware, between-----

Senator David Norris: Senator Ó Céidigh is from the west of Ireland just as much as Senator Byrne.

Senator Maria Byrne: -----Knock, Galway, Shannon and Cork. The airports in these locations are very much open for business and competition.

Senator Máire Devine: I concur with today's statements in light of the unfolding of trauma involving children, parents and families in Trump's America. There has been a ratcheting up of division and hatred there. We need another way.

I wish to talk about the Bill to amend the Civil Liability Act. We need this urgently. There was yet another High Court case earlier today in which it was recommended that a duty of can-

dour be mandatory. This would ensure an open, honest and consistent approach involving communication with patients and their families when things go wrong. At present, this is voluntary. We have seen the tragic loss of women as a result of the CervicalCheck scandal. Today again there has been a push in the High Court for this. I would like this House to agree to speed the process relating to the Bill in order to that it might become law as a matter of urgency.

Senator Marie-Louise O'Donnell: I wish to raise two matters. First, I congratulate the Department of Rural and Community Development and its Minister, Deputy Ring, on the brilliant *Our Public Libraries 2022*, which arrived on my desk this morning and which I have since had an opportunity to read. It is absolutely excellent on the Government's plans for the libraries all over Ireland, through local government, communities and the Government itself. Everyone has run out of rural Ireland. The post offices and the banks have done so. Libraries are one of the major things left. Libraries inspire, connect and empower young people. If we want to talk about education or any level of living well in Ireland, then we must remember the learning, reading and many other brilliant things that happen in libraries for those of all ages, creeds, classes and colours. There are no barriers to young people's use of libraries.

I ask the Leader to invite the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, to the House. The Minister was here last week and, very kindly, he also came before the House approximately two weeks ago. It has been reported in the newspapers that the State will block the German entrant to the banking market here. The Government does not like it, will not facilitate it, will not pay for it and will do this through our own banks and credit unions. I do not agree with this on any level. I would like the Minister to come in and tell us why An Post does not support this model. What are its reasons? What is going on? If it is not going to support it, exactly how it proposes to parallel the Sparkassen banks' interest rates of 1% and 2% through the credit unions and the other banks? I want to hear what the Minister has to say about this because this is one of the most important community elements of progression within the towns and villages of Ireland. We seem to have reports but we are not hearing anything about them. I ask the Leader to set aside time for the Minister to come before the House to explain exactly what is in the report, what is happening with it, why there is an exclusive in one of the newspapers saying that the Government is not backing the Sparkassen banks and why it is not doing so. If anyone is going to tell me that the credit unions will be a parallel of that model, I must inform them that will not be the case. They are going to do what the Government tells them to do.

Senator Frank Feighan: I join my colleagues in absolutely condemning the horrific scenes of children of illegal immigrants being separated from their families. I say this as somebody who has huge respect for the people of the United States. It has been the leader of the free world. Any time I look at the Seanad or any democracy, I think we would not have a free democracy in western Europe except for the United States. After the Second World War, it came in with the Marshall plan and rebuilt Europe politically and through economic stability. Every time I have watched the film "Saving Private Ryan" the hair rose at the back of my neck with gratitude, admiration and pride. Today, listening to RTÉ Radio 1 as I came up to Dublin, as the parent of a young child hearing young children crying for their mothers and fathers, I had the same feeling but it was of dismay and disgust and a sense of being let down by a country that I absolutely believe in, the country I believe has been the leader of the free world. It has done huge work and it has never got thanks for it. It has taken the lead when it has come to preventing wars and stopping genocide and taking on despots. What is happening under President Trump is not on behalf of the citizens of the United States. He has turned on his allies in recent

weeks. It is embarrassing to watch. He met the leader of North Korea, and I understand what he has to do, but this is a man who has killed anybody who has got in his way. Perhaps we need a recalibration. It is extremely worrying to see a country and democracy in which I believe going so far to a certain level, which is working with despots. There has to be a better way. This is not the right way.

Senator David Norris: Curiously enough, on this day when we are having a very welcome apology from the Government, I must raise a situation which is as yet unresolved. I ask the Leader to ask the appropriate Minister why the sections of Parts 2 and 3 of the Children and Family Relationships Act 2015 have not yet been enacted after three years. These are provisions which will allow same-sex parents to adopt what are essentially their own children. Without this, if the non-birth parent is bereaved, the child has no parental relationship at all and no consent can be given for hospitals. It is a very practical measure. I have received quite a large amount of correspondence. Without striking a discordant note, I ask the Leader to raise this as a matter of urgency with the Minister.

Senator Ned O'Sullivan: I note the upcoming motion. I do not want to pre-empt it, but it is great we are accepting and realising the suffering of a great number of people because of their sexual orientation. I commend Senator Nash on his motion. I note an amendment to it has been tabled and, like Senator Bacik, I would prefer if we could get consensus on this because it is too important to be messing around with it.

Senator David Norris: Exactly.

Senator Ned O'Sullivan: I am very proud as a Fianna Fáil member that it was a party colleague of mine, Máire Geoghegan-Quinn, who steered through the legislation, notwithstanding the wonderful work of Senator Norris and others who fought a lone fight for a long time.

Senator David Norris: She was vital.

Senator Ned O'Sullivan: She had to do the business and she did it in the teeth of public opinion polls at the time, which showed that 50% of the population did not want any change in the legislation. That took courage. We look forward to the motion.

I agree wholeheartedly with the comments of Senator Ann Marie O'Donnell-----

Senator Marie-Louise O'Donnell: Marie-Louise. House of Hapsburg.

Senator Ned O'Sullivan: I agree with Senator Marie-Louise O'Donnell's point on libraries. She has the jump on me because she has the programme in front of her, which I do not have. I had planned to talk about it because, as the Leas-Chathaoirleach knows, I was very involved in library development in Kerry as chairman of the arts committee for many years. It is a particular interest I have. The Government is hoping to expand membership of public libraries from 16% to 30%, and I wholeheartedly support this. The public library service is fantastic.

Senator Marie-Louise O'Donnell: Hear, hear.

Senator Ned O'Sullivan: Unfortunately, it is not being availed of by those who could benefit most from it, for example, people in disadvantage who have not had the same opportunities for education as others.

Senator Marie-Louise O'Donnell: Exactly.

Senator Ned O’Sullivan: The local authorities deliver a fantastic service and I would like to see it further developed and supported budget-wise. I ask that the Leader arrange for the relevant line Minister to come to the House in the near future for a debate on the plan.

Senator Victor Boyhan: In January 2017, as the House will be aware, 12 beds at the National Rehabilitation Hospital in Dún Laoghaire were closed. Despite numerous visits to the Seanad by the Minister for Health, Deputy Harris, and the Minister of State with responsibility for disabilities, Deputy Finian McGrath, and many promises and commitments to reopen these beds, I was informed by officials at the hospital today that six of these beds have not yet been reopened. The constant excuses from the HSE, the directors and board of management of the National Rehabilitation Hospital in Dún Laoghaire, the Minister, Deputy Harris, and the Minister of State, Deputy McGrath, are very disappointing.

I have written to the Taoiseach on the matter and I have had a response from him to the effect that he has referred it to the Minister for Health. I have also written to the Minister for Health and I have tried to make contact with him in the last two weeks. While I accept and respect that he is a busy man, particularly at this time in the context of the many other issues arising, I still have not received a full explanation as to what is happening. I ask the Leader to use his good offices to find out what is happening. While I will have to respect what ultimately the Minister will have to say, the problem is that I cannot get the accountability that is required. I cannot identify the person who has responsibility for the reopening of these beds such that the blame for their not being reopened can be laid on the shoulders of that person. However, this is not about blame, but about reopening these six beds at a time when many hundreds of patients are waiting in acute beds in this country trying to access these services. It is critical they are reopened. We cannot talk about reform of our health service and assisting people if we cannot even reopen beds. I ask the Leader to assist me in getting a commitment to the reopening of these beds. Given these commitments were made in this House, it is important a Minister of State comes to the House to explain when the remaining six of the 12 beds closed in January 2017 will be reopened.

Senator Rose Conway-Walsh: A number of weeks ago I asked the Leader to invite the line Minister to the House to discuss foetal anticonvulsant syndrome and the prescribing of valproate. I reiterate that request today. We need to bring this issue to a conclusion. We need to know what measures she is putting in place to address what has happened to these families and children as a result of the prescribing of valproate.

On the Tusla report, I support the call for the Minister, Deputy Zappone, to come to the House to discuss it. It is obvious that children are not being protected in the way that they need to be protected, that Tusla is not fit for purpose and that this is leaving children in danger. Despite the recruitment of 250 new staff, owing to the high number of staff leaving the agency, for which I do not blame them, the net gain is only 18. Given the impossible caseloads and inherent risks associated with the job, if I was a social worker I would not continue working there.

In May, we learned that more than 4,000 children referred to Tusla were waiting to be allocated a social worker. We talk about children in this House all the time. In this instance, we are talking about children in this State who are being left at risk. I ask that the Minister come to the House for a debate on the report and to tell us what plans she has in place to address the issues highlighted therein and, also, given this report took almost one year to complete, what plans were put in place to address issues arising in the interim. A year in the life of a vulnerable child is a year too much.

Senator Robbie Gallagher: Many students will be glad to see the back of the leaving certificate examination, once it is completed, and will enjoy their summer break. Their thoughts and those of their families will soon turn to finding accommodation for the next step in their education. That may be in colleges in our main cities of Dublin, Cork and Galway. I am sure many students and their families will be dismayed and alarmed by a recent report. It highlighted how many students from rural parts of our country are commuting daily to and from these cities. Some journeys take up to two to three hours in the morning and evening.

We all understand that the lives of students are stressful and they work long hours. They must get a bus from somewhere like Cavan or Carlow and travel for two to three hours to get to the capital city, go to college, try to concentrate for a full day there and then return home on a bus for another two to three hours. We can understand how that is not good for a person's concentration never mind his or her health. The lack of accommodation and the cost of accommodation, for those fortunate enough to find it, is a serious issue, which needs to be addressed.

We come in here year after year and hear different Members raising this issue of students from rural Ireland trying to find accommodation and of their parents trying to fund it. It is getting to a point where it is nearly impossible. I know one young lady renting a single bedroom in the basement of a house in the city who is paying €650 a month. It is a serious issue that needs to be addressed. While we have great sympathy for those students having to travel two to three hours a day each way, what about students from places like Donegal or Sligo where commuting is not an option? Third level education will not happen for them because of the lack of accommodation and the cost of it. It is time we grasped this issue. I ask the Leader to bring the Minister for Education and Skills to the House to debate the lack of accommodation for students from rural Ireland.

Senator Jerry Buttimer: I thank the 17 Members for their contributions to the Order of Business. We will have a debate later on the motion in respect of the 25th anniversary of decriminalisation of homosexuality, which is important. In advance of debating the motion, I appeal to the Sinn Féin Members not to table their amendment and that, instead, we have an agreed cross-party motion. It was put forward in that spirit. I do not want to pre-empt the debate but I hope the motion can be taken without having to divide the House.

Senator David Norris: Hear, hear.

Senator Jerry Buttimer: Senators Bacik, Mark Daly, Devine, Feighan, Gavan, Lawless, Reilly and Ruane raised the immigration policy of the United States Administration, which separates children from their parents as part of border controls. As Leader of this House, I thank all the Members for their contributions on this, although I single out Senator Lawless for his contribution. The policy is immoral, wrong and disgraceful. It goes against everything for which the US stands. Many Members have family members, going back generations, who travelled to the United States in pursuit of the American dream. They helped to build an America, as Senator Reilly rightly said, which we all look up to and, as Senator Mark Daly said, with which we work and stand with on so many different fronts.

The most vulnerable people are being discriminated against. I watched the images last night of young children and families being separated and listened to the recording of young children crying and looking for their parents. It certainly sends the wrong signal and the policy is wrong. As many Members have said here today, friends must speak out. The remarks of the Tánaiste last night should be echoed today. This kind of leadership gives licence to other countries to

follow inhumane policies towards vulnerable refugees. Is this making America great? It is the question the Trump Administration must listen to and answer. Many Members have said it is unusual that two former First Ladies and the current First Lady have spoken out against the policy. We respect the right of any country to protect its borders but it should be done in a humane way. As the current First Lady said, they should govern with heart. I have not yet seen Senator Daly's motion but I would be happy to liaise with the Tánaiste and I hope we can have an all-party motion to support the matter raised this afternoon.

Senator Ruane raised the matter of CURA being closed and the different files and details of women who have gone through its offices. She is right to raise the matter and although I do not have an answer, I am sure that in the course of time we will deal with the need to have those women protected, and particularly their information. It would be important that those files are handed to the State as a matter of urgency. Senator Gavan raised the matter of LloydsPharmacy and I join him in calling on the company to protect workers and allow them the right to collective bargaining and to have their views heard in a legitimate way. I certainly stand in solidarity with the workers in this case.

Senator Bacik raised the matter of teaching principals, which was raised last week. The Minister and the Government are committed to developing leadership roles in schools and that is why we see 2,600 assistant principals. Almost all smaller schools have assistant principals and extra day release has been given to teaching principals from two to four days. A group of approximately 50 schools have come together to ensure principals are released, and there is also postgraduate training. This is about investment in education and how we spend money in the Department. I would be happy to have the Minister come to the House to discuss the matter, as Members mentioned it last week as well. I do not have the information on the Government's amendments to the Judicial Appointments Commission Bill but I hope they will be published as soon as possible so Members can have sight of them and work on them. It is an important point.

Senator Reilly raised the matter of insurance, as did Senator Murnane O'Connor. The Minister of State with responsibility for insurance, Deputy D'Arcy, has been in the House and he would be happy to come back. We have seen the working group established and had a debate in the House. We will have a debate later on small and medium enterprises and Senator Reilly will be able to make the points he has eloquently raised here regarding insurance. The fundamental point is we must all work together to ensure fraudulent claims are eradicated or reduced considerably. They are a scourge for everybody, whether people are involved with a festival, a small or medium enterprise, a school or a sporting club. We must all do our best to ensure people who claim do not do so fraudulently and that we cut this out.

Senator Murnane O'Connor raised taxi insurance specifically and I am sure she is aware the National Transport Authority launched a campaign to recruit more taxi drivers last year. That is ongoing. The Government of which her party was part, under a former Minister, Mr. Bobby Molloy, increased the number of taxi drivers significantly, and that flooded the market. We can have that debate again. It is important to recognise there has been a reduction in car insurance but she makes the point about insurance for taxi drivers, and we must work to reduce that.

Senator Ó Céidigh raised the very important matter of Dublin Airport, its growth and its potential as a hub. Capacity has been reached and the Senator makes an interesting point about Baldonnell. Senator Byrne mentioned Shannon and like her, I would very much welcome it if Cork could be used more by Dublin Airport Authority as a gateway to our country. I am sure Senator Byrne will continue to fly the flag for Shannon. She made the point that the volume of

aviation traffic at Dublin Airport has increased. I am not sure that Baldonnel Airport would find favour with the Dublin Airport Authority. She called for a debate on aviation policy, in particular to find ways to grow business for other airports apart from Dublin Airport. I am happy to invite the Minister to debate these matters in this House.

I join the Senator in congratulating the Savoy Hotel Group in Limerick on the wonderful news yesterday that it had been granted planning permission for an extension. I welcome the new jobs and I congratulate all involved in the new apprenticeship programme. The Senator champions issues that concern Limerick and today she has raised two good news stories for the city.

Senator Devine asked about an amendment to the Civil Liability Acts. Unfortunately, I do not have an answer for her because I do not have the information to hand. As she said, it is important that the legislation is fast-tracked in order that women with cervical cancer get answers and full accountability. I am happy to work with anyone to resolve the matter quickly.

Senator Marie-Louise O'Donnell raised the issue of public libraries. As a former member and chairman of the Cork city library committee, I join her in commending the Minister for Rural and Community Development, Deputy Michael Ring, on the fine document entitled *Our Public Libraries 2022*. Like Senator Ned O'Sullivan, we must ensure that libraries receive much deserved funding and prominence. As Senator O'Donnell rightly said, libraries connect and empower people because they are a source of information and education. I am happy to arrange a debate on the report before the summer recess.

We must keep the issue of the post offices to the forefront in the House. Again, I fully concur with Senator Marie-Louise O'Donnell that post offices must be seen to be at the heart of rural Ireland. I reiterate that if people do not use post offices, they will no longer form part of the social fabric of rural Ireland. I know of one post office located in a rural part of County Cork that closed this year when the postmaster retired because no one would take it over. It was not seen as a viable entity. I do not have an answer on the decision by Government about the German bank but I am happy to invite the Minister for Communications, Climate Action and Environment to the House to debate the matter. We must keep the issue of post offices to the forefront because they are important for the survival of rural Ireland and small towns.

Senator Norris raised the issue of the Children and Family Relationships Act 2015, which has also been raised by Senators Nash, Warfield and myself in the House. There is an issue regarding the amendments. The Department is working with the Office of the Attorney General to bridge the deficit regarding the enactment of the legislation. The legislation deserves to be enacted as expeditiously as possible. It is important that we get it right, notwithstanding the fact that a delay of three years is unacceptable. I hope that there will be action soon on the matter.

Senator Boyhan raised the issue of the National Rehabilitation Hospital. I do not have an answer for him. It is inexcusable that the beds have not been opened. It is clearly a matter for the HSE at local level in the Dún Laoghaire area. I am happy to communicate his comments to the Minister.

Senator Rose Conway-Walsh again raised the issue of prescribing the drug, valproate. The European Medicines Agency and the European Commission have taken a stance on the matter. The Senator might get an answer quicker if she tabled a Commencement matter on the subject. Given the schedule, I will endeavour to arrange for the line Minister to come to the House for a

debate in the coming weeks. We need continued action on the matter.

The Senator also raised the HIQA report on Tusla. Every Member should read the report. HIQA has made 11 recommendations - four relating to the Department and seven to Tusla. The recommendations need to be enacted as a matter of urgency. Tusla demonstrated serious shortcomings in how it handled allegations of serious abuse. The HIQA report has catalogued a list of failures and shortcomings, which has left some children vulnerable, and there was also a failure at an operational level. I do not subscribe to the Senator's view that it is all about shortcomings in terms of resources and staffing. Perhaps that is part of the problem. We are committed to ensuring the independent expert group, which is being set up to oversee the implementation of the HIQA recommendations, do its work. We all need to have confidence in the Children and Family Relationships Act 2015. Fine people work for Tusla both on the ground and at an administrative level. We must continue to ensure that we have robust and strong child protection systems in place. I would be happy to have the Minister come to the House. I have put a request in to the Minister to have her come to the House to debate the report.

Senator Gallagher raised the issue of children travelling to and from college after finishing the leaving certificate. It is important that we realise that the leaving certificate examinations are coming to a conclusion this week, if not today or tomorrow. We thank all the students for their endeavour, patience and hard work and we commend their teachers and families for their support and commitment to the students. It is a very stressful time.

We have seen the point the Senator made regarding student accommodation acknowledged by many different colleges, but also by the Government. We need to build more. I would be happy to have the Minister come to the House in that regard. In my own city of Cork, University College Cork is building student accommodation. If one looks at the building programmes of many different institutions one sees that being replicated across the country. Part of the student experience is, of course, the move away from home and living in various degrees of student accommodation, but it is also to be recognised that in today's modern world, the commute from Dublin to Carlow, which the Senator cited, takes less than an hour at off-peak time. That is not exactly a strenuous commute. Equally, there are more and more people commuting from many parts of west Cork to Cork city. The Senator makes the point that we should encourage the development of student accommodation but also that we should see more people living in student accommodation. I would be happy to have the Minister come to the House in that regard.

Order of Business agreed to.

Joint Sitting of Dáil Éireann and Seanad Éireann: Motion

Senator Jerry Buttimer: I move:

(1) That Seanad Éireann:

(a) notes that the Treaty on European Union recognises the active contribution of National Parliaments to the good functioning of the Union through being informed and having the ability to express their views on matters of particular interest to them;

(b) in view of the economic, political and social implications for Ireland of the decision of the United Kingdom to withdraw from the European Union as notified under

Article 50 of the Treaty on European Union on 29th March, 2017, considers that members of the Houses of the Oireachtas should be enabled to express their views and be informed on this issue of significant national importance;

(c) resolves that a Joint Sitting of both Houses of the Oireachtas be held in the Dáil Chamber on Thursday, 21st June, 2018, at 11.45 a.m., for the purpose of an exchange of views with H.E. Mr. Jean-Claude Juncker, President of the European Commission.

(2) The following arrangements shall apply:

(a) the Ceann Comhairle shall be the Chairman and shall adjourn the proceedings immediately following the Cathaoirleach's concluding statement;

(b) the proceedings shall be as follows:

(i) 11.45 a.m. - Ceann Comhairle's opening statement;

(ii) 11.49 a.m. – statement by H.E. Mr. Juncker;

(iii) 12.09 p.m. – statements from members in the following order, and to which the following time limits shall apply:

- Government – 12 minutes,

- Fianna Fáil – 10 minutes,

- Sinn Féin – 8 minutes,

- the Labour Party, Solidarity-People Before Profit (Sol-PBP), Independents 4 Change, the Rural Independent Group, the Social Democrats-Green Party Group, the Seanad Independent Group, and the Seanad Civil Engagement Group – 4 minutes each,

and members may share time; and

(iv) 1.07 p.m. – Cathaoirleach's concluding statement.

Question put and agreed to.

Position of UK and Ireland in Respect of Area of Freedom, Security and Justice: Referral to Joint Committee

Senator Jerry Buttimer: I move:

That the proposal that Seanad Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

Proposal for a Directive of the European Parliament and of the Council laying down rules facilitating the use of financial and other information for the prevention, detection,

19 June 2018

investigation or prosecution of certain criminal offences and repealing Council Decision 2000/642/JHA,

a copy of which was laid before Seanad Éireann on 11 May, 2018, be referred to the Joint Committee on Justice and Equality, in accordance with Standing Order 71(3)(k), which, not later than 26 June, 2018, shall send a message to the Seanad in the manner prescribed in Standing Order 75, and Standing Order 77(2) shall accordingly apply.

Question put and agreed to.

Sitting suspended at 4.35 p.m. and resumed at 4.45 p.m.

25th Anniversary of Decriminalisation of Homosexuality: Motion

Senator Jerry Buttimer: I move:

That Seanad Éireann:

– acknowledges that the laws repealed in the Criminal Law (Sexual Offences) Act 1993 that criminalised consensual sexual activity between men:

- were improperly discriminatory, contrary to human dignity and an infringement of personal privacy and autonomy,

- caused multiple harms to those directly and indirectly affected, namely men who engaged in consensual same-sex activities and their families and friends, and

- had a significant chilling effect on progress towards equality for the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) community, acknowledging in particular the legacy of HIV/AIDS within the context of criminalisation;

– further acknowledges the hurt and the harm caused to those who were deterred by those laws from being open and honest about their identity with their family and in society and that this prevented citizens from engaging in civil and political life and deprived society of their full contribution;

– offers a sincere apology to individuals convicted of same-sex sexual activity which is now legal;

– welcomes the positive progressive measures introduced by successive Governments over the last 30 years and in particular in the 25 years since decriminalisation was introduced by the Criminal Law (Sexual Offences) Act 1993, including *inter alia*:

- the Prohibition of Incitement to Hatred Act 1989,

- the Equal Status Acts 2000-2016,

- the Employment Equality Acts 1998-2016,

- the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010,

- the Marriage Equality Referendum and the Marriage Act 2015,

- the Children and Family Relationships Act 2015,
- the Gender Recognition Act 2015;
- further welcomes the Government’s commitment to introduce an LGBTI+ Youth Strategy, followed by an LGBTI Strategy; and
- reaffirms its commitment to ensuring that:
 - the law fully recognises and protects sexual and gender minorities on an open and inclusive basis;
 - Ireland is a country where LGBTI individuals are free to fully express their identities without fear of discrimination;
 - all citizens can live in freedom and equality, and participate fully in the social, economic and cultural life of the nation, regardless of sexual orientation or gender identity; and
 - our foreign policy promotes and protects human rights globally, including the rights of LGBTI individuals, who continue to suffer disproportionate levels of violence and face systemic discrimination in many countries.

Minister for Justice and Equality (Deputy Charles Flanagan): I thank Senator Nash in particular for bringing forward this motion this afternoon and for his ongoing work on these issues and the constructive way in which he has worked with my office to bring us to this point. I also thank Members of the Seanad for giving time and consideration to this important issue.

It is a special day in these Houses. I feel privileged to be the Minister for Justice and Equality at this time and to be in a position to support this motion, to recommend that Government supports it and to have worked with Senator Nash to advance matters thus far.

Twenty-five years ago this week, an important step was taken which changed the lives of many people in Ireland. The enactment of the Criminal Law (Sexual Offences) Act 1993 sought to repeal Victorian-era laws which criminalised members of our society, forcing them to conduct their personal and private lives in secret. Homosexual men in Ireland were ostracised and criminalised simply because of their sexual orientation.

These laws caused immeasurable harm. Nothing that can be said here today can undo the unjust suffering and discrimination the homosexual community experienced in the years prior to decriminalisation. As a Government, we must acknowledge those wrongs and seek to improve lives for all members of our society in order that they can live freely and without fear of discrimination.

I am delighted, therefore, to support the motion in this House which, at its heart, offers an apology to all those affected by the criminalisation of consensual same-sex acts in Ireland prior to 1993. This motion is reflective of the Government’s commitment to ensuring that Ireland is a society for all people, an equal society and a fair society.

In 1977, a Senator in this House, Senator Norris, took a significant High Court challenge against the laws which criminalised homosexuality in Ireland. That was a brave first step to-

wards the decriminalisation of homosexual relationships and is one which is widely recognised as the critical step that ultimately led to the 1993 Act. The case led to the judgment of the European Court of Human Rights, which found that the laws against homosexuality in Ireland were in direct contravention of the European Convention on Human Rights. The impact and significance of that challenge cannot be underestimated.

All these years later, it is entirely appropriate that this debate should be taking place in the Upper House, with Senator Norris set to give what I know will be a memorable speech. I wish to thank Senator Norris for his leadership on this issue. I am sure his determination to fight against such injustice was instrumental in ensuring freedom for the lesbian, gay, bisexual, transgender and intersex, LGBTI, community in Ireland today. The Senator's courage in standing up for human rights, and the support provided to that challenge by former President Mary Robinson, a former Member of this House, has certainly been marked in this nation's history.

I thank Senator Nash for his collaboration since the introduction of the Private Members' Convictions for Certain Sexual Offences (Apology and Exoneration) Bill, out of which arose this motion today. In consultation with the Taoiseach and the Attorney General, I have been working with Senator Nash to identify legislative solutions. There are significant practical and legal difficulties but we are working to find resolutions, including through consultations with the UK Home Office. I hope to be back in this House reporting progress before too long.

To revert to the motion before us, it recognises the great harm caused to many people by the criminalisation of these relationships in Ireland. These laws were clearly discriminatory in nature and were also a direct infringement on the personal and private lives of those they affected. Immeasurable hurt and immeasurable harm was caused to many people in our society and to their families, their friends and communities.

Decriminalisation was a huge step in Ireland's ability to progress towards equality for the LGBTI community in Ireland.

Today, Ireland is celebrated around the world for the value its citizens place on equality following the same-sex marriage referendum and in recognition of the diversity in our current Cabinet. It is doubtless incomprehensible to many, especially to many young people in Ireland today, that there are members of our society who still feel the effects of such discrimination in their daily lives, and yet that is the case. There are people who still feel the isolation, the hurt and the stigma created by those laws, which denied the LGBTI community the ability to live openly or without fear or to engage actively in civil and public life and which suggested that society did not value or even tolerate them simply because of their sexual orientation. As Minister for Justice and Equality, I extend a sincere apology to all those people, to their families and to their friends, as well as to any person who felt the hurt and isolation created by those laws, and particularly to those who were criminally convicted by the existence of such laws.

Successive Governments have slowly but steadily worked to make Ireland a more equal and inclusive society since decriminalisation in 1993. Some of that progress is captured in this motion. Many legislative measures have been introduced which have sought to improve the lives of all members of society in order that they may marry, regardless of sexual orientation, that they may be recognised by their chosen gender, that they may enjoy equal rights to family relationships and to address discrimination in all forms. Such progress can only be welcomed.

However, that does not mean there is not more work that must be done. The motion be-

fore the House today also reflects our desire to continue to ensure that the law fully recognises sexual and gender minorities and that people in our society are free to fully express their identities without fear and without discrimination. My hardworking colleague, the Minister of State, Deputy Stanton, is absolutely committed to advancing equality measures and has begun work on an LGBTI strategy.

The past cannot be undone. It is the responsibility of this Government and those that follow in our footsteps that we continue to progress and promote equality for all and that our policies and our actions strive to ensure that human rights are protected. It is of the highest importance that our citizens can live in freedom and participate fully in our society, while those who continue to face discrimination and violence are protected by the State.

I thank Members for their attention this afternoon. This cross-party motion is a historic and important step for Ireland, one which I am proud to support on the eve of the 25th anniversary of the decriminalisation of same-sex intimate relationships. I again commend Senator Nash, as well as his colleagues, Senators Bacik, Ó Ríordáin and Humphreys, for their work.

I salute Senator Norris for his steadfast dedication to equality and human rights.

Acting Chairman (Senator Gerry Horkan): I am supposed to not allow applause but it has been done now. I am not going to worry too much about it.

Senator David Norris: The Acting Chairman was too late.

Acting Chairman (Senator Gerry Horkan): I said I am supposed not to allow it. I did not say I cannot allow it.

Senator Lorraine Clifford-Lee: It is better to seek forgiveness afterwards.

Acting Chairman (Senator Gerry Horkan): Exactly.

Senator Lorraine Clifford-Lee: I am delighted to speak on this important motion. I am particularly humbled to be in the presence of Senator Norris who championed the decriminalisation of homosexuality. If it were not for him and his dogged campaign to end this appalling treatment of a sector of society, I do not know if we would have made advances in many other areas of equality. Senator Norris was a mould breaker and was very brave. From the bottom of my heart, I thank him for his work in this regard. If he does nothing else for the rest of life - he has done much over the past 25 years - he will have done the State some service regarding the decriminalisation of homosexuality.

Acting Chairman (Senator Gerry Horkan): Senator Norris has been a Member of this House for over 30 years.

Senator Lorraine Clifford-Lee: I am proud it was a Fianna Fáil Minister for Justice, Máire Geoghegan-Quinn, who, despite much opposition within her own party and around the country, was brave enough to proceed with decriminalisation. I am delighted as Fianna Fáil spokesperson for justice to commemorate this. We will have our own event next week to mark this event and Senator Norris will be at it. It is right and proper that the Minister gave such praise to the Senator in his address.

Ireland has shifted dramatically from the point we were at 25 years ago.

19 June 2018

We have made many advances in supports and changes for the LGBTI community and for equality in general. It was an equality issue. Women were on the back foot too at the time. We have progressed but there are still many areas which need to be progressed. I hope we will all have the determination of Senator Norris in addressing those issues.

I want to raise the Government's failure to commence Parts 2 and 3 of the Children and Family Relationships Act 2015.

Senator David Norris: Hear, hear.

Senator Lorraine Clifford-Lee: These Parts provide for parentage through donor-assisted human reproduction. The issue of the recognition of parentage for same-sex couples and their children needs to be dealt with. The failure to commence these Parts diminishes the Minister's contribution this evening.

The mental health difficulties faced by young people from the LGBTI community are serious. I deal with people through my office every day who cannot get appointments in CAMHS which is completely under-resourced. Many of the children trying to access mental health services come from the LGBTI community. We are failing them. While the stigma felt by these children that would have been there 25 years ago is gone, there are still real difficulties. Many LGBTI children have difficulties facing their identity, as well as having difficulties in their families and communities in this regard. I would like the Government to make some progress on this and give real effect to the Minister's speech. If we do not support these children, we will be closing another dark chapter in 25 years' time.

We fully support the apologies to the 2,500 people who were convicted several years ago. Despite whatever difficulties there are, we should right those wrongs which were perpetrated against a large section of our society.

Senator Billy Lawless: I thank the Minister for his fine speech. This may be the first time in this House when I almost feel incapable of using words with relative meaning, spoken as they are, in the presence of my colleague, the great Senator Norris. I also thank Senator Nash for introducing this important motion.

Senator David Norris: Hear, hear.

Senator Billy Lawless: I feel truly humbled to be a Member of a Seanad which has as a Member a man who almost single-handedly over the course of 50 years made our State and our society tolerant, as well as a beacon for other nations around the world. Who would have thought that in 1973, when Senator Norris commenced his campaign to decriminalise homosexuality, Ireland would become the first country in the entire world to equalise our marriage laws through a popular vote? There are generations of Irish people who would scarcely believe that being homosexual was a statutory offence between 1861 and 1993. As a proud father of a gay daughter - my business partner who is now married to a Texan with a beautiful daughter - it is a great measure of the social transformation which has taken place in our society.

I regret to say, however, there may also be a generation who have forgotten Senator Norris's struggle.

Senator David Norris: Good.

Senator Billy Lawless: It is only right and proper that on this, the 25th anniversary of

the decriminalisation of homosexuality in Ireland, which was introduced by the then Minister for Justice, Máire Geoghegan-Quinn, a county woman of my own, the House pays homage to Senator Norris's pursuit of equality and justice.

It is also worth reflecting that it was the European Convention of Human Rights and the European Court of Human Rights that ensured the State vindicated those rights which ultimately forced the Irish Government to take action. Regrettably, our Supreme Court, in past times an architect of the liberalisation of our society, failed at that time to view the criminalisation of homosexuality as repugnant to our Constitution. It was, of course, another Member of the House who fought this legal battle, the then Senator Mary Robinson, and was ultimately successful in persuading the European Court of Human Rights that the criminalisation of homosexuality in Ireland violated the European Convention on Human Rights. This event alone illustrates just how integral supranational institutions can be in shaping nations' histories for the better.

The former US President, Barack Obama, my great friend, regularly cited in his speeches a quote from Dr. Martin Luther King, who said, "the arc of the moral universe is long, but it bends toward justice." I believe that. I also believe, however, that it requires human endeavour, patience and determination to achieve these ends. The Irish people, and most especially those of our citizens who institutionally, socially and physically were discriminated against, have much to thank Senator Norris for. I, for one, am proud to serve with someone who has changed the course of Irish history.

Senator Martin Conway: I welcome the Minister for Justice and Equality, Deputy Flanagan, to the House on this special day. This special speech is a special acknowledgement and a special apology. Like others, I echo everything that has been said about our great and dear friend, Senator Norris. I have got to know him over the past seven years. In that time, I have developed an understanding of the type of character he is. That character is what defined equality in this country in the 1980s when it was a different space. It was a time when even condoms and contraception were illegal. There was a straitjacket approach. If one was not in that jacket, there was something wrong with one. In this case, one could be jailed. It was a joke back then. Young people today would hardly believe that it was the case.

In fairness, Senator Norris championed decriminalisation. People like Mary Robinson rode in behind to support him. Slowly but surely, the political classes realised that what Senator Norris was saying was correct. When the then Minister for Justice, Máire Geoghegan-Quinn, saw Senator Norris's campaign, and following on from the ruling of the European Court of Human Rights, she instigated the decriminalisation of homosexuality in this country.

It has moved on much since. Much has happened and much campaigning has been done. Whatever about changing the laws, the changing of hearts, minds and perceptions of people is a wholly different matter. That can only happen through people coming out, telling their stories and being brave. That whole process evolved over 25 years until that great day in 2015, when ordinary decent people who are homosexual came out and told their stories as to why they believed there should be marriage equality.

That was paralleled by great and brave people in the political world and leaders of society. I look to the man on my right, who has not been mentioned at all in the speeches so far. I am proud and happy that the Leader of the House, Senator Buttimer, played a pivotal and important role in the campaign to ensure that marriage equality got over the line. I am proud of Senator Buttimer. I am also proud I can call him and his husband, Conchobhar, close personal friends

19 June 2018

of mine. The House is lucky to have a Leader who is both intelligent and brave, as well as having enormous credibility and ability. He is a leader in society and has proved this. Due to Senator Buttimer's approach, forthright campaigning and telling his story back then, people like the then Taoiseach, Deputy Enda Kenny, came on board and campaigned for marriage equality. This would not have happened were it not for people like Senator Jerry Buttimer. In 2015, Ireland passed, by a considerable margin, the marriage equality referendum and became the first country to introduce same-sex marriage by popular vote. That was a defining moment for Irish society.

In terms of the equality agenda, we have a long way to go. I am probably the only Member of either House of the Oireachtas with a disability, and I am proud to be so. There has never been a deaf person or a member of the Traveller community elected to either House of the Oireachtas. This is where leadership starts and where minds and hearts are changed. The equality agenda moves on. It will not be disposed of fully until such time as we have true equality for every citizen in this country, irrespective of their sexuality, disability or ethnic background. We are lucky that we have a Government and, in the person of Deputy Flanagan, a Minister for Justice and Equality that believe in equality. In good time, the aspiration of equality for all our citizens will be realised.

Senator David Norris: Hear, hear.

Senator Fintan Warfield: I welcome the people who have joined us in the Visitors Gallery. Céad míle fáilte. I thank Senator Nash for his excellent work on this initiative. I also thank the Government for facilitating this motion.

State apologies represent significant moments for this institution and the people it serves. I recall today the women of the Magdalen laundries and the survivors of those laundries who received an apology from former Taoiseach, Deputy Enda Kenny, on behalf of the State, in February 2013 and, also, the State apology by An Taoiseach, Deputy Varadkar, to Joanne Hayes in January of this year. When speaking about the trauma endured by Joanne, An Taoiseach said it reflected the extent to which Ireland was such a different place in the 1980s to what it is now.

The laws that were repealed in the Criminal Law (Sexual Offences) Act 1993 cast a long shadow over Irish life. They condemned, shamed and harassed men who simply did not fit into the mould of a world so wrongfully narrow and prejudiced in its outlook. They gave rise to an air of criminality that made certain a climate of isolation, discrimination and, in some cases, prosecution. People bypassed Dublin entirely and left Ireland behind, landing in cities like London and New York to pursue their right to exercise a life different to that of the mainstream. They went in search of a haven. For so many, and tragically so, the brevity of life in the shadow of the AIDS crisis would become a reality. In 1987, an article in *The New York Times* stated:

In this neighborhood that gained renown for its culture of openly expressed homosexuality, the predominant concern of the living is now dealing with death and dying. So many people have died from AIDS that many residents say they can no longer count the number of friends they have lost.

The decision to stop counting the number of friends lost is something that is tragically shared by many LGBTQI people in Ireland, including me. We stand with them in remembering loss and grief while knowing that significant advances have been made in treatment and methods of prevention. We have confidence, too, that more will be done and we are ready to

campaign for as much. Ireland must commence a consultation process for the development of a national AIDS memorial and a consultation that engages with people who have lost loved ones and friends and also with the wider community.

I commend the motion. It marks a necessary milestone for my community whereby the State reflects on its actions, proclaims its wrongdoing and, in doing so, asks the forgiveness of those criminalised and those indirectly affected. Sinn Féin and I believe that a State apology is an appropriate step, but I hear the concerns of people who are of the view that there is no way to apologise for the dark days they have endured. I was 15 months old when homosexuality was decriminalised. While I will never fully understand the struggle that those to whom I refer endured, their fearlessness and energy in having been forced to live in the long shadow of criminalisation has empowered and politicised me and so many others of my generation.

It took a 16-year legal battle, undertaken by Senator Norris, to shame the State into accepting that homosexuality was not something that it could criminalise into non-existence; it took the murder of Declan Flynn in Fairview Park, for which those responsible were never truly brought to justice owing to the conservative attitudes among members of our Judiciary; it took the fear, trauma and loss of the HIV and AIDS crises; and it took countless lives being scourged by brutal assaults, bullying, homophobia, isolation and marginalisation on the part of society, the State and its institutions. Only then did the State, following years of Government indifference and even after the European Court of Human Rights ruling, act.

Recent developments such as civil partnership, civil marriage equality and gender recognition have laid the foundations for a new Ireland. While we have come a long way more needs to be done in terms of parental rights for same-sex couples, hate crime legislation, a ban on conversion therapy and so on. I recently attended the launch of the National Library of Ireland inclusion strategy, at which officials spoke with pride about the holding of the Irish Queer Archive, the most comprehensive archive relating to LGBT history in Ireland. Within that, I note an article in *The Irish Times* by Nell McCafferty in September 1975 which reports a case in the Dublin District Court involving two men arrested by a member of An Garda Síochána having been seen exiting the same toilet cubicle. The judge made remarks such as, “It’s a completely unnatural performance” and the defence solicitor posed questions to an expert witness doctor such as, “Would you say that he [a defendant] could have a fruitful relationship with a member of the opposite sex?” and “That they could marry and have children?”. This was our justice system 43 years ago.

I thank Tony Walsh and the National LGBT Federation, NXF, for their work in sharing our queer history with the National Library and, by extension, the State and for putting confidence in the State. This is our recent history. It is a lived legacy of so many gay and bisexual men. They deserve better. Our community deserves better and I welcome this motion.

Senator Colette Kelleher: I celebrate that I live in a country where homosexuality is decriminalised, and has been so for 25 years. When homosexuality was decriminalised in Ireland 25 years ago, I was living in London. Although far away, I was aware of activists such as Senator Norris and his work, although not the full extent of his bravery and personal sacrifice. I was aware also of the political courage of the former Minister, Máire Geoghegan-Quinn, and others in making that change.

Twenty five years ago I had just given birth to my son, my second child. While carrying him, so besotted was I with his sister, who is two years older, that I worried about whether I

19 June 2018

could summon up the same love for and devotion for him once born. I need not have worried. At 8 o'clock one Monday morning 25 years ago, my drop of golden sun came bursting into the world - a cuddly, tactile, energetic little creature, curly haired, smiling, curious, quirky, inquisitive and affectionate child who elicited much love then and still does. This child grew to love Thomas the Tank Engine, read early and voraciously, talked and talked, made maps, wrote stories - and still does - undertook spurious surveys, played hurling, represented his college on "University Challenge", has lived in Fez, Beirut, Marseilles and now Paris, made, makes and keeps up with his lovely friends from close to home and all over the world and excelled academically - full points and firsts. This son speaks many languages, Arabic, French, Spanish, Portuguese - stimulated by a love interest - and, of course, Irish to mention but a few. This young man has so much to offer to the world and to us all.

In 1993, when my beautiful son was born and homosexuality was decriminalised in Ireland, I did not know then that it would mean so much to my son when we moved back to Ireland as a family in 2003, that decriminalisation would have a direct bearing on his rights, his equality, his ability to be treated as a first-class and not a second-citizen, his right not be criminalised for his sexual orientation, for who he loves and would love, his right to be himself and to make his mark. In 1993, far away in London and taken up with my life of children and work, I did not fully appreciate the multiple harms, hurt and suffering of people in Ireland, who lived in fear and whose health was sometimes compromised as a result of the criminalisation of homosexuality. People were stigmatised and bright and able people were deterred by the laws of their land from being open and honest about their identity with their families and in society. They were prevented from engaging in civil and political life and society was deprived of their full contribution. Sometimes people were condemned to lead double lives and were sometimes very lonely. These are people to whom we most definitely owe an apology. I am glad the Government is supporting this motion offering this overdue, although sincere, State apology. I thank Senator Nash and his Labour Party colleagues for bringing this motion forward.

I did not know 25 years ago that the decriminalisation of homosexuality would be a milestone in the context of much that followed, including marriage equality. I want to acknowledge the role Senator Buttimer and others played in making this happen. In 1993, 25 years ago, I did not expect to be standing in Seanad Éireann making this speech celebrating the 25th anniversary of the decriminalisation of homosexuality, aware of and in a position to highlight and advocate for that which remains to be done for full equality and rights for LGBTI people. As we celebrate, we need to press on with urgent matters material to LGBTI people being able to exercise their full rights and well-being in Ireland.

My colleague, Senator Fintan Warfield, has been calling for the availability of pre-exposure prophylaxis, PrEP, and I sincerely hope we are making progress there.

Around this time last year, a young person from BeLong To gave evidence to our hearings on child mental health. We were told that not being accepted for who one is has serious impacts on the mental health of our young people. LGBTI people are twice as likely to self harm than their non-LGBTI friends and three times more likely to attempt suicide.

Three years on from the passage of the marriage equality referendum, LGBTI couples are still waiting for the promised parenting rights. In the run up to the marriage referendum, we were promised that those rights would be passed. Many non-biological parents are still legal strangers to their children. I understand that this matter falls between the Department of Health and the Department of Justice and Equality and that there are complexities. I know that the

delay in the commencement of this Part of the Children and Family Relationships Act is causing growing concern. I would welcome if the Minister could give us an update as to where this is. It would be a fitting tribute to the celebration of the 25th anniversary to see this Act fully commenced. It would mean so much to my son and all the other sons and daughters of Ireland.

Acting Chairman (Senator Gerry Horkan): I thank Senator Kelleher. I remind Members that there are at least eight Members left to speak and there are 38 minutes remaining. If everyone takes five minutes, we will not have enough time for the debate and we will have to adjourn it. I ask Senators to be as brief as they can be to allow everybody to speak. I call Senator James Reilly who has five minutes.

Senator James Reilly: I seek to oblige.

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

Senator James Reilly: As others pointed out, this is an important anniversary in the coming to maturity of a nation. I cannot let this pass without mentioning people I believe have been hugely influential, some of whom are in this Chamber with us today. Ms Máire Geoghegan-Quinn's push to decriminalise what was clearly an archaic law that did huge damage to so many of our citizens was a major step forward and it allowed much that followed. It was a law that punished people for being who they were and criminalised the very essence of self. It is something we all look back on with a degree of shame.

Let us focus now on the positive and all the good that has come since then, with Irish people having voted in the marriage referendum for equality. I mention my colleague, Senator Norris, and all the work he did over the years. He was outspoken and very brave in leading a charge and giving others courage.

Senator Jerry Buttimer: Hear, hear.

Senator James Reilly: I mention my good friend and colleague, Senator Jerry Buttimer, who formed a group within Fine Gael, often considered a conservative party, to push for the marriage referendum.

Senator David Norris: Hear, hear.

Senator James Reilly: I mention my colleagues in the Labour Party who also pushed for it.

As Senator Martin Conway said, it is one thing to change a law but another thing to change people's minds, hearts and attitudes. If we needed evidence of that change, the marriage equality referendum was evidence of that. I also agree with Senator Conway that much else remains to be done on equality in this country.

I support fully the need to apologise to those who suffered as a consequence of this law and there is no question of anything but exoneration. A heartfelt apology goes from all of us here to those people and their families who suffered so much because of a law that showed no understanding of people and reality.

I offer my congratulations to those who fought so hard, and to those I mentioned, for their stand, their courage and their bravery in bringing this country to a new place. I mention Mr. Chris Robinson.

19 June 2018

Senator Jerry Buttimer: Hear, hear.

Senator James Reilly: He was a great advocate.

When I was Minister for Children, I realised the harm and the hurt caused to younger people by some of the commentary during that referendum. I am pleased to say they can now look forward to a bright and equal future and our country is a far better place for it.

Senator Fintan Warfield: Well said.

Acting Chairman (Senator Gerry Horkan): I thank Senator Reilly for his contribution and for his brevity because the Order of Business states this debate must conclude by 6 p.m. I ask Members, for the benefit of others, to be as brief as they can. I call Senator Ged Nash who has five minutes.

Senator Gerald Nash: I, too, want to share in the appreciation extended to our colleagues, Senators David Norris and Jerry Buttimer, of the extraordinary work they have done to promote LGBTI rights in this country. It is on days like this that I think of my colleagues in the parliamentary Labour Party from 2011 to 2016, former Deputies Dominic Hannigan and John Lyons, who made an enormous contribution-----

Senator David Norris: Hear, hear.

Senator Gerald Nash: -----to transforming attitudes in this House and introducing and supporting transformative legislation. It has made our country a better, fairer, more tolerant and more progressive place.

I also welcome those who are present in the Public Gallery this evening. Campaigners for LGBTI rights have put their collective and individual shoulders to the wheel for decades to transform this society and change legislation but, most importantly, to change attitudes to LGBTI people in this Republic. I thank them for their work, their continuing efforts, for everything they do and for the courageous risks many of them have taken over the years in their fight to vindicate the rights I take for granted.

Senator David Norris: Hear, Hear.

Senator Gerald Nash: This is a day when we can be proud of our parliamentary democracy and I hope it is a day that will live long in the memory. It is a day too that I hope will mark another important turning point in our society and in our politics. It is an important reckoning with our recent history. This is a long overdue and sincerely extended apology from our national Parliament and from those who represent the people of this country. We extend the apology to gay men for the wrongs done to them throughout the history of this State. It is an apology not just to gay men but to the LGBTI community. The chilling effect of the cruel and inhumane laws we had on our Statute Book for far too long created a culture of prosecution and, indeed, persecution. Gay and lesbian citizens of this Republic were tormented, discriminated against and stigmatised for just being who they were. They were made criminals for the offence of having a sex life. These laws gave expression to social and cultural norms that called into serious doubt our ability and right to call this State a Republic. We have made significant progress in making this Republic, this State, a better and much more tolerant society. We have some way to go before we can truly conclude that journey is complete. I believe the next step is provided for in the legislation that my Labour Party colleagues and I proposed in early 2017,

the Convictions for Certain Sexual Offences (Apology and Exoneration) Bill. I believe we need to fully engage in the exoneration element if we are to bring this process to its logical conclusion. We need to work together to identify a legally sound and robust way to allow us to find a mechanism to disregard and set aside convictions carried by men for offences that have been repealed. I will continue to work with Government to allow that to happen - I gave the Minister my commitment on that.

I want to see this cathartic day prompt a debate on how we treat older lesbian, gay, bisexual, transgender and intersex citizens in this country. Support services and recognition of their life experiences are needed and I hope that it will be reflected in a new LGBTI strategy. I understand this strategy is being brought to a conclusion shortly by Government.

Mention is frequently made in the context of this debate around the requirement for pardons to be introduced for men who are carrying convictions for offences that no longer exist. I want to see a broader exoneration. To state that a pardon is required suggests that those acts between two consenting adults were wrong. They were not wrong then and they are not wrong now. This is not simply semantics. It is a real difference. It was not wrong then and it is not wrong now. This is something we need to work towards in a unified fashion by introducing a safe legally robust system of disregards for convictions.

I wish to express my gratitude to the Ministers, including the Minister for Children and Youth Affairs, Deputy Zappone, and specifically the Minister for Justice and Equality, Deputy Flanagan, and the Minister of State at the Department of Justice and Equality, Deputy Stanton. I thank their political staff and departmental officials for the support they have provided to me in this process during the past 18 months. I sincerely thank my colleagues, Karl Hayden and Aoife Leahy, co-chairs of the Labour Party LGBT group. It was the first LGBT group established by any political party in the country fully 15 years ago. I thank them for their unwavering support, advice and encouragement during the past 18 months or so. I am proud of the pioneering and often brave work undertaken individually by members of my party and by my party collectively for many decades. That work included the decriminalisation of homosexuality in 1993, something we insisted upon as a price of our participation in government from 1992 to 1997. We have done significant work since then and we continue to work in this area. Nowhere has our campaigning work been more evident than in the way in which we have worked to try to transform and vindicate the rights of LGBTI citizens in this country. That work is not complete. It continues and I am keen to work with everyone within and outside this Chamber to make this country a better, more tolerant and more respectful Republic for everyone.

Acting Chairman (Senator Gerry Horkan): Thank you, Senator Nash. I wish to remind Members that I have more Members seeking to speak than I have time available. I appeal to Members to be as brief as they can. Senator Ned O'Sullivan is next. You have five minutes, Senator.

Senator Ned O'Sullivan: I will not detain you, Acting Chairman. I did not prepare a speech but I wish to add my humble words. I commend Senator Nash on bringing forward this all-party motion.

We are talking about apologies. We tend to think that apologies come from the State, this amorphous State. The apology has to come from the people. I was one of those people. I was brought up in a rural place in the 1950s and 1960s. I have to apologise because we grew up in total ignorance. Sexual education was a joke. If I had to talk about sexuality in my teenage

19 June 2018

years it was in a state of confusion. Homosexuality was absolutely a mystery of the highest order, and we behaved accordingly. I remember some friends of mine, including schoolmates, who were highly talented individuals. They were really artistic people who were good at music, dance and so on. They lived blighted lives because they did not fit in. Most of them got the hell out of Kerry and out of Ireland as soon as they could. I feel a sense of guilt about that and this is my day to express it. It was not only in Ireland, by the way. One of the greatest actors of our time, John Gielgud, was prosecuted once for being in a public toilet with a man. It was not only Ireland, but we can only answer for ourselves.

I wish to join in the warm tributes paid by the Minister, Senator Lawless and others to Senator David Norris. I was in college in Dublin many years ago when I started reading about this crackpot who was making a nuisance of himself down around the town. I liked him. I am a fast learner and I quickly regretted my previous attitudes to things like homosexuality. We have to be prepared to grow. I wish to pay tribute to the Leader of the House, Senator Buttimer, as well as Senators Warfield and Nash. I compliment the Civic Engagement Group, which in recent years has been proactive and has helped to widen our horizons as well. I have no wish to sound like a party partisan. A person may be a member of a political party but may not like everything that party does. There are days when a member is inspired and days when he is totally depressed. Anyway, I remember one of my proudest days in Fianna Fáil was in 1993, when I was a young councillor and I saw Máire Geoghegan-Quinn signing off on the decriminalisation of homosexuality. That was a proud day for me. It was along the lines of when Jack Lynch brought forward the referendum to remove the special position of the Catholic Church. We still have work to do. We can divide people into two - those who welcome and embrace change and those who fear change. Change has to be challenged and examined, naturally. You are moving me on, Acting Chairman.

Acting Chairman (Senator Gerry Horkan): I am doing my best.

Senator Ned O’Sullivan: Roosevelt said that we have nothing to fear but fear itself. Fear of change motivated a great many of the people who opposed the passage of the Protection of Life During Pregnancy Bill. I think fear was at the root of much of the “No” vote. I sympathise with people who have fear. We have to assuage their fears and work with people to help them through those fears. Their fears are unfounded. Nothing happened when homosexuality was decriminalised. The country did not fall to pieces. We did not all become rampant homosexuals overnight.

Senator David Norris: More is the pity.

Senator Ned O’Sullivan: The Protection of Life During Pregnancy Act did not change much but it changed things for the better. I know that the terrible things threatened when we voted “Yes” will not come to pass. This is a good day. I cannot leave without complimenting the Minister for Children and Youth Affairs, Deputy Zappone, who is here with us now and who has been a leader in this field.

Senator Victor Boyhan: It is great to see the Minister for Children and Youth Affairs, Deputy Zappone, in the Chamber. I am especially delighted that she is here at this time and at this junction. It is appropriate that she is here. I welcome all the people in the Gallery. I thank Senator Nash and his Labour Party colleagues for coming up with this idea and preparing this motion. I wish to acknowledge the work of Senator Jerry Buttimer as our Leader. We are very proud of Jerry. It is not easy for a person to go out and tell his story and to put it out there all

the time. While we are public figures, we are also private individuals. Our story impacts on so many other people through our own relationships. That is something that people do not always remember, so it is important to say it.

I wish to acknowledge the great role of Senator David Norris and the former Senator and former President of Ireland, Mary Robinson. It says everything about the great Seanad and the capacity, capability and opportunity that this Chamber, this political stage, offers people.

Senator Norris has used it effectively. We all know of the long battle that began in 1977, when Senator Norris initiated his case against Ireland's oppressive laws on homosexuality. He has told me on many occasions of that lonely road. I know he does not mind my sharing it in the House. It was a road on which people spat at others and turned on the opposite side. It was where a church and congregation shut its doors to people who were committed to being involved. These are the lonely stories that no one tells. It is a long road but Senator Norris was brave enough for it. He took his case to the High Court in 1980. Again, it was rejected there. Then he went to the Supreme Court in 1983, where it was also rejected by five judges. We should remember that five judges found that the law in force did not contravene the Constitution, which we hold up in our hands and of which we are proud. Then there was great Europe. We turned to the European Court of Human Rights. It was there, with help from Mary Robinson, the former Senator and former President of Ireland, where the judges finally ruled that Irish law contravened human rights. The court in Europe vindicated our rights. I always say that when we talk about Europe, we must never forget that great role. Europe is at the heart of our lives and we wish to be at the heart of Europe. On so many occasions, whether in the area of human rights, of environmental rights or in respect of so much other legislation, we have found support there and we must not forget that. The Norris-Robinson legal challenge was one of the most important steps in the liberation of gay people in Ireland. That is worth saying. It was one of the most important steps in, and foundations of, the liberation of gay people in this country. It led to a new generation of gay people being able to live their lives fully, more openly and, more importantly, authentically. We are all called to live our lives and to be authentic in them.

I would like to turn to two parts of the motion because it talks about an area over which we cannot go, that of hate crimes. Let us be vigilant. All is not well. We need to address hate crime, particularly in this area. Second, the last part of this motion talks about ensuring "our foreign policy promotes and protects human rights globally-----"

Senator David Norris: Hear, hear.

Senator Victor Boyhan: -----including the rights of LGBTI individuals, who continue to suffer disproportionate levels of violence and face systemic discrimination in many countries." That is where we need to shine our light. That is where we need to put our focus. We need to not be complacent within ourselves because this issue is really important. We need to actually pursue those commitments. It is a good day. We have made a lot of progress. I acknowledge the sterling work the former Tánaiste, Eamon Gilmore, did in his role-----

Senator David Norris: Hear, hear.

Senator Victor Boyhan: -----because he made this issue one of his conditions of government and he continued to work quietly for it. Today, of course, we have marriage equality, which was a real success as part of that. I thank all of the people involved and those people who brought forward this motion today. Well done. Well done to Senator Norris as well. He

19 June 2018

is a brave, courageous, feisty individual. We are truly proud of what he has achieved and we hope he will achieve more with us.

Acting Chairman (Senator Gerry Horkan): With my discretion, I might allow Senator Norris to go a little bit over his five minutes. Therefore I ask Senators Grace O’Sullivan, Bacik and Buttimer to curtail their debates because we will have to finish by 6 p.m. Our next speaker is Senator Grace O’Sullivan and I ask her to keep her contribution within the best confines she can.

Senator Grace O’Sullivan: Back in the 1980s and early 1990s I sailed on many Greenpeace ships. I was lucky because on those multinational crews were lesbian, gay, bisexual, transgender, queer and intersex people. That was the community of which I was part. I was lucky enough to be able to embrace that community at an early stage of my life and as a member of the Green Party, which has also campaigned for the rights of all of these communities since its foundation. I bow my head to Senator Norris and I thank him for all he has done for the communities here in Ireland. I also bow my head to the Leader of the House, Senator Buttimer, and I anticipate all of the work of our young Senators, such as Senator Warfield, and of those who will come to make sure that we, as a society and as a people, will be better for all that is being done now for the rights of, and fairness and equality for, the citizens of Ireland.

Acting Chairman (Senator Gerry Horkan): I thank Senator Grace O’Sullivan for both her contribution and her brevity because I do want to allow Senator Norris in. Equally, I have Senators Bacik and Buttimer and I have to allow the Minister to have at least three minutes. She has been very generous in allowing her time to be curtailed by two minutes to allow for Senator Norris. We must be finished by 6 p.m. however.

Senator David Norris: As Samuel Beckett might say, this is another happy day. I am very grateful to the Minister, Deputy Flanagan, for his generous comments. Not all of them were accurate. I look at the Gallery and I see a dozen old comrades who played such a significant role in this period. I salute every single individual one of them for this. They are often forgotten - I was the headliner - but the work they did was absolutely crucial. It is extremely gracious of the Government to issue an apology for a Bill that did not originate in this country. These were British imperial statutes and we should not accept any responsibility for them. The Irish people were always generous, decent and compassionate. In 1967 or thereabouts, Mícheál Mac Gréil wrote a book called *Prejudice and Tolerance in Ireland* and he showed that even at that stage, before the gay movement got going, a plurality of people in Ireland believed the laws were wrong. I also wish to pay tribute to the Minister, Deputy Zappone, who, with Ann Louise Gilligan, played such a remarkable role in the campaign for marriage equality.

There is a friend of mine in the Gallery who told me a story just yesterday. He met somebody, they agreed to have sex and, when they finished, he discovered that a watch and a large sum of money were gone. He went to the police and the fellow was caught, but he then said that it had been payment for sex and the whole thing was dropped because my friend was then faced with a criminal charge. He never got the watch or the money back. This is what people felt with regard to the police. They were ashamed and terrified. It was not all grim, however. There was an awful lot of fun involved. I ask for the indulgence of the House for some broad language.

Acting Chairman (Senator Gerry Horkan): It is allowed.

Senator David Norris: I remember the first gay pride march, which I think was in 1974. I

had a picket that said homosexuals are revolting. The 46A bus nearly went into the railings of St. Stephen's Green. We were picketing the Department of Justice. All of the secretaries had their eyes out on stalks. A lorry drove up and the Minister's new carpet was thrown out on the pavement, followed by a helper who got out, took one look at us and said to the driver, "Jaysus Mick, fucking queers". Mick got out, took one look and said "What about it? I don't give a bollix, a picket is a fucking picket mate". He took up my picket and walked around with us for five minutes. I thought that was a wonderful example of working-class solidarity.

Acting Chairman (Senator Gerry Horkan): I have heard that story before but the Senator is more than welcome to deliver it again.

Senator David Norris: I thank the Acting Chairman very much. We had a remarkable legal team, which included Mary McAleese and Mary Robinson, now two former Presidents of Ireland. It also included Garret Cooney and Paul Carney. We lost in the High Court but it was a really good judgment. Mr. Justice McWilliam accepted all the evidence we introduced. This is a principal theme I added in. I insisted on having expert witnesses from all over the world to end the silence, and it worked. We were on the front page of the newspapers day after day. That was a remarkable achievement. We had Professor John Spiegel, who was head of the American Psychiatric Association when it removed homosexuality's classification as an illness, and we had Donald West, regius professor of forensic psychiatry at the University of Cambridge. Then, however, Mr. Justice McWilliam took a swerve and said that nevertheless, despite all this, he had to find against the plaintiff because of the Christian and democratic nature of the State. We then went off to the Supreme Court where we actually got a divided judgment, three judges to two. The Chief Justice misdirected himself in law and two other eejits signed his judgment, but there were two very important dissenting judgments which dealt with privacy and with *locus standi*, which were made by Mr. Justice McCarthy and Mr. Justice Henchy. I then remember Míne Bean Uí Chribín saying to me that she knew me, that I would not be satisfied with homosexual decriminalisation and that the next thing I would want would be homosexual marriage. I said that was a wonderful idea, I thanked her and told her that she should let me know if she had any further ideas.

I then put down the first Civil Partnership Bill in 2004. The Government followed it up with a Bill which I denounced as a dog licence. I am absolutely unabashed because, although I know there is somebody in the Gallery who lambasted me for it, it is the role of a human rights activist to go for the gold, not to accept any crumb that falls from the table of government. There were 179 differences between the Bills. The language was nastily anti-gay in that legislation.

Máire Geoghegan-Quinn was wonderful. The Opposition put down mean-minded amendments that were discriminatory. She listened and said - and this is the golden rule - that as Minister for Justice, she would need clear, cogent and factual reasons for accepting any discriminatory amendments, that she had not found such and that, therefore, she would not accept the amendments. This is a good day. I would also like to mention the late Dr. Noel Browne, who was the first person to speak about homosexuality. I would like to solemnly thank my colleagues in the Gallery for the wonderful work they did.

Acting Chairman (Senator Gerry Horkan): I was willing to be far more indulgent than I have actually had to be. The Senator's contribution has been more than welcome.

We have two final speakers for whom only five minutes remain. While the Minister is supposed to have at least five minutes, she is willing to allow two to three minutes. It would be

great if Senators Bacik and Buttimer could manage to do it in seven minutes.

Senator Ivana Bacik: It is wonderful to welcome the Minister to the House. I have had the pleasure and privilege of working with her on equality issues for many years. It is wonderful to remember her wife, Ann Louise Gilligan, and to pay tribute to all our distinguished visitors in the Gallery. Again, it has been a pleasure and privilege to know and have worked with many of them over the years. It is also wonderful to stand behind my colleague, Senator Norris, who has blazed a trail for so many people for so long on equality and LGBTI issues.

I am proud to support this motion and to be part of the Labour group. I commend my colleague, Senator Nash, who has worked hard on this in conjunction with the Minister and the Government to ensure that this is genuinely a cross-party motion and that we can celebrate the 25th anniversary of the decriminalisation of homosexuality. This significant important apology and exoneration will mean so much to so many people.

There are other legacy issues we can deal with to make Ireland a more progressive and equal society. We did something about that several weeks ago with our vote on 25 May. I am pleased to be here and help celebrate this. I give way to my colleague and another great comrade in the struggle, Senator Buttimer.

Senator Jerry Buttimer: In welcoming the Minister, I acknowledge her bravery and remember Ann Louise Gilligan. I congratulate Senator Norris for his leadership over generations. There are people in the Gallery whom we must acknowledge and support, not least our good friend, Tim Hayes, a Leinster House usher, as well as Kieran Rose, John-Paul Callinan from Cork, and Edmund Lynch, people who stood up when it was uncool to do so. We remember the late Chris Robson today, who was one of my heroes. He inspired, like Senator Norris, to instill bravery in us. I smiled when Senator Warfield said he was only a year and a half old 25 years ago. I remember being that soldier who was afraid to walk into Loafers in Cork or to celebrate a relationship. In my job as a teacher, I could have been fired. However, people like Arthur Leahy and Cathal Kerrigan in Cork transformed lives for many of us and gave us hope.

It is a special day for equality and civil liberties. It is one we perhaps thought we would never get to. The Minister for Justice and Equality said in his contribution that the past cannot be undone. Today, however, is a day that can help. It is a day we recognise Máire Geoghegan-Quinn but that we did not all become gay 25 years ago. As Senator Norris said, we were there long before that. Imagine the number of people who could have lived a much different and a much better life had our culture and our laws not been the way they were. I want to remember those men, some of whom are with us today, friends of ours, who left our country and some who went to their eternal reward. We are fortunate that we can say nice and genuine things about Senator Norris and he can listen to them.

Senator David Norris: It is very embarrassing.

Senator Jerry Buttimer: It is about time the Senator was embarrassed.

We always needed a leader. Today is about two people. It is about the bravery of Senator Norris and a Minister who signed the Bill to decriminalise homosexuality. That is why we are saying sorry. More important, that is why we are saluting the people in the Gallery. We thank and salute them for their courage. Our world is a better place for what they have done. No words of mine or from other members of the LGBT community can say enough thanks. Their legacy is there for all time. They have made our lives a better place. They have made us speak

about who we are. We can wear a ring and celebrate our lives.

Acting Chairman (Senator Gerry Horkan): Again, I know I will be reprimanded for allowing applause in the Gallery. However, I am exercising my discretion.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): When the Minister, Deputy Flanagan, asked me to do the wrap-up speech for this motion, I jumped at the chance because I thought first of all of Senator Norris. I want to acknowledge his extraordinary bravery. As Senator Boyhan said, it was such a difficult time for him to start this campaign. I remember when he came up to me and Ann Louise Gilligan at our first fundraiser for our efforts to move forward the agenda, he spoke to us about how difficult and how challenging it would be. There were many people around us to support us then but that was not the case for him when he started his campaign. He still moved forward and managed to convince, not only a nation, but the European Court of Human Rights. He also convinced the Government at the time to enable the decriminalisation of homosexuality. I jumped at the chance to come here and salute Senator Norris, as well as to acknowledge his bravery and courage. Ann Louise Gilligan and I were privileged to follow in his footsteps, stand on his shoulders and walk alongside him as we continued the freedom journey.

It is also marvellous to see so many of our people in the Gallery, to acknowledge them and all that they did. They worked with us as we brought forward these changes, with the support of the Labour Party. I acknowledge the motion tabled by Senator Nash. Senator Bacik was our junior counsel in our case. She is so humble that she never says that. I acknowledge Eamon Gilmore, Pat Rabbitte and Deputy Joan Burton.

Senator Buttimer showed leadership in his emotional coming out and during the marriage equality referendum. I acknowledge what was done by Máire Geoghegan-Quinn and Fianna Fáil. I shook the hand of Senator Warfield and Sinn Féin. Then there is the work of the Independents. It is extraordinary that this is not just an all-party motion but that we have practised this way in legislation, policy-making and resourcing. It is because of the courage of Senator Norris.

I am so privileged to be back in the Seanad, a place I love. It is where I was first able to say as a public representative that I am a lesbian and am proud to be here. It is right and fitting that we do this here. It will be done in the other House shortly. It is important we are finally saying, “Sorry”. I was sitting here earlier thinking how sorry I am about the times I hid my sexual identity and how the apology will contribute to the ongoing freedom, especially of our young people whom Senator Norris loves as well.

Acting Chairman (Senator Gerry Horkan): Is Senator Warfield moving his amendments?

Senator Fintan Warfield: No, I will not move them.

Amendments Nos. 1 to 3, inclusive, not moved.

Question put and agreed to.

Small and Medium Enterprises: Statements

Acting Chairman (Senator Ned O’Sullivan): I welcome the Minister of State, Deputy Pat

Breen, to the Chamber.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Pat Breen): I am delighted to be here in the Seanad as Minister of State with responsibility for trade, employment, business, EU digital Single Market and data protection to discuss the matter of small and medium enterprises, SMEs. In particular, I wish to cover three items of strategic importance to SMEs. First, I will address the strategic SME policy direction. Second, I will discuss entrepreneurship, specifically female entrepreneurship. Finally, something we cannot leave out in a discussion on business is Brexit.

Senator Pádraig Ó Céidigh has raised the issue of developing a strategy to support indigenous SMEs. This is extremely timely. At present, my Department is considering such a strategy that would bring together the many Government supports for SMEs, as well as ensuring the business environment supports our SMEs and is fit-for-purpose, which is important. I have mentioned the name of the Senator in vain; I hope he will not mind. Such a strategy will ensure all relevant Departments, agencies and local and regional bodies support SMEs. This collaboration is extremely important.

Everyone here knows that this Government has consistently been focused on the creation of jobs through the creation, retention and growth of businesses, given that business is very important. With unemployment levels now reaching a new low of 5.8% in May this year, we can adjust our focus to quality employment and providing the necessary further support for businesses. To do this, it is important that we understand the breadth of supports available to SMEs. In addition, we need to establish which of these policies and programmes work and whether the wider SME ecosystem is performing well.

One of the best measurements of the wider framework conditions for SMEs is the European Commission's small business act, SBA, fact sheet. This is a yearly report which ranks Ireland against other EU member states. In the 2017 report, Ireland's SBA profile continued to be competitive and has even improved on last year's performance. In eight SBA areas, namely, entrepreneurship, second chance, responsive administration, state aid and public procurement, access to finance, Single Market, skills and innovation and internationalisation, Ireland performed well above the EU average. Therefore, we can see Ireland gets a good report card as it stands.

However, as I mentioned earlier, we cannot and must not be complacent. We need a coordinated strategy to continue Ireland's upward trajectory. That is why I travelled to Mexico in February to the OECD ministerial conference on SMEs as head of the delegation for Ireland and spoke on topics such as what policy makers should do to help SMEs harness the most recent trends in digitalisation and the best way to support SME adoption of productivity-enhancing digital technologies. Digital technology is important and we have to embrace it in every sector, right down to micro-enterprises and up to multinationals. It is not about the future; this is the future. It was an excellent conference where great ideas were shared and a declaration to strengthen SMEs and entrepreneurship for productivity and inclusive growth was signed by member countries.

At the same time, my officials and I were engaging with the OECD on the possibility of conducting a review of SME and entrepreneurship issues and policies in Ireland. I launched this review with the Minister for Business, Enterprise and Innovation and the secretary general of the OECD in March of this year. This is a major piece of work which will take 18 months. We can expect publication at the end of 2019. Not only will it assess the state of play of the

policies, programmes and issues as they currently are, but will also result in a SME strategy roadmap which can form the basis of a wider SME strategy for Ireland.

I note Senator Byrne is in the Chamber. Female entrepreneurship is the second matter I would like to discuss. It is an important element of the SME ecosystem in the new business environment. It is imperative that we have a culture and business environment that is conducive to entrepreneurship. This environment must support people from all backgrounds to get out there and start their own businesses. The latest global entrepreneurship monitor report on Ireland released just last week shows that Ireland ranks as No. 1 for a positive attitude towards entrepreneurs. Our new businesses rank fourth in Europe for high potential and internationalisation.

The story is not uniformly positive when it comes to the breakdown of who is creating the business. Female entrepreneurs lag far behind in numbers. Generally, female labour participation rate is lower than for men. In 2016 it was 14% lower than the rate for men. One method the Government has to encourage women to enter or re-enter the labour market is to encourage women to be their own bosses. In order to do this we must provide a whole suite of supports so that we can get the best out of Irish female-led companies and they can get the best out of themselves.

There are supports for female entrepreneurs, specifically in Enterprise Ireland and local enterprise offices strategies for Irish companies. Enterprise Ireland has run female-only feasibility and competitive funds since 2012. This spotlight has yielded results. In 2012, just 8% of the 97 high potential start-ups were female-led, whereas in 2017, 28% of 90 new high potential start-ups were female-led, which is a significant improvement over a number of years. Enterprise Ireland also awarded 42% of the competitive start funds to female-led companies. I look forward to these figures continuing to improve over the next few years.

Enterprise Ireland also partners with knowledge providers in a series of accelerators designed especially for females, including: the DCU Ryan Academy female propeller programme; the NDRS female founders programme; the CIT female exxcel programme; and Going for Growth. The local enterprise offices, LEOs, which play an important part in job creation in the regions, are also actively engaged in encouraging and inspiring an increase in female-led businesses through initiatives such as the annual national women's enterprise day and the women in business networks.

An important aspect of the networking programme is the promotion of successful female entrepreneurs as role models, and the use of mentoring and networking opportunities, which aim to build the confidence of newly emerging female entrepreneurs. Enterprise Ireland, EI, and Network Ireland, in conjunction with the LEOs and the Entrepreneurs Academy, have announced their second nationwide Fuelling Ambition, Steps to Success roadshow, targeting existing and potential female entrepreneurs. The aim of the roadshow is to encourage, support and drive the ambition of female entrepreneurs nationally by showcasing the steps to success of thriving Irish businesswomen and entrepreneurs, who are client companies of either EI or LEOs.

These are major supports for an under-utilised group from whom Ireland needs greater participation in the entrepreneurship and SME ecosystem. The increase in numbers is positive but is far from parity with male entrepreneurs or even the levels in northern EU member states. One of the areas under scrutiny in the OECD review is female entrepreneurship. I fully expect

19 June 2018

that we will receive recommendations on how to continue to improve this vital pipeline of new business in the report.

I refer to Brexit, which is part of our work every day in the Oireachtas and which every Department is working on at the moment. There is great uncertainty for Irish businesses and for the landscape in general; there is no doubt about this. The Government has been trying to inform businesses about Brexit to get them thinking about its impact and, most important, to get them ready. While many have put strategies in place to counteract the impact of Brexit or to consider alternative markets or suppliers, others have done little. This is a huge task, but there may also be opportunities.

Over the medium term, Brexit will disproportionately affect SMEs, particularly those in the Border area Senator Mac Lochlainn comes from and those in sectors such as food and agriculture. My Department has been particularly busy in engagement with businesses and in accessing supports and grants that can assist those who are at risk of scaling back or closure. Uncertainty affects all those businesses. The onus is on all of us in government and local government and in agencies to get the message out that we understand the threat to business and the importance of doing something about it. There is no shortage of advice and supports, and LEOs have played an important part through seminars, training, grants and so on for those who seek them. There are 31 LEOs throughout the country which supply that support. My Department has launched a €300 million Brexit loan fund which is available to all companies, regardless of size or sector, to address the challenge. LEOs will play an important role in promoting the new fund and encouraging local businesses to access it.

Enterprise Ireland Strategy 2017-2020 represents a strategic response to Brexit, aiming to grow more resilient Irish companies by building scale and expanding reach. To support its strategy, the Department provided for additional capital moneys in 2017 to enable EI implement a variety of initiatives and ramp up its supports to drive improvements. Those improvements are needed in productivity and innovation, which is an important word that I use in my Department or when I go on trade missions every day of the week. We have to be innovative. Management capacity is important and, above all, leadership skills. It is so important for companies to have leadership skills to build on the ambition of managers to consider other markets around the world. That is what we have been doing in my Department. It is what Enterprise Ireland has been doing. I was in Prague last week and I was in Warsaw with 26 innovative Irish companies located all over the country doing business. We signed nearly €8 million worth of contracts for those companies. Our reputation among those companies is second to none. They support our Brexit strategy 100%.

We are seeking to accelerate the number of EI clients diversifying into new markets, and if we are to diversify, Europe is an important market for us because it is our nearest neighbour after the UK. We have increased the number of trade missions and events planned for this year by 22% on last year. In 2018, EI will run 215 trade events in Ireland and overseas, 70 of which will be Minister-led. This extensive programme of international trade events is central to achieving this increase in exports, first, to the eurozone and to wider global markets such as Asia and the US. However, the UK will continue to be a major trading partner for Ireland because it is our nearest trading partner and there are many similarities in our culture. Trade between both countries totalling €1.3 billion takes place every week. The UK needs Ireland as much as we need the UK. The 70 trade missions and visits that will be led by Ministers this year are essential to supporting clients who seek to extend their global footprint.

Another agency under the aegis of my Department, InterTrade Ireland, ITI, is uniquely well positioned when it comes to understanding the needs of businesses on both sides of the Border and helping businesses to prepare for the challenges that lie ahead. We have given the other 26 member states a greater understanding of the importance of the North and South. A key part of InterTrade Ireland's Brexit work is the provision for SMEs of a Brexit readiness voucher scheme entitled, Start to Plan, which enables companies to purchase specialist advice in areas such as customs, tax, tariff and non-tariff barriers, and legal and labour mobility issues. These are worth €2,000 to each of the companies. To show how interoperable these grants are, intelligent businesses have used this voucher to put together their proposal for funds through the Brexit loan scheme. This is tangible assistance to SMEs in Ireland and is evidence of Government supports working well.

I thank Members for the opportunity to discuss SMEs. We could spend a lot more than an hour and a half talking about SMEs. They comprise 98% of the enterprises in the country, and employ 70% of the private sector workforce. Whether the enterprises are based in Donegal, Galway, Limerick or Dublin, the SME sector is extremely important. We must continue to ensure that we grow the SME sector and the indigenous sector. Foreign direct investment typically goes into clusters in large urban areas. Out of those big multinational companies are formed the seeds for many indigenous companies that can grow. I have witnessed this in the medical technology sector. Some 20 years ago, that sector was small but, today, we are on a par with Minneapolis, and we are second to Germany in Europe. When one considers all that is happening in this sector in Ireland, and the output from the sector in a global context, it is astonishing.

My Department and the Government are looking to create a better business ecosystem for Irish SMEs, whether they are starting up or established, in many areas. They are a vital part of our economy. It is essential that we all collaborate to support Irish businesses. It is also important that the people support Irish business. Irish businesses will support them by creating quality employment. Brand Ireland is great, as can be seen when one travels all over the world. It is a great brand in the UK. The brand, and the reliability of it, will help us overcome the challenges and obstacles in our way. If we work together, we will grow together and remain resilient in the face of any obstacle that comes before us.

Senator Pádraig Ó Céidigh: Cuirim míle fáilte roimh an Aire Stáit chuig an Teach seo. I dtosach báire ba mhaith liom a rá go bhfuil an tacaíocht atá Rialtas an Aire Stáit á tabhairt do ghnóthaí beaga le feiceáil. Tá sé an-mhaith agus an-tábhachtach.

The support the Government is giving to small and medium-sized businesses is significant and appreciated. I see a lot of that support in action on the ground. I endorse everything the Minister of State said about the support mechanisms in place and the ongoing work of creating the environment for entrepreneurship and small business in Ireland. Over 98% of all businesses in Ireland are small. They employ well over 1 million people. Some 70% of the working population - those employed in private industry and in businesses - work for small or medium-sized interests. While this is important for our cities, it is even more important for the rural areas to which it is difficult to persuade large companies to move. The SMEs in those areas were among the worst hit during the recession. Those businesses were down in the dumps and had to try to make their way back up again. Some did not survive but many did, thank God.

In September, I intend to be the rapporteur of a public consultation committee that will deal with the issues facing SMEs. I would really welcome the input of the Minister of State to that committee and, if he is available, his presence at one of its meetings. The committee will be

based in the Seanad. I have also been involved in bringing innovation hubs to the AV room, including, among others, PorterShed. Other such hubs, including university innovation hubs, will appear in the AV room this year. The idea is to link third-level education, institutes of technology, universities and industry, and to bring students across the divide from the academic and the practical side. This is hugely important and I know that the Minister of State, the Department and the Government all support the concept. Representatives from hubs will be here on 27 June. It would be great if the Minister of State and other colleagues could attend in order to see what is happening on the ground.

The SME fraternity feels that nobody represents it. Nobody is standing up and asking questions on its behalf. Other organisations and structures exist in Ireland, but SMEs tend to work in silos. That is my experience and the experience of colleagues involved in SMEs. They keep going. They plough ahead. The people involved in SMEs often work 16 or 18 hours a day. They remortgage their houses. I happened to bump into a bank manager in London who was retiring. He told me that most entrepreneurs reach one of three milestones: first, he or she loses his or her health, second, he or she loses his or her wealth, and, third, he or she loses his or her family. Those issues arise because of the focus these people have for building the business, and the passion they have for it. Unfortunately, it can lead to a silo-type situation. It is not always the fault of the Government. The people behind SMEs tend to focus on their own areas. They need to move away from that and they also need the Government to help create the culture and environment within which expansion can happen. Enterprise Ireland is working hard in that area, particularly in terms of female entrepreneurship. Significant focus has been placed on developing that area by the CEO and the team at Enterprise Ireland.

Enterprise Ireland is one of our greatest assets in helping Irish companies export their products. That is what it focuses on; it is the organisation's *raison d'être*. We have thousands of SMEs. There are approximately 240,000 SMEs in Ireland. The vast majority of them do not qualify for Enterprise Ireland support. Some can go to LEOs, of which there are 32 in the country, for assistance. In the past 12 to 18 months, the Government has created one website which brings together all available support mechanisms. Previously, that information was scattered all over the place. That is one of my main concerns. As the Minister of State was speaking, I made some notes. In terms of supports for SMEs in Ireland, Bord Iascaigh Mhara, BIM, Bord Bia, Enterprise Ireland, LEOs, Fáilte Ireland, InterTradeIreland and others are available. We need to ensure that there is greater joined up thinking between those bodies and that we are all on the same page. The website that has been created is helpful, but it is only the starting point. It is really a brochure.

I recall being at a function that was attended by a colleague of the Minister of State, former Taoiseach, Deputy Enda Kenny, in 2011 or 2012. The latter said that he wanted to leave his mark and the mark of the Government on Ireland, ensuring that it would be the best small country in the world in which to do business. It is going very strongly in the right direction, but we have to keep pushing it on. Let us keep SMEs at the forefront, because those behind these enterprises are the people paying taxes with their blood, sweat and tears, and taking the risks in terms of their wealth, their families and their health.

Approximately 50% of SMEs survive for five years or more. The reasons for that are a lack of capital, resources and knowledge. I have a big issue with personal guarantees to banks. Particularly after the most recent recession, the last thing an entrepreneur wants to do is to put his or her family home on the line. I strongly urge the Minister of State, if nothing else comes from this, to encourage the banks to become more like those in Germany, France, the UK and the

USA and get rid of these personal guarantees. Such a move would ensure that the banks would move in step with the entrepreneur in terms of taking the risk, rather than putting an extra layer of significant stress on the entrepreneur. That level of pressure is counterproductive in terms of his or her ability to think clearly and to carry out his or her business.

In terms of growth, management skills are an issue. The big problem with management skills is that-----

Acting Chairman (Senator Ned O’Sullivan): Tá noiméad amháin fágtha.

Senator Pádraig Ó Céidigh: Tá brón orm. Tá fadhb mhór ann leis na scileanna bainistíochta. I actually think in Irish and speak in English. Gabh mo leithscéal faoi sin. A big problem with that is that the larger companies - the multinationals - are scooping up all of those people. Our unemployment rate is now 5.8% and it continues to go down. However, it is becoming increasingly difficult for SMEs to attract staff.

One of the major issues facing SMEs is legislation passed in both Houses of the Oireachtas that has unintended consequences for them. Those consequences can be severe. Is it possible that the cause and effect of the unintended business consequences faced by SMEs be considered in the context of all legislation, perhaps on Committee Stage? Sometimes we pass legislation which concerns multinationals but which affects all the SMEs and causes significant issues for them.

I fully endorse what the Minister of State is doing and I fully support the Government in its efforts. It is making a great effort and it is really appreciated. We have to keep it going, and make Ireland the best little country in the world for SMEs.

Senator James Reilly: I welcome the Minister of State. I also welcome his comments about SMEs and the commitment the Government is showing to the sector. As others have said, SMEs are the backbone of our economy. In rural Ireland, they can be the backbone of the community as well. As somebody who believes that the economy is extremely important insofar as it supports society, it is critical that we remind ourselves of that.

Many positive things have been done and all objective barometers speak to the success Ireland has had in reducing unemployment to its current rate of 5.8%. Who would have believed, back in 2011 and 2012, that this would be possible? At that time, unemployment was more than 15%. We can see the recovery occurring. It is a word that can sometimes upset people but it is real and in business we see it. The difficulties emerging now are different, as Senator Ó Céidigh has just pointed out. It is, in fact, about trying to get human resources to work in companies, because as more and more people are at work it becomes more difficult.

I want to mention many of the achievements made through the LEOs, with 15,000 net jobs created, almost 13,000 clients approved for priming grants and 7,500 training programmes with more than 100,000 participants. This is all since 2014. There is also the development of Ireland’s best young entrepreneur, with 1,471 applications in 2017.

I am very pleased the issue of Brexit has been mentioned because it is on many people’s minds. One of the serious considerations with regard to SMEs and the Small Firms Association is the fact many people, because they do not directly export to the UK, were not aware of the fact Brexit would have a huge impact on them because they might be second or third down the line in supplying people who do export. While we have a Department of Agriculture, Food and

19 June 2018

the Marine, agribusiness is also hugely important. We have the Brexit SME scorecard, which the Government introduced to help people measure where they are at, technical assistance for microenterprise and the nationwide roll-out of the Lean for Micro programme, which will make small businesses more efficient and competitive. All of these measures are very welcome.

As Government spokesperson in the Seanad on enterprise, innovation and business, I want to highlight these issues but I do not want to be accused of forgetting what problems remain for us, and there are problems. The Minister of State mentioned the great supports now in place for female entrepreneurship. As Senator Ó Céidigh just pointed out, there are wider Government considerations with regard to helping in this regard, such as childcare costs, broadband and other issues that have an impact on people's ability to strike out on their own and make a career for themselves as self-employed persons.

There are also issues with regard to personal insurance and what the Government seeks to achieve in this regard. This issue was highlighted by my colleague, Senator Butler. Somebody could be an employer of 15 people and if the business goes bust, he or she is left high and dry while all the employees are looked after through social welfare. There are all these anachronisms that we must still address. We have started to address them and I welcome this. As a member of the Oireachtas Joint Committee on Business, Enterprise and Innovation, I am struck by the issues raised by SMEs, the Small Firms Association and others on the challenges of costs of doing business in this country. One of the issues was rates, which I will not go into in any great detail.

Another issue that warrants greater attention is the cost of finance, on which the Government has done a lot in terms of the microfinancing put in place but there is a need for a third force and a different type of bank in the country. I am thinking specifically of Sparkasse banks, which have been here on a number of occasions and have presented to the committees on finance and business, enterprise and innovation. They have invited both committees to see the model in action. They do not seek to own a bank here but want to mentor a similar model. It is an old-style bank that has survived 200 years in Germany, including two world wars, great depressions and everything else. It is a bank that still believes in going down to the customers and walking the land or business with them and understanding their strengths and weaknesses. It is a bank that believes in community and contributes back to the community. We need to progress this and I ask the Minister of State to put to his colleagues that they call upon the Minister for Finance to publish the report sitting on his desk, which has been completed, on the possibility of this community-type banking being put in place here. Small businesses still speak to the fact they pay higher rates here than elsewhere in Europe and they still have difficulty in accessing funds.

The other issue on which I want to spend some time is a presentation by the Alliance for Insurance Reform, a group of more than 200 businesses concerned about the startling rise in the cost of insurance in this country. It has not been just onefold, twofold, or threefold but tenfold in some cases, without any transparency as to how the figure presented to the business person is reached. This cannot be sustained and is a real risk and danger to us if it is not addressed. What I particularly liked about the presentation of the Alliance for Insurance Reform was that it outlined the problems and gave examples and concrete evidence and then gave us the solution to the problem as it saw it. It gave us a number of measures, some of which I agree with and others with which I would have issues. One which makes absolute sense to me, and one over which the Government has control, is the setting up of a Garda insurance fraud unit funded by the insurance industry. This is critical. Another measure it suggested is linking sections 26 and 25 of the Civil Liability and Courts Act 2004 in order that exaggerated and misleading claims are

automatically forwarded to the Garda for investigation and further assessment to bring a sense of consequence to those who engage in this ever-increasing fraud perpetrated on businesses. We watched a series of videos showing it very clearly. If people can try to defraud somebody of money and there is no consequence when it is thrown out of court, they just go and do it again and they get more clever about it. If they were to rob a bank we know what would happen. If they were to be involved in non-payment of their taxes we know what would happen but when it comes to fraud, they need not bat an eyelid or worry about a thing.

The insurance alliance asked for ten measures, but the three I would go after are the Garda fraud squad, linking sections 25 and 26, which are intricately related, and not interfering with the Judiciary but merely to have a clear directive in the law whereby if the book of quantum is exceeded by a judge, he or she must explain why that is. My requests are that we look at and publish the report on banking that is on the desk of the Minister for Finance, that the Minister for Justice and Equality encourages the Garda, which is ready to go with this fraud unit, and that the law be changed with regard to sections 25 and 26 and create that link.

Acting Chairman (Senator Ned O’Sullivan): The Senator went over a bit, but however.

Senator Pádraig Mac Lochlainn: At present, there are more than 250,000 SMEs throughout Ireland. These businesses employ almost 928,000 people and are the engine of the Irish economy. Unfortunately, many SMEs are struggling to grow due to a lack of Government action in specific areas. In particular, the Government’s lack of action on insurance costs, its disregard for the impact on SMEs of hikes in commercial rates and the lack of urgency about Brexit are seriously affecting the prospect of small and medium enterprises.

Ironically, the Government parties of Fine Gael and Fianna Fáil, which is not here, attacked Sinn Féin over the weekend on policies for SMEs without so much as a look at themselves. Perhaps today, the Minister of State will answer how the Government intends to support SMEs, specifically with reference to insurance costs and commercial rates.

Small and medium businesses are being bled dry with outrageous increases in insurance premiums. Real and tangible action by the Department is needed, not more reports and discussions. The CSO recorded an increase of 57% in insurance premiums from 2011 to 2016. This cannot be solely blamed on high payouts for injury costs. Let us be under no illusions. This is about profit and our smaller enterprises are the ones carrying the brunt of this profiteering. The insurance industry occupies a privileged position in our economy due to the legal and necessary requirement of businesses to have various types of insurance. As a result, insurance companies need to accept that extra responsibility and a need for greater transparency come with this privileged lucrative position. We need urgent reform of the way insurance companies operate. Every time this issue is raised, we are told of a new report, consultation, discussion or working group. We do not need any more of this; we need real and tangible action. My colleague, Deputy Maurice Quinlivan, has met the Alliance for Insurance Reform and I am sure that the Minister of State is aware of its work. Can he outline how he plans to address its concerns?

SMEs are also at the mercy of sudden hikes in commercial rates. When will the Government bring forward the long-promised legislation in this area? That legislation must balance the ability of businesses to pay and the need for a sustainable model of funding for our local authorities. My party is hearing stories of businesses experiencing increases in rates of 200% to 300% overnight due to the revaluation process. No explanation as to how these figures are arrived at is being provided to business owners and these rates are proving critical to some

family businesses. We acknowledge and accept the importance of commercial rates to local authorities. It is right and fair that businesses which benefit from local communities give back to them. We know that local authorities provide roads, transport and measures aimed at increasing tourism and footfall which, in turn, are positive for SMEs. However, this first national revaluation in 150 years could not come at a worse time for some businesses just starting to get back on their feet after the recession.

We need to examine the process of how we are doing this revaluation more closely because the current sudden trebling of costs is crippling smaller businesses, while larger businesses remain largely unscathed. It should not be the case that large multinationals on the outskirts of towns are paying minimal rates out of large profits while small, family-owned businesses which happen to be situated on main streets are paying through the roof. The family-owned business is the cornerstone of Irish society and it is being seriously impacted upon by the current commercial rates system. Can the Minister of State indicate how his Department plans to take this feedback on board?

I wish to raise the matter of the low take-up of Brexit business supports. Information provided to Sinn Féin in response to parliamentary questions shows that only a small number of SMEs have so far availed of grants put in place by the Government. The market discovery fund was launched in January with the aim of encouraging companies to expand into new markets but just 33 of these grants have been awarded to date. No data is available regarding the €300 million Brexit loan scheme, while 277 Start to Plan vouchers relating to Brexit have been issued by InterTradeIreland. The Be Prepared grant was launched by Enterprise Ireland in March 2017 and offers funding up to €5,000 to SMEs to help them prepare action plans for Brexit. Despite being launched 15 months ago, just 110 companies have availed of this assistance, accounting for just 2% of Enterprise Ireland's client companies. The Minister of State needs to examine whether red tape or unreasonably strict criteria are preventing SMEs from applying for these State supports or whether the Government is doing enough to raise awareness of these Brexit grants.

My colleague, Senator Gavan, published a paper on the advantages and benefits the co-operative sector could bring to the Irish economy. The co-operative method is very successful across Europe and developing this sector would allow workers to own their businesses. It would act as a counterbalance to the FDI sector, which can be unreliable when economic conditions change. It is important to create that balance, particularly in regional towns and communities. Has the Minister of State any plans to develop this sector and does he recognise the advantages it could have for the Irish economy?

Sinn Féin's enterprise policies aim to support our indigenous sector by tackling insurance costs and reforming the commercial rates system, both of which are currently hampering its growth. We propose to maintain the 12.5% corporation tax rate and we also want to ensure foreign direct investment is spread right across the State to the benefit of all regions. We want to ensure that businesses receive State support in order to prepare for and deal with Brexit, something the current Government is struggling to do given the worryingly low take-up to date of the supports it is providing. Our party has a broad range of enterprise policies that aim to help grow Irish businesses while also ensuring workers are treated fairly.

Senator Maria Byrne: I thank the Minister of State for coming to the House to engage with us on this important issue, which concerns employment and SMEs. As he is aware, I come from a small business background. My family has been involved in business for over 60 years.

The supports being put in place by the Department are to be very much welcomed. Many SMEs struggled for a long time. The fact that there is now co-operation and collaboration between the Department and the SME sector is to be very much welcomed.

I served for 14 years on a local enterprise board. Such boards do great work to support SMEs. The Minister of State referred to female entrepreneurship. I saw a significant amount of work being carried out to encourage females to have the courage to start their own businesses. Incentives were put in place and experienced mentors were provided to some small business start-ups. Networking events were very positive in terms of people learning from one another. Training courses were also provided. Mentoring and collaboration programmes need to be built on and expanded because people from all walks of life can learn from one another, which is very important.

One important term is “encouragement”. It is important that we encourage SMEs to know that they are not alone and to make them aware of the supports which are available. That is evident in the policies brought forward by the Department and the Minister of State. The Living City initiative encourages businesses outside of the Dublin region to expand and invest in their operations. While they may have considered doing so in the past, they may have found it prohibitive because they perhaps felt there were not sufficient tax exemptions or that costs were significant for some of the work which had to be carried out. People could be encouraged to live above business premises, which would raise funds for SMEs to invest in their operations. The expansion of the programme could be considered.

Start-up grants are available. Senator Reilly referred to insurance. Reference was also made to the rates that are set by local authorities. I am not sure that they have increased by 200% or 300%, but in some areas rates have increased while in others things are more balanced. It is not fair to expect SMEs to pay the same amount of rates as larger businesses because some are not able to compete. Some small businesses in parts of rural Ireland have found it very difficult to exist. We should put in place as many incentives as possible for such businesses in order to ensure their survival. After all, they are the heartbeat of many towns and villages. They are the main employers in parts of rural Ireland.

The news that the rate of unemployment is decreasing is a good message to hear. The current rate is just over 5%. This is important for development and shows the rest of Europe that we are open for business and are serious about the message we are sending out. I compliment the Minister of State and the Minister, Deputy Humphreys, for their work on job creation and for portraying a positive image. I would like to see more collaboration and encouragement and a greater expansion of the incentives the Minister of State mentioned for women entrepreneurs. It is disappointing that in 2017 only 28% of start-ups were created by women because many heads of industry are female.

Senator Ned O’Sullivan: I welcome the Minister of State to the House. I also welcome his contribution and those of previous speakers. Some interesting points have been made by previous speakers which, in the main, I agree with. The SME sector is responsible for the creation of 250,000 jobs, which is a high percentage of the total employment pool, and it must be nurtured and cared for. Many hurdles are placed before people in small businesses. I know that from personal experience and the experience of many in my town and county, and throughout the country. The self-employed pay higher income tax and pay related social insurance, PRSI, rates than those they employ, while there are no equivalent social protection supports if their business fails. Senator Reilly made that valid point. It is overlooked that there is little protec-

19 June 2018

tion for the employer and just about adequate protection for the employees. This treatment is crippling small business and low income earning self-employed persons who try to meet their financial responsibilities every week. Their endeavours need to be better rewarded.

My party has consistently supported extending, on a phased and voluntary basis, a full range of social protection supports to self-employed PRSI contributors as part of a commitment to foster an entrepreneurial culture as well as enhancing social solidarity. It is important to note that was part of the arrangement to facilitate the formation of a minority government, which was essential to the continuing stability of the country at a critical time, and my party stepped up to that when many others disappeared. Fianna Fáil extracted policy commitments under the confidence and supply arrangement to support entrepreneurs and the self-employed. We succeeded in getting dental and optical benefits extended to the self-employed while PRSI contributors are eligible to qualify for the invalidity pension scheme. However, the Fine Gael-led Government has failed to meet its commitment under the programme for Government to full equalisation with the PAYE credit by 2018. This needs to be remedied swiftly. Full tax equalisation is a core Fianna Fáil policy which we will continue to campaign on.

The Government also turned a blind eye to successive warnings from the National Competitiveness Council, NCC. Its Cost of Doing Business in Ireland 2017 report is a damning indictment of current competitiveness policy and emphasises Ireland's position as a high-cost location under several cost metrics relating to childcare, property, labour, insurance, transport, energy and business services. Ireland had the fourth highest SME interest rates on bank overdrafts and credit lines in the euro area in 2016 while childcare costs are among the highest in the OECD for couples, and the second highest for persons earning below the average wage. In addition, competitor countries have more attractive tax regimes to entice SME start-ups and scaling up such as the entrepreneur capital gains tax, CGT, regime in the UK.

Many domestic businesses are highly concerned that the UK might leave the EU Single Market and customs union. The Minister must immediately seek approval at EU level for transitional aid measures to safeguard Irish export enterprises and jobs that will be impacted by a hard Brexit. Fianna Fáil has consistently called for an enterprise stabilisation fund and employment support scheme to be made operational and available to the worst affected firms as a policy response to protect from the impact of a hard Brexit. Similar measures were introduced following the 2008 crisis. It is shocking that the Government refused a request by the chief executive of EI before the 2018 budget to create an enterprise stabilisation fund of €40 million. EI received €1.3 million in additional Brexit funding. The level of awareness raising and contingency planning by the Government for a hard Brexit is a matter of concern with only 100 companies applying for EI's €5,000 Be Prepared grant. The SME sector must be supported by every means.

My party remains firmly committed to driving a pro-enterprise agenda to promote our current and future SMEs. The rainy day fund was negotiated into the confidence and supply agreement by Fianna Fáil in the summer economic statement of June 2016. The Government committed to the establishment of such a fund. We have to ensure that when difficult times come again, the first decision of the Government of the day does not have to be to raise taxes or cut spending on vital public services. Despite this, the Taoiseach in his leadership campaign recklessly sought to undermine the rainy day fund and to raid it before it was even created. The fund is a key part of the confidence and supply agreement. As we move towards budget 2019, Fianna Fáil will seek progress on the objectives set out in that agreement to ensure the budget is a progressive one that moves us towards a fairer Ireland.

Deputy Pat Breen: Will Fianna Fáil remove the confidence and supply agreement?

Acting Chairman (Senator Michelle Mulherin): I knew the Senator's heart was not in that contribution.

Senator Anthony Lawlor: I was a member of the Joint Committee on Jobs, Enterprise and Innovation in the previous Dáil. In 2011, we were staring over a precipice. Senator Ned O'Sullivan's contribution was like an election speech. I hope he did not mean it and that the things he promised do not happen. In 2011, small businesses were failing rapidly. The then Government changed the bankruptcy laws reducing the time limit for businesses or people running businesses declared bankrupt from 12 years to three. There is no safety net for people who start their own businesses. Previous speakers have mentioned social welfare. Many people who fail want to try again and we should encourage them to try again. That is why I was delighted that the former Minister for Justice and Equality, Alan Shatter, reduced the bankruptcy limit from 12 years to three, and it has since been further reduced to one year. Most people who have that entrepreneurial spirit want the opportunity to try again if they fail. Previous Administrations failed them in that respect. At least this Administration recognises that entrepreneurs are the driving force of the economy.

SMEs face difficulties getting staff. We are at full employment now and we should not kid one another on that. People talk about a 4% unemployment rate but I recognise 5% or 5.5% as full employment because otherwise labour costs rise as companies compete for the same person. It is a difficult issue and we will have to bring people in from outside to fill this void. We must consider our visa system and how to get bring people in to fill key positions in the economy. It can be difficult particularly for multinationals and small exporters to get staff.

I like the recent links between third level education facilities and businesses. Educational institutions are gearing their programme to what business needs, which is important. We are still falling back, however, on the small manufacturing side by not creating enough apprenticeships. There are approximately 26 apprenticeship schemes in the country.

It takes so long for that model to be set up. If one goes to Germany there are approximately 250 different apprenticeships. We need apprenticeships so that those companies in the manufacturing sector will be able to take on staff. Funding has been mentioned before. *7 o'clock* Banks have a difficulty with lending to entrepreneurs for start-up companies, but there are other sources of funding. When I was on the then Joint Committee on Jobs, Enterprise and Innovation, initiatives on microenterprise and microfinance were introduced. The credit unions are out there. They are an alternative source of funding and they are not being allowed to fund small and medium businesses at the moment. Instead of trying to reinvent the wheel by using the post offices to set up a banking system, let us use the banking system we have, the credit unions. Let us allow them to assist small and medium enterprises wherever possible.

The last point I would make is one I have been harping on for a long time. Young entrepreneurs coming out of college are a real source of positivity in this country. The problem they have is access to funding. The real problem associated with that is that they have no credit rating. Banks will not lend to them and other sources of funding are not available. While the Minister of State has looked at the female side, he might look at young entrepreneurs, whether male or female, who are coming out at 22 or 23 years of age. They have a gift and we should support them as much as possible. Some of the microfinance money could be specifically tar-

geted at young people under 25 who have good ideas.

Senator Michael McDowell: Cuirim fáilte roimh an Aire Stáit chuig an Teach seo. Tré-aslaím le Seanadóir Ó Céidigh as an díospóireacht tábhachtach sin a spreagadh. Ba mhaith liom cúpla focal a rá i dtaobh trí ábhar - costais árachais, rátaí agus Brexit. With regard to insurance costs, it is the case that approximately 14 years ago myself and the then Minister, Mary Harney, when we were both members of Government, tackled the problem of rising insurance costs for employment and for other areas in a fairly radical way with the Personal Injuries Assessment Board and the statutory provisions to which reference was made earlier by Senator James Reilly. It seems that we are sliding backwards. At that stage there was a real problem in that, in addition to employer PRSI, employment insurance premiums were frequently of the order of between 9% and 12% of payroll. This meant that, before one even got to PAYE and all the rest of it, there was a 20% levy on employing people. That was a serious burden for employers to bear. I say this as a lawyer and as somebody who would probably be in a minority within my own profession on this matter, but I really hope the Government is determined to tackle insurance costs. I hope the current investigation being conducted by the former judge, Nicholas Kearns, will bear fruit and that the Government will act on it. We did it 14 years ago. It can be done. It is not inevitable that insurance costs spiral. One only has to get into a taxi in Dublin and talk to the poor driver to hear that taxi drivers find themselves facing annual insurance bills of €2,000, €3,000, €4,000 and sometimes up to €5,000 to put their taxis on the road.

The second thing I want to say relates to rates. Rates are a huge imposition on those small and medium enterprises that cannot work on a virtual basis from homes or wherever else. Anybody who has to establish an office, a shop, a plant or a factory has to pay rates. There is one thing I want to say here. I am not suggesting that this should be the case but we, as a society, should ask ourselves whether it is fair that somebody in Senator Lawlor's constituency who tries to establish a small business in Naas should pay rates for a small office, shop or factory while somebody outside the town with a very large farm, 600 or 800 acres for example, and with huge farm buildings and many other buildings on his land pays nothing towards the cost of local government in his area. It is just a thought. It is not a very popular thought and I can imagine it is a lead balloon politically but I wonder, if rural Ireland is to prosper, is it fair that those who attempt to establish businesses in towns in Ireland - and I am thinking of Boyle in County Roscommon which has suffered such trauma since the financial crisis - pay a huge rates bill while people around them are running large enterprises which equally depend on local authority spending?

With regard to Brexit, there is one point that has been troubling me more and more. Is the United Kingdom to be bound by state aid rules after Brexit or are we on the island of Ireland to be in a situation in which we are bound by European rules about not aiding enterprise while the United Kingdom Government is free to subsidise businesses across the Border which compete with ours? That is an issue I have not heard much about in the whole Brexit debate. Are the rules against state aid to be made equal on either side of the Border? Those are my few thoughts on this important debate.

Acting Chairman (Senator John O'Mahony): Senator Mulherin has five minutes but she has to finish up by 7.10 p.m. because the Minister of State has six minutes.

Senator Michelle Mulherin: I think it is 7.11 p.m. I was there not long ago. It says 7.11 p.m. up there.

Acting Chairman (Senator John O'Mahony): Okay.

Senator Pádraig Mac Lochlainn: That is Mayo Fine Gael haggling.

Senator Michelle Mulherin: This is a vast topic because small and medium enterprises are so critical to our economy. I want to focus on the small independent trader. We know that all businesses will be affected by Brexit. Some will be affected to greater degrees and some to lesser, but it cannot but have an impact when it involves trade. We need to have a renewed initiative in respect of our local rural market towns and villages. Boyle has been mentioned. I can give the Minister of State a list the length of my arm of such places in Mayo, Roscommon and Galway. Towns that were once vibrant no longer are. One walks up the main street and sees that retail is in difficulty. A shop on the main street is charged rates on the same basis as an out-of-town multiple retailer, yet there is no comparison. One even controls the price of commodities. We have farmers complaining about how they set the prices for vegetables, milk and other produce. They are not the same animal at all.

We also have those shops competing with online retail and other services, yet the shops have to pay the rates. Their existence on the high street enhances its visual amenity. The owners are painting the shops. There is activity going on. There is life and vibrancy and yet, in a way, they are being penalised in a way that online business is not. We have to come up with a formula or we will not see independent traders on the high street. They will be gone because they cannot afford to compete unless they are highly specialised or in highly unusual situations.

I very much welcome the initiatives of my county colleague, the Minister, Deputy Ring. I welcome Project Ireland 2040 and the funding of €2 billion for towns with populations of more than 10,000 and €1 billion for those with populations less than 10,000. We need more than projects however. We need to really drill down and get to grips with the individual businesses - the shops, the restaurants and the pubs - that are struggling to survive. We must come up with a formula that will treat such businesses differently from larger ones and I am sure that we can arrive at a definition to also protect the core of towns. Very often it is as easy to get planning permission for a shop located on the outskirts of a town as it is for one in the middle of a town. That does not sound like good town planning to me. We must preserve our heritage because many old market towns and villages have many properties of fine heritage and architectural value.

Finally, I must address the cost of insurance. A cost of insurance working group was set up and it made recommendations. Last week, a representative organisation made itself available for consultation in the AV room but, unfortunately, the meeting was of no help whatsoever to the organisation. Businesses have been cited, and black and white examples offered. They have gone out of business due to insurance costs, fraudulent claims and all of the rest. A list has been compiled of what needs to be done. We must tackle the issue. There are many issues with insurance but we should definitely not tolerate fraud. We need to establish a Garda bureau that is dedicated to investigating insurance claims. A great deal of evidence seems to be available. A lot of evidence in the form of CCTV footage has been shown to us but, notwithstanding that, there have been no prosecutions. There are many ways to approach this issue. One thing that is for sure is we must tackle the issue or businesses will continue to go out of business. These are the businesses that sponsor local football teams and the business owners who run community festivals. They are the people who ensure money is kept in local economies and they need support. One can have full employment in rural Ireland but that is no good if towns are so quiet that tumbleweeds could roll down the roads due to a lack of shops being open, no one lives in

19 June 2018

the houses and people are totally depressed. We have to get the correct policy to solve the issue and we are not there yet.

Acting Chairman (Senator John O'Mahony): The Minister of State has four minutes to conclude.

Senator Kieran O'Donnell: I had my name down for speaking.

Acting Chairman (Senator John O'Mahony): I am sorry Senator but we have to conclude because we are out of time.

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): It was a pleasure for me to attend this evening to hear the statements on micro and small and medium enterprises. I thank all of the Senators for their contributions. Some Senators made positive contributions while others expressed genuine concerns about SMEs. Without doubt, SMEs are very important to every public representative whether one lives in an urban or rural constituency. In fact, in many rural areas SMEs are the only form of employment. That is why it is extremely important for us, as a Government, to ensure that we protect small and medium enterprises.

Insurance issues and rates have dominated this discussion. Senators have expressed their genuine concerns here and these issues are a concern for the Government. The cost of doing business for any small business is extremely important if it wishes to remain viable. In the first instance, rates are an issue for local government. On another day we could have a wider discussion on how local government is funded.

I have taken on board the issues raised about the cost of insurance. Of course, we must tackle the issue. The Minister of State at the Department of Finance, Deputy D'Arcy, is tackling it at the moment. The Senators' contributions dealt primarily with the cost of motor insurance. Senator McDowell raised the issue of the cost of motor insurance. That is a huge issue even for a small business that has a company car. We must seriously examine the compensation culture that exists in this country. We must also ensure that we have a good database on claims. Last year, the cost of insurance report was published and the group concerned has done a lot about this matter. Moreover, although some may not agree with me, the cost of insurance has decreased in certain cases and in many instances. However, insurance costs remain very high and pose a problem for many companies. We know that insurance companies would rather pay out than go to court due to the claims that have been made in the past. It is extremely important that we tackle fraud. I assure Senators that all of these issues form part of the process in which we are engaging at the moment. To be frank, there is no easy solution and the cost of insurance is an issue in every country.

Senator Mulherin raised issues related to small rural villages and towns, with which we are all familiar. We all want broadband, including those in the retail sector. If every rural community has broadband then there will be greater access to the Internet. Young people nowadays tend to do a lot of their business online. Without doubt, the problem with broadband affects the retail sector. People shop differently now and use the Internet. An Post and some of the package delivery companies can point clearly to the amount of business being done online through Amazon and many other online stores. In fact, some people say that more parcels than cards are delivered by post at Christmas time. Broadband is an issue and brings its own negativity. At the same time, particularly for retail and downtown stores, people are considering different

approaches. The Government could put all of the incentives it likes in place but in the end it is up to consumers to decide which way they want to shop. If they choose to shop with their feet, that is fine but many of them shop with their fingers.

I feel privileged to be here with the Senators this evening. I want to restate the importance of the strategies. The Government will work hard to ensure that strategies, policies and programmes are put in place to meet the demand for SMEs and entrepreneurs.

The Department of Business, Enterprise and Innovation is engaged with the OECD on a review for a roadmap for SMEs in the future to be published in 2019.

I want to talk about the assistance that we give agencies. It is important that we resource Enterprise Ireland, the local enterprise offices and IDA Ireland. In 2016, when I became a Minister of State, the local enterprise offices had a budget of €18 million. Last year, I increased the budget by €4 million, which meant there was a total budget of €22 million for SMEs. At the moment, my Department and I are preparing for budget 2019. I was delighted to hear Senator Ned O'Sullivan talk about budget 2019. It is reassuring to know that we are sticking to our target, particularly on the rainy day fund. The Minister has released the summer economic statement this evening.

The world is rapidly changing and we must adapt. Our small businesses are a good news story. Our unemployment rate, which is 5.8% and falling, speaks for itself. Most experts believe that we will have an unemployment rate of 5% before the end of the year, which brings its own challenge in terms of critical infrastructure. Last week, I visited Prague and the unemployment rate in that country is 2.6%.

Many Senators have spoken about the shortage of skills. I refer in particular to the shortage of labour skills in the agricultural sectors. We are making changes, particularly in terms of work permits. We hope to also increase the number of visas.

I could continue talking for another ten or 15 minutes. However, I shall conclude by thanking all of the Senators for their contributions. Let us hope that we can have this debate again in the future. I urge Senators to think positively and not to think negatively all of the time because there are good things happening for small businesses. There are better things to come from my Department as well.

Data Sharing and Governance Bill 2018: Order for Second Stage

Bill entitled an Act to provide for the regulation of the sharing of information, including personal data, between public bodies; to provide for the regulation of the management of information by public bodies; to provide for the establishment of base registries; to provide for the collection of public service information; to establish the Data Governance Board; and to provide for related matters.

Senator Jerry Buttimer: I move: "That Second Stage be taken today."

Question put and agreed to.

Data Sharing and Governance Bill 2018: Second Stage

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

Minister of State at the Department of Finance (Deputy Patrick O’Donovan): I thank the House for the opportunity to move this Bill. I am pleased to be here to introduce the Data Sharing and Governance Bill 2018 in Seanad Éireann. This Bill proposes a series of reforms to the way government shares data in order to improve public services as well as measures to improve the safe handling of that data by bringing consistency and improved safeguards to the way it is managed. I look forward to hearing the contributions from Members of this House and I hope they will support this Bill. Officials from the Department of Public Expenditure and Reform are encouraging engagement with all Senators who have any concerns or questions on the Bill or who require clarification on any points of the Bill in coming days or weeks.

This legislation is just one part of our ambitious programme of reform for the digitalisation of public services and the use of data. The eGovernment strategy 2017 to 2020 sets out a vision of a Government using data and digital technology to increase efficiency and effectiveness and constantly improving public services. The actions in Our Public Service 2020, the new framework for development and innovation in the public service, provide for a more integrated, shared and digital environment to enhance the delivery and evaluation of public services.

It is imperative that the Government delivers on its commitments in this area. We now live in a digital economy and a digital society, and data is its lifeblood. Since the turn of the millennium, the way we go about our daily business has been changed fundamentally by digital technology. We get our news from online newspapers and journals. We also get news from the press; I would not want them to feel upset they were not mentioned. We bank and shop over the Internet. We share our lives on social media. Government must keep pace with public expectations regarding how people should be able to access services and with the availability of new technology. Achieving this objective requires modern laws on the use of data in public services to protect and use the information that enables us to deliver these services to the public.

Data sharing is currently carried out extensively across the public service under the existing legal framework. Indeed, it would not be possible to deliver many services effectively without this sharing taking place in the background. For example: details of birth registrations are forwarded by the General Register Office to the Department of Employment Affairs and Social Protection to automatically generate child benefit claims on behalf of parents; Student Universal Support Ireland, SUSI, shares data with the Department of Education and Skills, the Department of Employment Affairs and Social Protection, and the Revenue Commissioners to streamline the processing of student grant applications, reducing the need for applicants to provide documents; and the Department of Employment Affairs and Social Protection forwards the details of people who are about to turn 100 years of age to the Office of President so that the President may send them a congratulatory letter and the centenarian bounty of €2,450.

These are three simple examples of how data sharing benefits the public. However, those who deliver public services often face problems gaining access to information already held by other public bodies. Data protection law requires that data sharing needs an explicit legal basis. The examples of data sharing I have just given are made lawful by the specific sectoral Acts of the bodies concerned. Access to the legislative schedule is limited and, as a result, the process of obtaining the required powers to share data can be painstakingly slow for public bodies.

Furthermore, the reliance on sectoral legislation as a basis for sharing data has resulted in a set of data sharing laws that have grown piecemeal over time to respond to specific policy

needs. This patchwork of laws is complex and not very transparent to the public.

There is, therefore, a clear need to update our legislative regime to provide for a flexible legislative gateway that will simplify the complex legal landscape that currently slows the pace of our efforts to modernise and improve the services we provide to people and businesses. We also need to allow for data sharing to be carried out in a systematic, consistent and transparent way so that the public can be confident that their data is being used for the right purposes and remains securely held.

When data is used effectively everyone benefits from better services that can be delivered more responsively and efficiently at a lower cost to taxpayers. The public also has a strong expectation that their data will be used responsibly, proportionately and securely in a manner that respects their privacy and upholds their data protection rights. As the volume of data and our capacity to deliver digital services grows, the opportunities to improve services increases, but so too must the governance and safeguards we have in place to keep people's data safe.

This House will be aware of the EU's general data protection regulation, GDPR, which came into effect on 25 May. The work of this House this year included the passage of the Data Protection Act 2018, which gave effect to the GDPR and the EU directive on the processing of personal data for law enforcement purposes. The GDPR and the Data Protection Act represent a very significant reform of the data protection regime to keep pace with the many technological advances and new business models that have emerged in recent years. The GDPR strengthens the public's control over their personal data and the purposes for which it may be used.

A key principle underpinning the development of this legislation has been that the Bill should not weaken the protections afforded by data protection law, including the GDPR. Therefore, as well as providing a clear legislative gateway for public bodies to share data, this legislation must also provide a framework for public bodies to share data in a manner that is compatible with the requirements of the GDPR, in particular that bodies must be transparent with the public about exactly what data is to be shared and for what purpose.

In this regard, I would like to take the opportunity to thank the Members of this House who undertook the pre-legislative scrutiny work in their capacity as members of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach. The committee's report made many useful recommendations which we have tried to address as much as possible during the drafting process. A clear theme that emerged from these recommendations is that the committee was concerned not only about the risks to people's data protection rights arising from the sharing of data but also from the misuse and mismanagement of data by public bodies generally.

I share these concerns and this is why this legislation is on the one hand a data sharing Bill but on the other hand is also a data governance Bill. The scope of the governance provisions in this Bill go beyond just regulating how we share data and into strengthening how the public service manages its data in respect of how data is collected and processed, how data is kept secure and how access to data is controlled, monitored and logged. The guidance, concerns and contributions of the committee underpinned the governance structures which are proposed in the Bill and I thank the Members for that.

Introducing greater consistency across the public service in how data is collected, managed and stored will also support our ambitions to build a national data infrastructure underpinned by a set of common identifiers for people, places and businesses.

Many of these governance provisions have been added to the Bill since the pre-legislative scrutiny and I believe they go a long way to addressing the concerns raised by the committee. I believe that these provisions will give people greater confidence that data concerning them is being held, processed and shared in a responsible manner and in compliance with data protection law.

I will now outline to the House the main provisions of the Bill. The purpose of this Bill is to provide for the following: regulation of the sharing of information, including personal data, between public bodies; the regulation of the management of information by public bodies; the establishment of base registries; the collection of public service information; to establish a data governance board; and to provide for related matters.

The Bill comprises the following Parts. Part 1, comprising sections 1 to 4, inclusive, contains a number of standard legislative provisions concerning the Short Title, commencement, orders and regulations and expenses. Part 2, comprising sections 5 to 11, inclusive, provides that the Bill shall not affect the operation of the GDPR and also sets out how it will interact with certain existing sectoral legislative provisions concerning data sharing. This Part also defines the term “public body” for the purposes of the Bill. It is my intention that the Bill should apply to the widest possible number of public bodies and so the definition encompasses, among others, the Civil Service, local authorities, the HSE, An Garda Síochána, the Defence Forces and the non-commercial State agencies. A list of bodies excluded from the Bill - mainly the commercial semi-State bodies - is set out in the Schedule.

Part 3, comprising sections 12 and 13, sets out the conditions under which public bodies may share personal data using this Bill. It provides that public bodies may share data only for the purpose of the performance of one or more of their lawful functions and only for one or more of the following purposes: to verify the identity of a person where a public body is providing a service to that person; to identify and correct erroneous information held by a public body; to support the once-only principle, namely, that persons should not have to provide the same information multiple times to different public bodies; to establish the entitlement of a person to the provision of a public service; to facilitate the administration, supervision and control of a service, programme or policy; to facilitate the improvement or targeting of a service, programme or policy; to enable the evaluation, oversight or review of a service, programme or policy; and to facilitate an organisational study of a public body. This part also provides that public bodies must comply with regulations and orders made by the Minister under Part 9 of the Bill concerning proper data management and that data sharing be carried out in accordance with a data-sharing agreement. It also gives the Minister the power to direct two or more public bodies to share data, subject to the provisions of the Bill.

The provisions contained in Part 4, comprising sections 14 to 21, inclusive, oblige public bodies to enter into a formal data-sharing agreement before sharing data. This part also specifies what information should, at a minimum, be included in a data-sharing agreement. Among other things, public bodies must be explicit in these agreements about the purpose of the data sharing, what data will be shared and how the data will be further processed and kept secure in accordance with the principles of data protection.

Part 5, comprising sections 22 to 31, inclusive, gives the Minister for Public Expenditure and Reform, or another Minister of the Government, where he or she has responsibilities in this area, the power to collect and process specified information regarding public servants arising from their membership of a public service pension scheme. This is a very important part of the

Bill as it allows us to properly administer the schemes. The information includes provisions for the administration of pension scheme benefits for beneficiaries earned over a public servant's entire career in the public service. It provides the basis for the establishment of a centralised pension system to support the long-term administration of the single public service pension scheme. It also provides for the Minister for Public Expenditure and Reform to collect and analyse information on the number of public servants employed and on expenditure on pay and pensions, including the carrying out of actuarial evaluations, to inform public service expenditure estimates and support public service resource planning and policy development.

Part 6, comprising sections 32 to 35, inclusive, gives the Minister for Public Expenditure and Reform the power to issue a unique business identifier number, UBIN, for the purpose of uniquely identifying any undertaking that has a transaction with a public body. It also specifies a set of business information that can be shared between public bodies in the performance of their functions. This UBIN and business information dataset will assist in building the business data element of the national data infrastructure.

Part 7, comprising sections 36 to 42, inclusive, gives the Minister for Public Expenditure and Reform the power to designate a database owned by a public body as a base registry to act as an authoritative source in respect of basic information that is frequently used by public bodies in the performance of their functions. It obliges base registry holders to keep this information up to date, accurate and complete and to make this information available to other public bodies for lawful purposes. It also obliges public bodies to use the information on a base register rather than collecting it directly from the data subject.

The intention of Part 8, which comprises sections 43 and 44, is to facilitate the creation of a portal to make it easier for members of the public to exercise their access rights under the GDPR to see what information public bodies hold about them and the purposes for which the information is collected and processed. A provision to enable the development of such a portal was one of the key recommendations of the pre-legislative scrutiny report.

Part 9 of the Bill, which is split into three chapters and comprises sections 45 to 68, inclusive, provides for better governance in the management of all data held and processed under this Bill or under another enactment by public bodies and will help public bodies to comply with their obligations under the GDPR.

Many of the provisions here have been influenced by the recommendations in the pre-legislative scrutiny report on the Bill. I acknowledge the contributions of the participants in that regard.

Chapter 1, comprising sections 45 to 52, provides for the Minister for Public Expenditure and Reform to appoint a data governance board to advise on the operation of this Bill.

Chapter 2, comprising sections 53 to 62, sets out the process for enhancing transparency regarding data sharing and for advance scrutiny of any proposals for data sharing between public bodies, as follows. Public bodies will be required to publish an advance draft of any proposed data-sharing agreement and invite the public to comment on the proposal. The draft data-sharing agreement, along with a summary data protection impact assessment, if one has been carried out, as well as any comments received during the consultation will then be submitted to the board for consideration. The board may issue a set of recommendations in respect of the draft data-sharing agreement, which the public bodies shall incorporate into the final agree-

ment before signing. The signed data-sharing agreement shall be submitted to the Minister for Public Expenditure and Reform and laid before both Houses of the Oireachtas. The Minister for Public Expenditure and Reform shall publish the signed data-sharing agreement along with the summary data impact assessment and any recommendations made by the board.

Chapter 3, comprising sections 63 to 68, gives the Minister for Public Expenditure and Reform the power to prescribe binding rules, procedures and standards for the management of data across the public service; issue guidelines for management of data across the public service; and prepare model data-sharing agreements that public bodies shall use as the basis for any data-sharing agreements into which they may enter.

Part 10, comprising sections 69 to 72, inclusive, includes a number of miscellaneous provisions, including giving the Minister for Public Expenditure and Reform the power to prescribe certain documents that public bodies should not collect directly from a person but should instead avail of data sharing in order to avoid unnecessary requests for documents; direct public bodies to collect information in a format specified in the direction; and direct public bodies to provide information in regard to all data-sharing arrangements being carried out under this Bill or any other enactment.

Data are the key to sound decision-making and efficient operations for all organisations. Proportionate, secure and well-governed sharing of data between public bodies will deliver very substantial benefits. Citizens and business can receive better services. Public bodies can operate more effectively and efficiently together. Better access to, and usage of, data can help us make better-informed decisions as to how and where we can spend the public's money to make the most impact and achieve the best possible outcomes for our people.

The very nature of the subject matter of this Bill means that it does contain a number of quite technical provisions. In this regard, my officials and those in the Department of Public Expenditure of Reform are available to assist any Member who requires clarification regarding any of the technical aspects of this legislation, if required. I reiterate my thanks to the Members of both Houses who worked on the pre-legislative scrutiny report on this Bill, which has greatly influenced its development in the Department. I thank the various stakeholders who have contributed to the development of this Bill, including those who took the time to make submissions to the public consultation when the general scheme of the Bill was being developed and those who attended the pre-legislative scrutiny hearings at the committee. Their input has also provided great help in the preparation of this Bill. I thank the Senators for their attention and I look forward to their contributions this evening. I commend this Bill to the House.

Senator Gerry Horkan: I thank the Minister of State, Deputy O'Donovan, for his very comprehensive opening statement, amounting to all of 18 minutes. I appreciate the detail in his opening speech.

I welcome the opportunity to speak on the Bill this afternoon. Fianna Fáil supports it. With the exception of Senator Higgins and the Acting Chairman, all four Members in the Chamber are members of the finance committee. We considered the Bill for a long time and met various stakeholders, civil servants and others involved in the process. Senator Conway-Walsh, Senator Paddy Burke and I, and our parties, are supportive of the concept of data sharing in government once there are suitable and appropriate controls in place to ensure people do not abuse the idea. It makes an awful lot of sense. As ordinary members of the public, we have all availed of taxation services online and paid for motor tax online. It is a fantastic resource. All the data are

there already and are available. Different Departments can share information, as can the local authorities, the Revenue Commissioners, the Department of Health, the HSE and other people. It is important that all the data stack up, make sense and communicate with each other. Equally, it is important not to have situations such as when a certain individual won €170 million in the EuroMillions lottery and suddenly 67 or 68 people in the Revenue Commissioners took a look at her accounts to see what she was up to. I am not suggesting this Bill has anything to do with that. I believe that person was from the Minister of State's constituency.

Deputy Patrick O'Donovan: It was the city.

Senator Gerry Horkan: Well, it was the county and I am sure the Minister of State is not so parochial that he would not involve the city in his deliberations. It is important to have appropriate safeguards. Equally, as the Minister of State mentioned, there are audit trails in place to ensure that people are safe and that if people move into an area, their neighbours, people who work in the Civil Service or the Revenue Commissioners or whoever else, are not looking at their information purely for frivolous matters or because they wish to.

It is important that data sharing exists and that the laws are there to ensure that we comply with both national and EU law. I will not go over the Minister of State's comprehensive speech on every section of the Bill but we must ensure that people are only getting involved with the lawful functions or sections and they are doing so to verify identity and identify erroneous information. There is a portal so people can see what is available and correct their own information. The Minister has significant powers under the Bill and we do not oppose that, but it is important that the sections of the Bill provide for appropriate data sharing and governance. We want a legal framework for the holding and sharing of data by public bodies and we want data more widely and fairly shared, but we must ensure there is enough cybersecurity. I have spoken on this previously on behalf of my colleague, Senator Clifford-Lee, in terms of cybersecurity in the Garda Síochána. We must ensure there are no issues with cybersecurity. That security must be ramped up to ensure the citizens' data are intact in the various Departments and are protected in a shared portal.

I commend the Bill. We had at least two sessions on it in the finance committee, which involved Senator Paddy Burke and Senator Conway-Walsh. I am the only one here who is not from Mayo and I apologise for that. Senator O'Mahony, the Acting Chairman, is also from Mayo. It is like Mayo on tour.

Acting Chairman (Senator John O'Mahony): You have Mayo roots.

Senator Gerry Horkan: I do, and thank you for pointing that out. They are on both sides of my family.

Senator Paddy Burke: The Senator has roots in Mayo.

Senator Gerry Horkan: I thank Senator Paddy Burke for acknowledging it too. The roots are on both sides, in Ballina and Swinford. Senator Higgins is from the west of Ireland-----

Senator Alice-Mary Higgins: The Galway-Mayo border.

Senator Gerry Horkan: -----and I have a third grandparent from Roscommon to keep Senator Higgins happy as well. I cannot do Galway, but I have done my best.

In conclusion, this is welcome legislation and I commend the Minister of State for bring-

ing it to the House. We have had a detailed debate on it both in the Seanad and in the finance committee, in which three of the four Members present were involved, so I will not delay the House further.

Senator Paddy Burke: I welcome the Minister of State, Deputy O'Donovan, and I welcome the legislation, which is long overdue. It is a very sensible legislative measure. It is a complicated, technical and long Bill. As Senator Horkan said, we discussed it during the pre-legislative meetings of the finance committee. On Committee Stage we will be able to tease out the main sections of the Bill and discuss any amendments that could improve it. The Minister of State might also bring forward amendments to the Bill on that Stage.

It is not before time that the Bill was introduced. For far too long we have seen people who go into hospital having to fill out a form every time they go there. Hopefully, the Bill will deal with that. It sets out a series of important governance measures to ensure that personal data are shared by public bodies in a lawful, proportionate and transparent manner in accordance with national and EU data protection law, including the new general data protection regulation. Aside from the sharing of data, the Bill sets out how the public service manages its data in respect of how data are collected and processed, how data are kept secure and how access to data is controlled, monitored and logged. Keeping all this data will be an important job. A base register owner will be put in place. This will be very important. What happens if the information is not accurate? Will there be sanctions if it is not accurate, given that there could well be a situation where a medical card might not be processed properly or a pension or college grant could be lost? The base register owner to be established under this legislation will be very important.

This legislation will be important to ensure there is no duplication and that data will be shared and controlled. We welcome that. We had quite a good debate on the measure at the pre-legislative committee meetings. I welcome the Bill and I look forward to going through it in more detail on Committee Stage. It will be important and positive legislation in the future. It brings all the information together under one roof, one could say. How the data are processed, dealt with and stored is important with regard to the sharing of the data.

Senator Rose Conway-Walsh: I thank the Minister of State for coming to the House. As Members have said, we dealt with the pre-legislative scrutiny of this Bill in the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach. The committee asked for the Bill to be published as soon as possible, so I welcome its introduction in the Seanad.

While the Data Protection Bill 2018 has been passed, this Bill deals with the data implications for citizens' interactions with the State. The Minister of State stressed the increased amount of State services being carried out online, so it is welcome that there will be clear guidelines for how the State agencies share personal data. In Our Public Service 2020 there is major emphasis on eGovernment and more services going online. Is the Minister of State's Department in contact with the Minister for Communications, Climate Action and Environment to ensure that with more services going online people will have access to high speed, regular broadband to avoid a situation of being excluded? Online services are no use to people if vast areas of the State still have no reliable access to high speed broadband.

In section 17 there is a reference to data sharing arrangements. Will the details of these arrangements be available to the public and will they be subject to freedom of information requests? Earlier this year in the finance committee I raised Brexit and the fact that some State services such as JobPath were tendered to companies based in a jurisdiction that might be out

of the EU in the future. Can the Minister of State give any guarantees that all companies, domestic, EU and foreign, will be subject to the provisions in the Bill? Is there any provision in the Bill for the logging of data sharing, which the Minister addressed in his speech? Should an audit have to take place it is important that there is a record of what data were shared and for what reason. I welcome the proposal in the Bill that there be a citizens' portal where people can check what data belonging to them have been shared between agencies. A rationale must also be provided for why the data were shared. If one State agency asks another to pass data on to it, there should be an express reason for that which is understandable to the citizen. This is a very complex subject but we need to address it in an accessible and understandable way such that people can feel confident about the quality of data that is being shared and who is sharing it.

Senator Alice-Mary Higgins: I thank the Minister of State for his attendance. I welcome the opportunity to contribute to the debate on the Bill. Although it is important to recognise that very important work needs to be done in terms of clarity and governance, my colleague, Senator Conway-Walsh, touched on the question of rationale, which is crucially important because the test of necessity and proportionality is the overarching fundamental concern in all data sharing. The Minister of State correctly recognised that one can establish a legal basis for the sharing of data. No matter what legislative and legal arrangements are put in place, the over-riding test of necessity and proportionality still applies and the rationale is that that must be present. Although we may wish to make our systems more effective and efficient, and it is appropriate to recognise that, it is important that we do not compromise on security or appropriate safeguards. In that regard, there are some concerns with the Bill. Legislation such as the Data Protection Act 2018 and the implementation of the general data protection regulation, GDPR, demonstrate an increasing focus on the area of data governance. What some may regard as painstaking measures are increasingly seen as appropriate and important safeguards.

The Bill sets forward some constructive proposals in terms of a framework on data governance but it also seems to carve out quite a wide set of circumstances and exemptions under which data sharing may be allowed. I recognise and welcome the work done by the finance committee in terms of pre-legislative scrutiny of the Bill and I am sure the Minister of State will take that on board as he brings the Bill forward, perhaps through amendments and working with all parties. However, there was a significant amount of debate on many of these issues previously, such as on a similar Bill in 2014 in which serious concerns were addressed by actors including the Data Protection Commissioner. I am concerned that issues raised in 2014 may not have been adequately addressed. That must be done for such issues and for concerns raised during pre-legislative scrutiny.

There are concerns in regard to the compatibility of the Bill with EU law and the Data Protection Act 2018. An example thereof is that section 5 of the Bill provides that section 38 of the Data Protection Act would not apply to data sharing between public bodies. Section 38 of the Data Protection Act, which was passed by these Houses, requires consultation with the Data Protection Commission and that the test of necessity and proportionality apply. It would be of concern were those very appropriate and reasonable safeguards to be removed for a very wide range of public bodies.

It is also of concern that, as the Minister of State stated, the definition of "public bodies" is extremely wide. Senator Conway-Walsh also touched on that issue. In many cases, it may involve companies which are subject to public procurement or other contracts. There are also concerns that the definition of "public body" in the Bill is different to that in the Data Protection Act and on the importance of ensuring a level of compatibility in that regard. The other concern

is in respect of private companies, their role and accountability and whether private companies or voluntary bodies which receive funds from the State come under the public body definition. There is some concern and possibly a need for clarity in that area.

Another concern is in regard to the definition of data sharing put forward in section 8, which may not give enough clarity in terms of different types and volumes of data. Under the GDPR, it is usually quite clear that different types of data and sharing require different types of regulation. I am concerned that the Bill does not clearly allow for those differences.

I note a tension between two sections of the Bill. Section 12 provides clarity that special categories of personal data would not be affected by the Bill, and that was also the position put forward in the address of the Minister of State. However, section 6 of the Bill addresses the personal public service number, PPSN, and the public service data set, although I acknowledge it limits it to specified bodies. Of course, that data set includes biometric photographs, which are special categories of personal data under the GDPR.

Section 11 provides for several exclusions to the data sharing regulation in regard to the security of the State. That seems quite different from Part 5 of the Data Protection Act, which deals with personal data for law enforcement purposes. There is an inconsistency in that respect, in particular in regard to a clause in section 12(a)(ii)(III) which permits bodies to share data in certain circumstances. That is crucial and it is my key point.

Do I have much time remaining? I have other issues to raise.

Acting Chairman (Senator Gerry Horkan): The Senator has two minutes remaining.

Senator Alice-Mary Higgins: There is some concern in regard to the base register of the lead agency and the data controller, and the intersection between the two. I mentioned section 12(a), whereby bodies can share data in order to avoid administrative or financial burden. That is at odds with the 2014 European Court of Justice ruling on a case taken by Google Spain. It stated that financial burden is not a sufficient rationale to avoid data protection adherence. I have a concern in regard to the quoting of the “once only” principle because that seems an extraordinarily wide get-out clause. Being able to share data based on the fact that one does not want to have to look for it again makes for a very wide category. That rationale would then always apply and we would lose the consideration of necessity and proportionality and consent being sought. I am concerned that public bodies may be discouraged from seeking consent in situations where it would be appropriate to so do.

A minimum time period should be specified in section 55 in regard to public consultations,.

I welcome the proposals in respect of the data portal and ask for clarification on whether all data requests processing and data breaches will be available for persons to view through that data portal.

I also have concerns on section 64 but I have no doubt that I will have an opportunity to discuss them with the officials and the Minister of State before Committee Stage.

Minister of State at the Department of Finance (Deputy Patrick O’Donovan): I thank the Acting Chairman and Senators for their contributions. I welcome that there has been such engagement on the Bill from the Members of the House, who are obviously very up to speed with its contents.

I am very anxious to attend to the personal portal mentioned by Senator Higgins. The Tallinn Declaration, which I signed on behalf of the Government a number of months ago, is the EU response to how data sharing in public bodies should proceed. As part of that process, I engaged with our counterparts in Estonia on the concept of the portal. The portal is very important because it gives people an opportunity to see for what purpose the Government of Ireland, its agencies, Departments and public bodies are looking at their data and whether there is anything they can do about that. Legislation is needed to establish a portal of that nature and that is dealt with by a provision of the Bill.

Another very important provision of the Bill relates to situations such as that of a person who worked for Fáilte Ireland, the Shannon Foynes Port Company, Limerick County Council and the Department of Culture, Heritage and the Gaeltacht and then became a teacher and accrued pension entitlements in each public body. Although such information can currently be shared, that is done without legal basis. There is a tangible financial element in regard to public servants whose information may need to be transferred. That is currently being done in a fog because of the absence of legislation.

The Acting Chairman welcomed the Bill and I thank him for that. Senator Paddy Burke referred to the amount of work that had been done in terms of pre-legislative scrutiny.

Senator Conway-Walsh was absolutely correct. I was very anxious that I would introduce the Bill in the Seanad as opposed to the other House for a number of reasons and I discussed it with the Leader, Senator Buttimer. I felt we would probably get a bit more time here
8 o'clock on Committee Stage and that we might be able to tease out some of the elements to which Senator Higgins and Senator Conway-Walsh referred. I reiterate that this Bill is specific to public bodies, which are defined under section 9 of the Bill. Section 9(4) states that in the future, if a public body is not established today but is established in the future, the Minister for Public Expenditure and Reform at the time and the line Minister with responsibility for that public body can prescribe that the conditions of this Bill would apply to that public body. That is important because the definition of a public body is not restrictive. The Schedule relates to the commercial elements of some of our semi-State companies - the Central Bank, for obvious reasons, and the Defence Forces, for very obvious reasons as we do not want the security of the State being compromised and so on.

As to whether it will be subject to freedom of information, I have an open mind on that and we can discuss that again on Committee Stage. I am a big fan of the Freedom of Information Act and if this is something that can improve the Bill, it is something at which we can look together.

We spent an awful lot of time in the Department discussing governance and part of the delay is probably down to me because, as a former member of the Committee of Public Accounts, governance is something I really value. On the type of board we are going to introduce in the Bill, I want it to be robust to ensure that when the data-sharing agreements are brought before the board, it can really challenge them and see the robustness of the agreements. Ultimately, these are agreements between public body A and public body B, with public body A being the database registry owner and B being the user. They have to be strong and robust and there is a requirement for a good governance board to assess that capability. As well as that, the board will have to have competence in regard to assessing what the public submits by way of consultation, which is very important. On exemptions, as I said, they are purely to ensure the commercial nature of it. On audit trails, the Bill provides for the Minister for Public Expenditure

19 June 2018

and Reform to introduce standards under a statutory instrument, which will undoubtedly lead to a greater level of commitment to transparency and robustness.

Is the Bill secure? We must ask ourselves whether the current situation is secure. The reason we are bringing forward the Bill is that we have identified, on foot of the GDPR and all the discussions we have had in these Houses on data sharing, that this is a fundamental weakness. The Government, public bodies and entities trying to deliver services are sharing information on behalf of, and on the instruction of, people and we need to put a legal framework in place. If we continue to do what we are doing, which is trundling along with a kind of it will be all right on the night attitude, we are not doing the right thing. This is a scaffold that will protect the people.

The Data Protection Commissioner was consulted but the commissioner and the commission made it clear they did not want to be part of the operation, governance and management of this Bill because they are the arbitrator ensuring things are done right. One cannot be the judge, jury and executioner and at the same time be the victim. It is important the data governance board is as strong as we have set out.

I believe I have answered the question of necessity and proportionality. I refer to section 12 and it will be constituted and mirrored against the GDPR. We believe it is proportionate, timely and in keeping with the advent of the GDPR. We have identified a gap in the market which we need to regularise.

I will welcome any engagement that will take place over the next couple of days. It is envisaged Committee Stage will be taken fairly soon. There is a tangible and real benefit to this in the short term in the context of pensioners. I will be open to suggestions on any improvements that can be made in terms of tidying up the Bill but ask for the continued support of the Seanad. I thank the Seanad and, in particular, the Senators who contributed by way of the finance committee and the Senators who are here this evening. I look forward to Committee Stage.

Question put and agreed to.

Acting Chairman (Senator Gerry Horkan): When is it proposed to take Committee Stage?

Senator Paddy Burke: Next Tuesday.

Committee Stage ordered for Tuesday, 26 June 2018.

Acting Chairman (Senator Gerry Horkan): When is it proposed to sit again?

Senator Paddy Burke: Tomorrow at 10.30 a.m.

The Seanad adjourned at 8.05 p.m. until 10.30 a.m. on Wednesday, 20 June 2018.