



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 5 Nollaig 2018

Wednesday, 5 December 2018

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.
Reflection and Prayer.

Business of Seanad

An Cathaoirleach: I have received notice from Senator Máire Devine 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 outline if the proposed new National Maternity Hospital is to become a subsidiary of the St. Vincent's Healthcare Group.

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

The need for the Minister for Employment and Social Protection to provide an update on the commencement of Part 9 of the Children and Family Relationships Act 2015.

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

The need for the Minister for Rural and Community Development to provide an update on the seniors alert scheme and to advise if funding will be made available from his Department for the nationwide roll-out of the scheme.

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

The need for the Minister for Culture, Heritage and the Gaeltacht to examine the possibility of purchasing McDermott's Castle and island on Lough Key, in Boyle, County Roscommon, or entering into a suitable arrangement with the local authority or another agency to preserve this national monument in the long term.

The matters raised by the Senators are suitable for discussion. I have selected Senators Warfield, Devine and Boyhan and they will be taken now. Senator Feighan has withdrawn his matter, which I had also selected.

Commencement Matters

An Cathaoirleach: I welcome the Minister of State.

National Maternity Hospital

Senator Máire Devine: Fáilte arís, an tAire Stait. This matter relates to the proposed new facility for the National Maternity Hospital and the lack of progress in recent years on its governance and ownership. I am asking for clarity regarding who will own the hospital or have influence and control over it. There is a lack of clarity and transparency about that, a tactic used frequently by the religious organisation that owns the land on which the new facility is being built. The National Maternity Hospital is being built by the State, so we will probably own the bricks. The project will cost at least €350 million and the facility will then be handed over to the Sisters of Charity order, which is a subsidiary of St. Vincent's Healthcare Group - a major shareholder in the project. The assurances from the religious order that it is giving up ownership of its hospitals or removing itself from the boards, and that it will not dictate the parameters of healthcare given to women in these hospitals, are not adequate. It is our National Maternity Hospital, it is not the religious order's hospital. We can go through the legacy of cruelty and torture by the religious orders, in collusion with this State, of women and children, and we will not take that any more. We have an opportunity to provide what the Sláintecare report recommends, namely, universal healthcare without interference from private or vested interests or religious interests.

The ethos of the nuns disallows *in vitro* fertilisation, IVF, gender reassignment, abortion and other necessary procedures. They took the Minister, who asked the Health Information and Quality Authority, HIQA, to inquire into the death of a 34 year old patient from an ectopic pregnancy, to court and won. HIQA is not allowed investigate that death. Despite all the reassurances from the religious orders, women do not believe them. We had the Uplift petition which yielded almost 120,000 signatures. Dr. Peter Boylan, a former master of the National Maternity Hospital, Holles Street, resigned saying he never thought this would happen again following the referendum. The Master of the Coombe Hospital resigned in the same vein. Fergus Finlay of Barnardos was aghast at what happened in this case. Women need to believe that they will be cared for and not judged, like Savita Halappanavar, on the basis of the religious ethos in a hospital. That needs to be gone from our healthcare system. We have had enough of that.

Minister of State at the Department of Health (Deputy Catherine Byrne): I thank Senator Devine. I am taking this matter on behalf of the Minister, Deputy Harris.

I welcome the opportunity to address the House on this matter. The National Maternity Hospital, NMH, was originally established at Holles Street in 1894. The buildings have aged considerably over the years and, understandably, have accrued significant infrastructural problems which have impacted on the ability of the hospital to deliver clinical services. It is clear that the current hospital needs to be redeveloped.

The national maternity strategy reaffirms a commitment by Government to co-locate the remaining stand-alone maternity hospitals with adult acute services in order to provide mothers with access to a full range of medical and support services. The availability of these services helps to ensure the delivery of an optimum, safe service, particularly for high risk mothers and

babies.

Against this background, the Government approved the NMH relocation project, which involves the development of a new maternity hospital on the campus of St Vincent's University Hospital at Elm Park. The new hospital will be funded by the State and is included in Project Ireland 2040. This relocation project came to fruition following extensive mediation discussions led by Kieran Mulvey, which resulted in an agreement being reached between the St Vincent's Healthcare Group and the NMH on the relocation of the facility to the Elm Park campus. One of the guiding principles of the Mulvey agreement was the requirement for the protection of State investment and interests. It is vitally important that the legal and governance arrangements associated with this very significant State investment are robust.

Considerable work has been undertaken, therefore, to develop a legal framework to protect the State's significant investment. This legal framework will underpin the operational and clinical independence of the new hospital, ensuring care in the new maternity hospital will be delivered without religious, ethnic or other distinction and any medical procedure which is in accordance with the laws of the land will be carried out there. The proposals will require consideration by Government, the National Maternity Hospital and the St. Vincent's Healthcare Group before they are finalised.

I mentioned at the outset that the model of stand-alone maternity hospitals is not the norm internationally. Government policy is therefore to co-locate all remaining maternity hospitals with adult acute services in order to provide optimal clinical outcomes. In this context, it is proposed to relocate not only the National Maternity Hospital, but also University Maternity Hospital Limerick to University Hospital Limerick, Dooradoyle; the Rotunda Hospital to the Connolly Hospital campus in Blanchardstown; and the Coombe Women and Infants University Hospital to St. James's Hospital.

Senator Máire Devine: Unfortunately that was not really an answer in respect of the governance and the concerns that have been expressed. The history of this hospital has been one of chaos, political fallout, and public outcry with regard to governance. Essentially it is a Catholic and private hospital. There is an idea to compulsorily purchase the land so that it would be truly national - it is called the National Maternity Hospital for a purpose - but it seems politicians are deaf to the concerns of the public they serve. One seat at the table for an extra public interest member is being proposed. The National Children's Hospital and Our Lady's Children's Hospital have granted and signed over the land, building and governance of the new national children's hospital to the State. There will be at least two patients' advocates on the board of that hospital. There will only be one on the very concentrated board of this hospital, which will be privately owned and religiously run and which will have that ethos. We are trying hard in this country to get rid of that ethos and to shake off the shackles of religious influence over our health. The interests of the public and of women are not being served here. The response just does not cut the mustard.

An Cathaoirleach: The Minister of State is unfortunately not the line Minister so maybe we can find another way to bring the issue up with the senior Minister. The Senator might write to him or raise the issue on the Order of Business when the Leader is present. The issue the Senator is pursuing does not seem to be adequately dealt with in the response because it is about the future location of the new hospital building. The Minister of State is not to blame for that.

Deputy Catherine Byrne: That is fine. I will just read the response I have been given

by the Minister, Deputy Harris. I reaffirm to the House that the Minister's commitment is to this hugely important project and similarly his commitment is to ongoing progressive development of the maternity services in this country. The new national maternity hospital is a key strategy pillar in the development of those services. Substantial time and effort has been spent in ensuring that the State's significant investment is protected through robust legal and governance arrangements. The Minister is fully satisfied that the new company to be established, the National Maternity Hospital at Elm Park DAC, limited by shares, will have clinical and operational independence in the provision of maternity, gynaecology, and neonatal services as well as financial and budgetary independence. I will bring Senator Devine's concerns back to the Minister, Deputy Harris.

An Cathaoirleach: That goes some way towards satisfying the Senator. I thank the Minister of State.

Commencement of Legislation

An Cathaoirleach: I welcome the Minister of State, Deputy Cannon, back to his *alma mater*, even though we are in a different room. I am sure he has fond memories of it.

Senator Victor Boyhan: He is very welcome. There is a warm seat here for him next time around.

Senator Fintan Warfield: I thank the Minister of State for coming to the House. I know this does not relate to his own brief. I do not intend to pre-empt his response, but far too often we are left a bit unsatisfied with the responses. We have just had a discussion on that issue. I suggest we really need to look at the slot for Commencement matters because many are not satisfied with the responses received.

It has been three and a half years since the Children and Family Relationships Act 2015 was signed into law. This legislation should have meant that same-sex parents could register as legal parents on the birth certificate of their child and that their families would be recognised and protected as such. That is what people understood the national conversation around civil marriage equality to be about. That is what we understood the knock-on effects would be. I have been dealing with affected families for some time. Many of us in these Houses would have received striking correspondence that painted a grim picture. Over the last week and over the weekend Heather was in touch with me. She says:

[A]s the non-biological mother, one of the biggest emotions I feel right now is anxiety. It is taking over what should be some of the happiest days of our lives. This anxiety comes from knowing that despite being a mom to my baby, my name won't go on the birth certificate, and that I will have no legal rights to my own child, solely due to the fact that it is my wife who is the birth mother and not me. Anxiety from being made a second class citizen, fighting to have our rights as parents recognised. Anxiety (and a bit of humiliation) from having to email my employer's HR department and ask them to please ensure my parental benefits will be intact, even though legally I won't be a parent at all, despite being a mom. Anxiety that comes lying awake at night from wondering what will happen to our child if something were to happen to my wife.

Since the Bill's passage in April 2015, the Government has stated deadlines for commence-

ment six times. Each and every time, those deadlines have been missed. Every time, these parents have been let down. The Minister for Health, Deputy Harris, stated in the Dáil and the Seanad that an amendment Bill would fix the errors. He committed to a deadline of the end of October to commence all parts. That has not happened and now further typographical errors have been identified by the Department of Employment Affairs and Social Protection. That is why I tabled this Commencement debate today. We now have to go through another round of legislative process.

Notwithstanding that it has taken the Department three and a half years to realise that these errors were present, the Minister for Employment Affairs and Social Protection recently indicated that the errors will be fixed by an amendment to the Social Welfare, Pensions and Civil Registration Bill 2017, a Bill that has languished on Committee Stage for more than a year. I cannot see how its speedy passage through the Oireachtas can be guaranteed.

Given that the Government's track record on this is not great and given the upset it has caused, has the Minister of State received a statement about bringing forward any standalone amendment Bill, similar to the Bill the Minister, Deputy Harris, brought before this House in July, that would address those typographical errors and which would not be contingent on the passage of legislation completely unrelated to the issue which is stuck on Committee Stage?

Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon): I thank Senator Warfield for raising this matter. As he has already outlined, certain sections in Part 9 of the Children and Family Relationships Act 2015 provide for the registration and re-registration of the birth of a donor-conceived child and, in particular, make possible the registration of details of "parent", as well as "mother" and "father", where required. The current position is that these sections need to be amended to correct technical errors and have yet to be commenced. Our intention is to correct these technical errors by means of Committee Stage amendments to the Social Welfare, Pensions and Civil Registration Bill 2017, which the Minister hopes to see taken early in the new year.

Commencement of these provisions is also dependent on commencement of Parts 2 and 3 of the Act, which is the responsibility of the Minister for Health. In this regard, the Children and Family Relationships (Amendment) Bill 2018 was enacted on 24 July 2018. It was introduced to correct typographical and technical errors in the Children and Family Relationships Act 2015, which will facilitate the subsequent commencement of Parts 2 and 3 of the Act. There are important administrative and operational arrangements to be put in place to facilitate the implementation of Parts 2 and 3, including the establishment of the national donor-conceived person register and the appointment of authorised persons under the Act. I know that it is the Minister for Health's intention that Parts 2 and 3 of the Act will be commenced as soon as possible.

In order to progress this, officials from the General Register Office, the Department of Employment Affairs and Social Protection and the Department of Health are working together to ensure that the appropriate legislative, regulatory and operational mechanisms are in place to allow for the earliest possible commencement of all of the relevant legislation that will allow for birth registration of donor-conceived children. On the specific question posed by Senator Warfield about introducing a stand-alone Bill, the intention is to include the legislation in the list of Committee Stage amendments to the Social Welfare, Pensions and Civil Registration Bill 2017, which is expected to progress early in the new year to allow for a prompt commencement following enactment. In the circumstances of the anticipated early conclusion of that legislation, it is not considered necessary to introduce a stand-alone Bill. Given the 2017 Bill has

passed some Stages of the legislative programme, continuing to progress the measures as part of that Bill is seen as the most efficient way to proceed.

An Cathaoirleach: Is Senator Warfield satisfied?

Senator Fintan Warfield: I have some concerns. There is also a Social Welfare, Pensions and Civil Registration Bill 2018, which I understand will appear on Committee Stage in the Seanad next week. There are significant problems with the 2017 Bill and it is unclear to us whether it can be enacted any time soon or whether there will be support in the Oireachtas to do so, but we will examine the 2018 Bill in the Seanad next week.

Crucial lesbian, gay, bisexual and transgender, LGBT, family and children's rights have been endorsed by these Houses and people have suffered for too long. I appreciate the Minister of State's response, given that he does not have responsibility for that Department, but will he be an advocate and add urgency to this issue? I would appreciate it, as would the families involved.

An Cathaoirleach: The Minister of State was quite clear that it may be dealt with next week or, if not, certainly early in the new year. If it does not progress, I am sure the Senator will have another opportunity to speak on the issue.

Senator Fintan Warfield: I will speak on the issue again.

An Cathaoirleach: The Senator promises to revert to the Minister of State if it does not progress.

Deputy Ciarán Cannon: I undertake to raise the Senator's concerns with the Minister.

Seniors Alert Scheme

Senator Victor Boyhan: I welcome the Minister for Rural and Community Development, Deputy Ring. It is great to see him because he is always positive and always appears personally to tell the good news.

I acknowledge the work of his Department and its excellent website, from which I glean more information than any other Department's website. It is on the ball, active and covers real issues of community engagement and community supports, particularly rural but also urban, which are never missed by the Department. It is important that we support people, not least those who are vulnerable, to remain in their homes, and any supports that feed in to securing and allowing people to stay in their homes and live there are vital. The seniors alert scheme, also known as the personal emergency response scheme, offers fast and easy ways for both elderly and vulnerable people to access important health services and provides support during an emergency for those who live alone. Whether the emergency is a medical issue, a fall, a fire or merely feeling vulnerable at home, these people have the capacity and ability to use the seniors alert scheme, which is fantastic.

As I said, it supports people staying in their communities and is beneficial for rural and urban areas. Are there additional resources for the scheme or plans to roll it out for more people who want this scheme, which is simple and great technology? Will the Minister outline any further roll-outs of the scheme and, more importantly, will he give reassurance that there are suf-

ficient funds for people to avail of the scheme? How should people tap into the various schemes available? It is a good scheme and I thank the Minister for making a personal appearance.

Minister for Rural and Community Development (Deputy Michael Ring): I thank the Senator for his kind comments, which I appreciate because my Department is new and it underwent three moves of office in the past year although we have a permanent office now. I have a fine team with a new Secretary General, three assistant secretaries and fantastic staff in Dublin and Ballina. I take this opportunity to thank them because they found it difficult that there were so many changes while we were expected to be a functioning Department, which we were. A fantastic Department is now up and running, and I thank the Senator for his comments and the staff for the great work they have done in difficult circumstances over the past 15 or 16 months. I am proud of how the Department was set up, and it recently won an award for a public library initiative it created. We do not often have the opportunity to thank our staff and, therefore, I am taking this one.

Following the relaunch of the seniors alert scheme in November 2017, which was accompanied by a major publicity campaign, the scheme has seen considerable growth over the past 12 months. The objective of the seniors alert scheme is to encourage community support for vulnerable older people in our communities through the provision of personal monitored alarms to enable persons over the age of 65 of limited means to continue to live securely in their homes with confidence, independence and peace of mind.

A significant change in the new version of the scheme is that users no longer have to live alone or with another qualifying person to qualify for the scheme. The criteria were widened to include elderly people who are not living on their own but may be alone for a substantial part of the day and elderly people who are primary carers for other people in their household. The issue of isolation, whether in urban or rural areas, should concern us all and I am committed to continuing my Department's response to the issue through programmes such as the seniors alert scheme.

Funding is available under the scheme for the purchase of equipment, such as a personal alarm or a pendant, by a registered community or voluntary or not-for-profit organisation. All users have a base unit installed in their home which is connected to a national seniors alert scheme helpline using landline or mobile telecommunications. When the user activates the personalised alarm, it puts a call through to the national call centre, which is open 24-7, 365 days a year. The call centre operator talks to the person in his or her home and decides whether to alert a local volunteer responder or, in potentially serious circumstances, the emergency services.

Funding for this scheme is made available by my Department. The equipment is free for the end user although there is a small charge should the applicant require a SIM card for the mobile phone. Under the new scheme, free monitoring is provided for the first year of use and recipients are required to pay a modest annual charge for the second and subsequent years. At the end of 2017, just over 18,000 participants had been approved, while 601 community groups provided support. By the end of the third quarter in 2018, in excess of 35,000 participants were approved with 660 community groups providing support. This is strong evidence of the growth of this scheme, providing real support and peace of mind for elderly people in their communities.

The seniors alert scheme is a demand-led programme. My Department was allocated €2.3 million in 2018 to administer the scheme. As a result of the unprecedented increase in partici-

pants in the scheme, I was determined to secure additional funding from within the resources of the Department to ensure we continue to meet the surge in demand and that every single applicant was catered for. The amount spent on the seniors alert scheme for 2018 stands at €5.4 million, and I ensured we funded that money from our Department. Funding is being allocated from my Department for a further roll-out of the seniors alert scheme nationwide for 2019. As it is a demand-led scheme, I will closely monitor it with a view to ensuring funding will continue to be available to meet the demand.

11 o'clock

Senator Victor Boyhan: I thank the Minister for that comprehensive response. As he said, the seniors alert scheme is in demand, and the Department was allocated €2.3 million in 2018 yet the Minister confirmed the amount spent on the scheme for 2018 stands at €5.4 million. That increase is testament to him and I acknowledge him for driving this significant matter.

This is positive news for anyone who wanted to be given confidence and assurance about the Government's commitment to elderly and vulnerable people living in their homes who wish to stay in their homes, urban or rural. Sometimes people think this scheme is not available to those who live in urban communities. I thank the Minister. It is a really good scheme.

I acknowledge the work of the Department and how it manages its news and press relations. Someone said to me, "If Ringer can't do it, nobody can do it". He does share his information. People have to get up and look for it and I look for it. There is not a day that I do not tap into the website. It is crystal clear and I can see how systematically the whole thing is done. Well done and I thank the Minister for his comprehensive report.

An Leas-Chathaoirleach: I think the Senator and the Minister both get up early in the morning.

Senator Victor Boyhan: We do not go to bed late.

Deputy Michael Ring: The Senator has a great concern about rural issues. I am glad to receive his acknowledgment. We brought in a few new schemes in the Department, for Tidy Towns, the shows, the men's sheds, all organisations that deal with the problems the Senator is talking about, namely, rural and urban isolation. He is quite correct. I want to see this scheme rolled out. We did put a fair bit of money into the scheme, but we also put a bit of money into making sure that we advertised that scheme. I did the local newspapers, the local radio stations, the national media and we put out a tender for the groups to apply. I am delighted the community groups are out there actively promoting this scheme.

I will finish with this very positive example. This is not a lie. I met a woman last week who fell in her home. She was in a very serious condition and but that she pressed that pendant she would not be here today. She spent five days in hospital and she is home again. The pendant and the senior alert scheme saved her life. She just happened to mention it to me. She did not know that I had responsibility for the scheme but she had the pendant on her wrist. I encourage more people to take up that scheme because it does give them peace of mind.

Sitting suspended at 11.02 a.m. and resumed at 11.30 a.m.

An Cathaoirleach: The Joint Committee on Justice and Equality at its meeting today has completed its consideration of the following motion:

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 Regulation of the European Parliament and of the Council amending Regulation (EU) No. 516/2014 of the European Parliament and the Council, as regards the re-commitment of the remaining amounts committed to support the implementation of the Council Decisions (EU) 2015/1523 and (EU) 2015/1601 or the allocation thereof to other actions under the national programmes,

a copy of which was laid before Seanad Éireann on 20th November, 2018.

Order of Business

Senator Catherine Noone: The Order of Business is No. 1, Finance Bill 2018 - Committee Stage, to be taken at 12.45 p.m. and to be adjourned not later than 3.30 p.m., if not previously concluded; No. 2, Consumer Protection (Regulation of Credit Servicing Firms) Bill 2018 - Second Stage, to be taken on conclusion of No. 1 and to be adjourned not later than 3.30 p.m., if not previously concluded, with contributions of group spokespersons not to exceed eight minutes and all other Senators not to exceed five minutes; No. 3, Qualifications and Quality Assurance (Education and Training) (Amendment) Bill 2018 – Committee Stage, to be taken at 3.30 p.m. and to be adjourned not later than 5.30 p.m., if not previously concluded; No. 4, Private Members' business, Control of Economic Activity (Occupied Territories) Bill 2018 – Report and Final Stages to be taken at 5.30 p.m. and to be adjourned after two hours, if not previously concluded.

Senator Gerry Horkan: Threshold's annual report was launched this morning in the presence of the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, and the chairperson of the agency, the former Senator, Aileen Hayden. The report highlights a significant increase in the number of tenants being unfairly evicted and there has been an 18% rise in calls from renters who have been told their tenancies are coming to an end. Some 32% of the calls to the charity last year were from tenants faced with losing their homes. Last year, Threshold received 73,526 calls, a staggering figure. It also outlined that in Dublin rents are up 10% this year, despite the rent pressure zone limit of 4%. It is very clear that these rent pressure zones are not working. At this launch Threshold called on the Government to admit that rent pressure zones are not working and to introduce a transparent rent register so that people can see rents from one tenancy to the next, what rent was being paid for the property they are going into and any increases being applied.

The British Government has had to publish the full legal text it received on Brexit and we await that. Yesterday, a five-day debate on Brexit commenced at Westminster. The British Prime Minister, Theresa May, told the House of Commons that another deal would not miracu-

lously appear if this one does not go to plan. Remainers have welcomed the opinion of the legal adviser to the European Court of Justice that the UK could abandon Article 50 unilaterally and does not need the agreement of the rest of the EU to do so. The British can revoke Article 50 if they so choose and that is something that many of us hope they will consider. We could then think of the past two years as a bad dream. Either way, we must make sure that, from our perspective, Brexit is the least worst option. We are all united on that for the sake of the peace process, the health of our economy and everything else.

I draw the attention of Members to the fact that the chairman of the Irish Fiscal Advisory Council, IFAC, Mr. Seamus Coffey will address the Committee on Budgetary Oversight later today. He has said that the forecasts for economic growth will move beyond potential for 2019 and that overheating will emerge in later years. He is also warning that predicting the Irish economy's performance will be very difficult and that the long-term spending plans of the Minister for Finance, Deputy Donohoe, "lack credibility and look unrealistic". I call on the Deputy Leader to invite the Minister for Finance to the House to discuss and thoroughly examine the latest report from IFAC. While I believe the Minister is doing a good job, it must be acknowledged that he has been lucky that interest rates have been so low in the context of repaying the national debt. At the same time, somewhat miraculously, billions in corporation tax receipts have been appearing out of nowhere. We will take in approximately €9.4 billion in corporation tax this year, compared with only €4 billion or €5 billion five or six years ago. While these additional funds are very welcome, they are unpredictable and I would like a debate on the long-term sustainability of our public finances.

Senator Victor Boyhan: I wish to raise two issues, the first of which relates to yesterday's charade in the House when we were dealing with statements on climate action and low-carbon development. There is a statutory obligation on Ministers to present their plans to the House and while they walked in, they actually ran out. Apart from the Minister for Communications, Climate Action and Environment, Deputy Bruton, none stayed to listen. That was an insult to this House. I have thought about this long and hard and have chatted with a lot of people who feel the same about the matter this morning. The Ministers and Ministers of State did not come here voluntarily; they are obliged by law to present their annual national transition statements to the House. While I will hold my fire on the matter for the moment, I ask the Deputy Leader to invite all of the relevant Ministers and Ministers of State to come back to the House so that we can hold them to account. They read out statements yesterday but there was not a lot in most of them. It seemed to be, for many of them, a box-ticking exercise. I respectfully ask the Deputy Leader to contact the lead Minister, Deputy Bruton, regarding this matter. I would also like to see all of the other Ministers and Ministers of State back in the House, listening to and engaging with Members.

Senator Terry Leyden: Please do not impose that on us.

Senator Victor Boyhan: My second point should serve as a wake-up call for anyone involved in politics and as an illustration of the need for an electoral commission. A woman called to my house at 10.30 p.m. yesterday to say that she had received a letter from a particular local authority suggesting that she is no longer residing at her address and that her name is being passed on to the county registrar to be struck off the electoral register.

Senator David Norris: To where was the letter addressed?

Senator Victor Boyhan: The letter was addressed to her home and had her name on it. She

contacted me-----

Senator David Norris: If she had left the address and was not there, then what was the point of sending the letter?

Senator Victor Boyhan: She was still living there and had not left.

Senator David Norris: Yes, but those who sent the letter said that she had left.

Senator Victor Boyhan: They said that she should no longer be on the register and that it was proposed to delete her name from it-----

Senator David Norris: That is ridiculous.

An Cathaoirleach: Senator Norris, it is a matter for the Deputy Leader to respond to Senator Boyhan.

Senator Victor Boyhan: -----for 2019 as it appears that she is no longer resident at that address. This woman has lived in the same house for 48 years. In any event, I contacted the local authority and was informed that it has issued hundreds of similar letters. I checked with a number of other local authorities and was told the same. Hundreds of these letters have been issued and the names will be presented to the registrar on 13 or 14 of December to be struck off. When I asked if I could look at the list, I was told I could not. People's names are being deleted from the register of electors this week.

I have since learned that a notice is supposed to be published in the press regarding this procedure but that this has not yet happened in some counties. We really need an electoral commission and I ask the Deputy Leader to prioritise that matter and to determine the current Government position on it. I urge all Members of this House to contact their own local authorities to find out how many names they are proposing to delete from the register of electors. That process will start next week and is supposed to be completed before the end of the month. This is a very serious wake-up call, particularly when it has been confirmed to me that hundreds of people in Dún Laoghaire-Rathdown have received this correspondence. It is worrying.

An Cathaoirleach: As someone who was struck off the register twice, I understand the point the Senator is making. At the most recent referendum, I had two votes but I could only use one.

(Interruptions).

Senator Rose Conway-Walsh: I welcome the announcement by the Minister for Health, Deputy Harris, of a new autism plan for next year. Sinn Féin has been arguing for this for a long time. I do not know the details of the plan but I ask the Deputy Leader to invite the Minister to the House to discuss his intentions with us. It is really important that we all-----

Senator Catherine Noone: I ask the Senator to repeat what she just said.

Senator Rose Conway-Walsh: The Minister for Health has announced a new autism plan for next year. I ask that he be invited to the House so that we can discuss the plan in detail and give him our input and views on it. We must ensure that the plan works for people with autism and their families.

A recently published report from the Society of St. Vincent de Paul warns that many house-

holds are at risk of fuel poverty and blackouts this winter. Increasing energy bills and higher prices for those on pay-as-you-go meters mean that many low income families will struggle to heat their homes. Some will have to choose between feeding their families and heating their homes. SSE Airtricity and Pinergy customers are facing 6% increases in energy costs over the coming months. I have looked at energy bills for different household types and compared them to last year and the year before. People now have to find enormous amounts of money to meet their energy bills, which is a matter of real concern.

Sinn Féin believes this issue must be tackled head on and proposes a number of measures that can be taken immediately. A cross-departmental report on the effectiveness of the fuel allowance scheme, taking account of increased energy costs, must be prepared. The Government should also explore the option of introducing a cold weather payment, similar to the one in place in Northern Ireland in times of severe weather events. There is also a need to provide additional resources to local authorities to enable them to increase the number and frequency of inspections of private rental properties. Local authority houses should be setting the standard for the warmer home and conservation schemes. We must see the continued roll-out of the energy efficiency retrofitting programme and the Government must ensure that phase 2 is made available to improve local authority housing across the State. Sinn Féin also urges the Government to expand eligibility for the warmer homes scheme, which offers some energy retrofitting to certain low income households free of charge. The qualifying criteria for that scheme must be relaxed. We also call on the Government to introduce a subsidised, low cost, green loan scheme to enable the purchase of energy efficiency and microgeneration technologies by a wider cohort of households so that increasing numbers of households can enjoy low energy bills.

It is really important that we act on this and I ask that the Minister be invited to the House to discuss fuel poverty and some of the solutions put forward by Sinn Féin.

Senator Kevin Humphreys: I echo Senator Boyhan's complaint about the fact that this House was treated with contempt yesterday in the context of the Climate Action and Low-Carbon Development Act 2015. That Act clearly states that Ministers are to be held to account by both Houses of the Oireachtas. The Ministers clearly failed in their statutory duty yesterday. They lined up in the seats beside the Public Gallery, ran up and spoke for five minutes and then shot out of the place. There was supposed to be interaction and discussion on targets. Ireland was supposed to reduce its greenhouse gas emissions by 1 million tonnes last year but instead our emissions increased by 2 million tonnes. It appears that we will breach our 2020 targets by 16 million tonnes. This is what we were supposed to engage on yesterday, as outlined in the legislation but what we saw here last night was contempt. It was not just contempt of the Seanad but it showed contempt of the people of Ireland, who are far ahead of the people in both these Houses. They want action and Ministers held to account over the targets and commitments they give. It is not good enough for the Taoiseach to say we are climate change laggards. The Government talks the talk but, in reality, it is comprised of climate change deniers. They are not prepared to start to reduce our emissions, something I find disgraceful and despicable, and they ignore the legislation laid down in both Houses in 2015.

I would also like to raise an issue relating to Threshold's report which was launched earlier. The Government talks about hitting supply targets and we have seen the press releases and the articles in the newspapers about what action it is going to take. Unfortunately, these are not being followed up with legislation. We have been promised a rent register and a reformed PRTB and we have been told constantly that this matter was going to Cabinet. We were told earlier that proposals will go to Cabinet next week but this is not the first time. It was announced that

a land agency would have control over State lands and would make sure they were made available for housing but there have been no heads of a Bill or other legislation. Measures have been promised to deal with short-term lets and a promise on this was made again earlier at the launch of the Threshold report. We have been listening to this for more than a year and there was an announcement in September of action in the shape of legislation in both Houses by the end of the year, to be implemented by June 2019. As of yet, nobody has seen heads of Bills or draft legislation nor has there been scrutiny at committee level. There has been discussion about supply in our cities and we have been promised a height strategy for urban areas, but this is delaying planning applications being put in by developers who want to get on-site and are waiting to see what that strategy is. The mantra is, “Supply, Supply, Supply”, but four issues can be dealt with now. We can move on later to deal with microbeads, single-use plastics and all the other issues the Government mentions in press releases but takes no action on.

Senator Maria Byrne: I was at the launch of the Threshold report earlier and it was interesting. The Minister announced that he will bring it to Cabinet next Tuesday.

Senator Kevin Humphreys: Again.

Senator Maria Byrne: The PricewaterhouseCoopers report on rents in Dublin refers to vulture funds buying up properties as they are being built, which affects all of us around the country and is something that makes rents prohibitive for people in the rental market. Limerick has not been included as a rent pressure zone, RPZ, but it needs to be included and I call for the Minister to come to the House for a debate on how we tackle ever-increasing rents in large urban areas.

Senator Terry Leyden: I commend the Houses of the Oireachtas Commission on initiating and providing the Oireachtas TV channel, which broadcasts live and is a good service that provides information for the public throughout the country.

Senator Kevin Humphreys: Hear, hear.

Senator Terry Leyden: The channel is only available if people have the proper platform to receive it. I regret very much that RTÉ has decided not to show “Oireachtas Report” on three nights of the week, that is, Tuesday, Wednesday and Thursday.

Senator David Norris: Hear, hear.

Senator Terry Leyden: We are paying €160 per year for the licence fee and the public is entitled to have a summary of events in the Oireachtas during the day. Leaders’ Questions are taken at 12 noon but a person who is working will not be able to watch them at that time and they are being deprived of the opportunity to see the debate until a night when the Oireachtas does not sit. RTÉ should restore a summary like “Oireachtas Report”, even if it is at 11.30 p.m. If RTÉ is not prepared to carry out its public service duties, we should tell the director general that we will invite Virgin Media 1, 2 or 3 to provide the service. Those channels provide a good service and they could also take some of the licence fee from RTÉ. The Oireachtas approves the licence fee that goes to RTÉ and we need a more proactive approach to this. People have told me they miss Senator Norris and they miss being able to watch a summary of events in the Oireachtas when they are at home at night.

Senator Kieran O’Donnell: Someone in Roscommon may miss it as well.

Senator Terry Leyden: As a member of the Joint Committee on Communications, Climate Action and Environment, I will raise this with the director general and ask how she would feel if €10 were taken off the €160 fee and handed over to Virgin Media 1, 2 or 3.

Senator Gerard P. Craughwell: We are reluctant to talk about politicians' pay, PRSI, etc.

Senator David Norris: I talk about them.

Senator Gerard P. Craughwell: I am not afraid to do so. When I was on the education committee, I initiated a report into class K PRSI and I initiated a High Court action against the State on county councillors' class K PRSI. The State capitulated and gave county councillors class S, while giving those who had joined me in the legal action a tidy sum for their trouble, without them having to go to court. However, the noble gesture of putting them on class S PRSI, without retrospectively recognising the 4% they had paid under class K, has been a dis-service to some county councillors, particularly those who had a broken PRSI record and who are now looking for benefits such as optical or oral benefit. We need to discuss this but I am going to go further today. This House should not be afraid to debate terms and conditions of employment for all politicians.

Senator David Norris: Hear, hear.

Senator Gerard P. Craughwell: I am sick to my back teeth of my PRSI record, which is broken because I moved from class A to class K. A man of advancing years like myself does not get an opportunity to maintain his PRSI record and were I to try to do that, it would cost me €5,000 per year, having taken €8,000 of a pay cut to sit in this seat. I am not afraid to talk about it because I am one of the few politicians in this country who was denied an opportunity to maintain an external career and a political career. I had to take a career break under statutory instrument so I am not afraid to talk about our terms and conditions of employment.

We are not all in here on golden pensions and many of us came into the House with a short time left to serve. We will not build up a substantial Oireachtas pension in that short time. Why are we afraid to talk about our terms and conditions? A few junior Ministers met the Minister for Finance last week and the newspapers had a feast on what they suggested were junior Ministers cribbing about their costs but they were right to meet the Minister and to stand up for what they are entitled to. People ask me about my expenses all the time and I was featured in the media last Sunday because of a trip I took during the summer. They reported that the cost of flights was €4,000 but they did not report that the first journey, three flights over 18 hours, and the following journey, four flights taking over one and a half days, were done on budget airlines.

The cost of my accommodation for a week was €646. I am, therefore, not afraid to talk about the money spent or about terms and conditions of employment. We should have an open debate and let the media do whatever they do about it. I do not care.

An Cathaoirleach: I am afraid to ask the Senator to sit down.

Senator Gerry Horkan: He might not get up again.

Senator Kieran O'Donnell: At times the Seanad has the opportunity to debate issues of national importance on a forum basis. I am now finding that the issue of climate change affects every facet of society, including the dairy industry and business. We are looking to decrease our

carbon footprint. I ask the Cathaoirleach and the Deputy Leader to look at doing what we did on Brexit, that is, to hold a day forum within the Chamber to which we would invite witnesses from a range of sectors. I ask that we, as a Chamber, do a body of work on climate change. There has been a seismic change in the public consciousness on this issue, particularly in the past six months to a year. We are now at a stage where people want feedback from independent witnesses as to the precise impact. To take a basic issue, that of dairying, we are encouraging farmers to increase the sizes of their herds while, at the same time, asking them to decrease their carbon footprint. The question is how to do that in a sustainable way. I would like to hear from expert witnesses. The Cathaoirleach might look at how we could structure a day, at some point in the not too distant future, when we would bring in good witnesses from a range of sectors and do a body of work on the issue ourselves.

On an issue which pertains more to the House, I congratulate our colleague, Senator Frank Feighan-----

Senators: Hear, hear.

Senator Kieran O'Donnell: -----and his wife, Elaine, on their recent marriage and on their daughter, Francesca.

Senator Terry Leyden: I would like to second that proposal.

Senator Kieran O'Donnell: Senator Leyden is a bit slow off the mark there. He was going on about his licence.

Senator Terry Leyden: I thought that-----

Senator Kieran O'Donnell: He was more interested in his licence fee than his colleague.

Senator Terry Leyden: I could not see him behind the other Members.

Senator Kieran O'Donnell: Can I finish?

Senator Terry Leyden: By the way, I would have thought that he would have gone on a longer holiday.

Senator Kieran O'Donnell: I will finish the point.

Senator Terry Leyden: I did not expect him back today.

An Cathaoirleach: I am sure that Senator Feighan-----

Senator Terry Leyden: There is no need for division now.

Senator Kieran O'Donnell: Senator Feighan is universally liked

Senator Gerry Horkan: There is no holiness left in Fine Gael.

Senator Kieran O'Donnell: It is nice to see one of the good guys getting a proper break. Senator Feighan is a lucky man. I hope he appreciates the wife he has. On a human level, I wish him, Elaine and Francesca well. It is a good day for all of us.

Senator David Norris: I do not stand in any danger of a vote from Senator Feighan, but I am delighted to hear his news and wish him every happiness in the future.

With regard to the question raised by Senator Craughwell in respect of politician's pay, I am weary from talking about this issue and am very glad to be joined by him on it because few people are prepared to talk about it. I am in about the only job in Ireland in which there is no long-service increment.

Senator Gerard P. Craughwell: Hear, hear.

Senator David Norris: This is the only job. After 32 years and umpteen elections, I am on exactly the same pay as somebody who was appointed last week without any election. That is absolutely ridiculous.

I would like to refer to Senator Horkan's comments on Brexit. We are awaiting news of the UK Attorney General's advice. I hope it is explosive. I have been saying since the beginning of this mess that the British would fart around and eventually stay in. That is what is going to happen. All the signs are that, after this catastrophic mess, the British will stay in the European Union. They will have a second referendum. The polls show that the British public is increasingly moving towards staying in. They were sold a pup in the beginning by a collection of liars. The thing is that Britain will be seriously weakened for years to come in Europe, which is a pity. I firmly believe there will be a second referendum, that Britain will stay in, and that will be it. David Cameron, who is a complete nincompoop, should have said in the beginning that the Government took the people's advice, that it knew they were divided equally, and that the UK would stay in as the referendum was not legally binding, end of story. He did not have the guts to do it, however, because all the British politicians at that stage were putting their parties' interests ahead of those of their country. That is the wrong way around. I am a big fan of Jeremy Corbyn but I regret the fact that he is so totally wishy-washy on this issue.

Senator Tim Lombard: I join with my colleague regarding Senator Feighan's wonderful news last weekend. I acknowledge his wonderful wedding and everything else. We were shocked that Senator Leyden missed it. Perhaps he is just losing the touch when it comes to local politics.

Senator Terry Leyden: I am sorry but Senator Lombard is obstructing my view of Senator Feighan. Does the Senator not realise that?

Senator Tim Lombard: Senator Leyden got lost there.

Senator Terry Leyden: Senator Feighan should have stayed away for another month.

Senator Tim Lombard: This morning, I want to raise the issue of Bord Pleanála, where it fits into the hierarchy of planning permission, and applications for planning permissions it has granted or refused in recent months and years. In the past 48 hours, planning permission for a waste plastics factory in Skibbereen has been granted by the board. The inspector's report opposed the project, but the board granted permission. That seems to be the way in which An Bord Pleanála has been doing its business of late. If one looks at other planning permissions regarding solar farms and an incinerator in Cork Harbour, one will see the same process. The independent inspector goes through the project, examines it, probably holds an oral hearing, compiles a report and then makes a recommendation to the board, which is ignored before it grants permission. It is an issue that needs to be examined.

A judicial review of decisions of An Bord Pleanála can be requested, but is an audit conducted of its decisions? Is there an independent planning inspectorate that steps back and examines

how the board deals with these issues? There is an issue here, particularly in respect of environmental projects, which can involve jobs and employment on one side and environmental issues on the other. The board seems to lean towards regarding the potential for jobs as more valuable than the environment. We have seen that with an incinerator and with solar farms and now we are seeing it with the plastics factory in Skibbereen. It is an issue we need to look at. I call for the Minister for Housing, Planning and Local Government to be brought to the House to discuss the planning affairs of the State to see what can be done to ensure that the decisions made are appropriate and, if not, to see what can be done to ensure applicants do not have to go through the expensive process of a judicial review. It is an issue which has to be raised and on which change is needed.

Senator Keith Swanick: I refer to the topic of Spinraza again. I have spoken about this in the past, as has my colleague, Senator Conway-Walsh. Representatives of the spinal muscular atrophy, SMA, patient group met the newly formed rare diseases review committee on 8 November. They presented for 40 minutes on what life is like with SMA, the disease burden of SMA, and the perceived impact of treatment with Spinraza. The patient group was happy with the committee, which comprised a good mix of independent experts, including treating consultants and experts on patients' concerns. It was also evident, however, that the committee would not make a statement, as it needed to further consider proposed suitable treatment guidelines and access through a managed access programme. The patient group believes that this has since been completed and that the statement from the review committee will be accessible to the drugs group in December. I have been contacted by the parents of an affected child. They believe that the group meeting is scheduled for 11 December. Parents want to be assured that the matter is being considered at the first available opportunity, which is the 11 December meeting, and that it will not be kicked out until January. It is only fair that families have a decision before Christmas. I would appreciate if the Deputy Leader could give me an update on that.

Senator Michelle Mulherin: I join in the hearty congratulations to my colleague, Senator Feighan, and his new bride, Elaine. I wish them long life and happiness together. I wish to voice my concern over the disappointing news I have received from An Bord Pleanála that it intends once again to put back the decision on the planning application for a new bridge at Cloongullane, Swinford on the N26, which is a national primary road. This is quite shocking. In March 2017, an oral hearing was conducted by the board. From then until July 2018 it was asking questions of an environmental nature, citing concerns about alluvial woodland and freshwater pearl mussel, because this is a designated special area of conservation, SCA, never mind that there is a road there and a sizeable population. We are not talking about a wilderness but an area where there is human activity. That does not seem to be catered for. More than €4 million has been spent to date just to get to this point. The planning process has not even concluded nor has a cent been paid to a farmer for land. It is shocking that although the decision was to have been made on 30 November, it has been delayed once again.

This is the worst stretch of national primary road on the network. Year after year, people have been trying to find a solution to overcome the environmental designation. It is very frustrating. There are serious questions to be asked. There is either a significant problem within An Bord Pleanála or serious practical issues with the operation of the habitats and birds directives. This is impeding much needed development of a road that is necessary for economic and social growth and all the good measures planned under Project Ireland 2040. I ask for the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, to be invited to the House in order that we can get to the bottom of this. The N26 Cloongullane bridge is not alone. The

west, including the western seaboard, where there is a significant volume of designated land, is being persecuted by this designation. The balance is not being got right between the wildlife and the human beings.

An Cathaoirleach: The Senator might get a more comprehensive reply if she submitted this as a Commencement matter.

Senator Michael McDowell: I echo some of what Senator Norris said about Brexit. Yesterday I spoke about the desirability of this House sometimes expressing its views on these matters; we had a special committee on Brexit. It has not been sufficiently emphasised in Ireland what a tragedy Brexit is for Ireland within the European Union. Because the Government has naturally, as a matter of politeness, been driven to the position of accepting the outcome of the referendum in Britain and is saying it is a matter for the British people to proceed further, there has been a complete failure to emphasise in public discourse that Brexit is bad for Ireland. It will be bad for North-South relations and east-west relations, and for Ireland's position in the EU. I speak as a former Minister for Justice, Equality and Law Reform and former president of the European Union's council on justice and home affairs. We will lose one of our great allies in the European political process. People talk about ancient enmities between Ireland and Britain but it should be emphasised that in EU affairs, Britain and Ireland have been close as allies on so many issues. Each has been generous towards the other's position on many issues. We are losing a significant friend and ally at the Council table in Europe.

Some may empathise with the dilemma in which Mrs. May now finds herself. Our optimal outcome is that the Brexit decision be reversed. If Mr. Dominic Grieve, MP, a sensible conservative, has managed to prize open the brickwork to enable a reconsideration of that issue, our Government should be on his side asking that the British people be given the opportunity to reconsider their position. It has been stated that there is something undemocratic in asking the British people to reconsider their decision. However, on the night of the Brexit referendum, the head of the Brexit movement, Mr. Nigel Farage, thinking he had lost the vote, said it was only the beginning and that he would not accept the outcome. He said he would be back again and again to argue the point. There is nothing undemocratic about allowing the people to change their minds. Parliament can change its mind; why can the people not? We should be unequivocal from now on in supporting those in Britain who want to reconsider the issue. Ireland's interests require it and we believe in good faith that Britain's interests also require it. We should not be shy in saying, however embarrassing it may be for some in the Tory Party in England, that the people of Britain at least deserve the opportunity to reconsider the decision they made.

An Cathaoirleach: I call next on the newly wed Senator Feighan to address the Seanad. I add to the many congratulations he has received and wish him the best of luck and a long, happy marriage and life.

Senator Frank Feighan: I thank the Cathaoirleach and all those who offered us good wishes. I agree with Senators McDowell and Norris. What is happening in Westminster has been impacting on our lives over the past three years and will do so like never before in the next few months. Mr. Dominic Grieve, MP, and many others have shown great leadership, vision and courage in trying to look at a situation that was damaging to the UK, the island of Ireland, the EU and world politics. I hope that there is a second referendum in the next few months or that the UK will remain. Senator McDowell put his finger on the pulse of what is happening. The UK is our best ally and friend in Europe. I hope in the coming months that whatever happens, those relationships North-South and east-west will be cemented even more. The UK is

our nearest neighbour and our friend and we rely on it to a great extent. I hope sense prevails in the next few months.

I note that Temple Street charity is going to start collecting cashless payments online. I welcome this, as it is the way forward. Another politician in another House was saying churches were being affected by Garda checks for drink-drivers. Senator Mullen will agree that there can be something lazy about church gate collections. They happen all over rural Ireland and they are hitting the 10% or 20% who are going to mass every Saturday or Sunday. I know it has nothing to do with the church, which has been tolerant in allowing church gate collections. They are, however, outdated. Some 25 years ago, Fine Gael and Fianna Fáil had church gate collections, which was wrong. Charities need to consider a different way of targeting the public. Standing outside a church gate or a supermarket is just hitting the same people at the same time. Cashless donations should be considered because there is a generation Z now that needs to be addressed as well.

Senator Robbie Gallagher: I concur 100% with Senator McDowell. On a second referendum, as circumstances change, so too should people's opinions be allowed to change if they so wish. I sincerely hope that a second referendum will be the ultimate outcome and that UK citizens will have an opportunity to vote based on what they know today as opposed to what they were told was going to happen two years ago.

Today, I wish to raise the plight of the farming community. Yesterday, Teagasc launched its review of the year gone by and an outlook for the year ahead. It makes very depressing reading, particularly for farmers. Costs continue to increase, including foodstuffs, fuel or fertilisers, while prices continue to decline across all sectors but for suckler and sheep farmers in particular. We all know the benefit of the farming sector to the Irish economy. Thankfully our exports are booming. That is great news and long may it continue, but we should not forget that these exports are achieved on the back of the farming community. For the vast majority, their incomes are between €12,500 and €17,500 per annum and that does not include their own time and labour.

If we are serious about ensuring that our exports continue, we cannot allow the farming community to fall by the wayside because we are killing the goose that lays the golden egg. It is high time that we ask the Minister to come to the House to facilitate a debate about the future of farming. The reality is that were subsidies to be removed, many farmers could not survive at all. If we are to continue to see exports boom, something must be done to protect our farming community. I ask that the Minister for Agriculture, Food and the Marine come to the House as soon as is practical in order that we can have a discussion on the future of farming.

Senator Rónán Mullen: I congratulate Senator Feighan. Speaking for myself, I have no problem being mugged on a Sunday coming out of mass by a church gate collection. However, any organisations, including political parties, that have shown scant regard for fundamental ideas shared by Christians, among others, about the protection of innocent human life have some neck to be collecting in such places, although they are perfectly free to do so. I hope, however, that they would be told where to go, in a nice way, when they do.

I raise the matter of Nos. 61 and 62 Thomas Street. They are adjoining buildings in an old and historic part of Dublin city that are due to be bulldozed and replaced by a modern office block which will keep only token features of the past glories of those buildings. Dublin City Council gave permission for the demolition in 2009 and that permission was extended in 2014

even though, in the meantime, the buildings came within designation of an architectural protection area. It is believed that No. 62 was built in the 17th century and No. 61 was built in 1687. Both were purpose-built inns, one called the Blue Boar, the other the Golden Last. Records of both establishments survive.

Experts from Dublin Civic Trust, an important group that has done excellent work to preserve buildings across this city with which many colleagues will be familiar-----

Senator Michael McDowell: Hear, hear.

Senator Rónán Mullen: -----have examined the buildings and found original features which have miraculously survived, such as original wooden beams, masonry, and chimney stacks. They say nothing like this is known to survive in Dublin and there is very little that is comparable elsewhere in the country. What does it say of our notion of heritage that a building which experts tell us has survived since the reign of James II could be bulldozed and replaced by an office block? Writing to *The Irish Times* Peter Keenahan noted that “The development of an office block to be known as ‘Sixtyone Thomas Street’, trumpeted in the Commercial Property pages of this newspaper, drives a stake through the heart of the designated Architectural Conservation Area.”

Colleagues will be aware that Dublin City Council has committed many heinous crimes against heritage over the years, the two most infamous being the concreting over of the Wood Quay site in the late 1970s, hiding Christchurch Cathedral from the quays in the process, and the terrible decision in the 1960s to demolish a large stretch of Georgian Dublin along Fitzwilliam Street. That is a cause close to the heart of our colleague, Senator Norris, and work is being done to partially undo that damage.

Some of us wonder about Dublin City Council’s priorities, currently being run by Sinn Féin, with support from the Labour Party and the hard left. The council has bent over backwards to save buildings on Moore Street from demolition. That is fair enough, but why are no councillors stepping up to save the buildings to which I refer which are over 250 years older and are of genuine historical and architectural merit? I understand that while it is late in the day, the Minister has power to intervene in such matters. I ask that this matter be raised with her and call on all parties here who are represented in Dublin City Council to intervene in this matter.

An Cathaoirleach: I call Senator Edward “Bathtub” O’Sullivan.

Senator Ned O’Sullivan: That is an improvement on seagulls.

I have no wish to lock horns with Senator Mullen, especially as we will have adequate opportunity to do that in coming days. I cannot, however, let his comment go unanswered. Senator Mullen posits an opinion that anyone who voted “Yes” in the recent referendum has no business or entitlement to stand outside a Catholic church to take up a collection. During the height of the repeal debate, I was accosted by someone of a similar opinion to the Senator, who said I had no right and it was a disgrace for the likes of me to be outside a church taking up a collection.

Senator Rónán Mullen: The Senator has every right; he just has a brass neck for doing it.

Senator Ned O’Sullivan: Excuse me, the Senator has had his say.

Senators: Hear, hear.

Senator Ned O’Sullivan: I suggest that were Senator Mullen’s thinking to flourish, it would not be long before he would stop people from going into the church. I remind him that two thirds of people in this country voted “Yes” on the eighth amendment and I assure the Senator that they were not all non-Catholics. We will leave that for the moment.

Senator Rónán Mullen: That is a different point, the Senator is confusing his issues.

Senator Ned O’Sullivan: I came into the Chamber because I was watching proceedings on the monitor, and heard Senator Craughwell courageously speak out on terms and conditions and pay of public representatives. Local elections will be coming up next May. This is a great exercise in democracy at local level, community involvement and so on. I commend anyone from any party or persuasion, independent or otherwise, who puts forward his or her name to stand for the local council.

My concern, and there is considerable anecdotal evidence that I am correct, is that there will be much fewer candidates in 2019 than was the case five years ago. I have chaired party conventions and have spoken to members of other parties who did the same and a startling number of conventions are uncontested. Some have had fewer candidates than there are places to fill. I fought several council elections in my time, seven in all, and had to fight for my nomination each time although I was probably regarded as a good candidate.

There is a reason for this. First, there is the lack of an adequate recompense regime for local councillors because it is now a full-time job. People are afraid to say that because of the media. No more than Senator Craughwell, I am not afraid of the media. I have been here for almost 12 years and my take-home pay is significantly less than when I was first elected. The expense regime has also been reduced. I am not complaining about myself but people at local level who want to give service to their community as councillors should be adequately recompensed.

The media thrive on headlines. No doubt Senator Craughwell and possibly myself will get a good going over for this tomorrow. I have seen some of the best politicians in this country highly blackguarded by the media for trivial, small things. I have seen possibly the most effective politician my county has produced since Daniel O’Connell, namely, John O’Donoghue, driven out of politics by that kind of scurrilous reporting.

Senator Rónán Mullen: He is coming back.

Senator Ned O’Sullivan: We cannot afford to lose people like that from politics. We as politicians should not be afraid. I congratulate the junior Ministers who sought redress because of the rising costs of hotels in Dublin, with which we are all familiar.

Senator Gerard P. Craughwell: Hear, hear.

Senator Ned O’Sullivan: I wish them success.

Senator Gerard P. Craughwell: Well said.

Senator Catherine Noone: I thank the Senators who raised matters on the Order of Business. I also congratulate my colleague and pal, Senator Feighan, and Elaine with whom I am very friendly. I am delighted for them. It is lovely to have positive news and it is a lovely time of year for such an event. We all wish them well.

Senator Horkan raised the Threshold report published this morning. It highlights the ongoing

ing problem of which we are all very aware. The Government recognises the role Threshold plays in supporting tenants and providing training, on-call and other services. It provides an important service. It cannot be said enough that where landlords intend to terminate a tenancy on the basis of intending to sell the property, they must do that in accordance with the law. The sale must be within three months of the termination and the landlord must sign a statutory declaration to that effect. If that is not being adhered to, we must find a way to ensure it is. It is as simple as that. Senator Humphreys has raised this matter many times and I feel his frustration. I am told the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, will introduce the residential tenancies (amendment) Bill to Cabinet next week, but I can understand why the Senator might be sceptical because I feel like I have been told many times that it is happening. Many of these issues will be addressed, however, and we might wish to have a discussion on that in January when the opportunity arises.

Three or four Senators raised the issue of Brexit and many of the points resonate, not least the points made by Senators McDowell and Feighan about how the UK is our closest neighbour and has been a fantastic ally. I do not agree that point has not been made enough because I have heard it said frequently in many debates and we all recognise it. The Government has always wanted a good result for the UK but the best result for us and the UK would be another referendum, if people in the UK see sense. There was so much misinformation communicated during the referendum that people should feel aggrieved about the national debate that took place. It was hijacked by a few prominent Brexiteers who scurrilously pushed out fake news. A deliberative democratic process, where there is proper discussion, is needed. The people in the UK gained much insight into the matter over the course of the whole fiasco. Senator Gallagher made the point that people can change their minds, but there seems to be some sort of feeling that people should never change their minds and that they should remain firmly fixed in a view. That is not an intelligent way to approach life, however, and sometimes situations or circumstances change, as Senator Gallagher noted. The democratic process should be allowed to take account of that and we all hope there will be another referendum in the UK.

Senator Horkan mentioned the Committee on Budgetary Oversight, and I do not see any reason why we would not have a debate on that in the new year.

Senator Boyhan raised the climate action discussion that took place yesterday. We have spoken to the Minister for Communications, Climate Action and Environment, Deputy Bruton, and he is available to appear before the House this evening from 7.30 p.m. until 9 p.m. I suspect, however, that will not quite satisfy Senators and there will need to be a more meaningful discussion on climate change. I have been promised we can have a lengthy debate on climate change in January with a proper question-and-answer session with the Minister. If that pleases Senators, I will suggest it as a response.

Senator Boyhan also mentioned the electoral commission and deletions from the register. That process happens most years but it should be raised as a Commencement matter if the Senator has major concerns in that area.

Senator Conway-Walsh raised the issue of autism. We are all glad to see a proper strategy on autism for the first time and it would be good to have a debate on autism in the House. She also raised the issue of fuel poverty, which is in particular focus at this time of the year. It links with the climate change debate in many ways. I was a proponent of carbon tax simply from an environmental point of view, but a carbon tax will have a seriously negative impact for people who already find it difficult to cope. There needs to be an intricate conversation about

the issue. The Joint Committee on Climate Action sits regularly, and its plan is to produce a comprehensive report on particular actions the Government - not just the current Government but any Government - should take over a number of years. As with other strategies that have been created for the health sector, there needs to be a long-term plan for action because it is too serious an issue for there not to be. I am talking about climate change in response to the point about fuel poverty but fuel poverty is important-----

Senator Rose Conway-Walsh: It is immediate.

Senator Catherine Noone: Yes, it is an immediate issue that affects people. I doubt we will have the opportunity to have that debate before Christmas, but I will suggest it. At the leaders' meeting the other day, the agenda was intensely busy. I will not promise anything but I will suggest that we could have even a short debate on the issue before Christmas.

Senator Humphreys also raised climate action, which I have addressed, and I hope he is amenable to there being a much fuller and more lengthy debate in January. I agree with his comments on height strategy. I feel strongly about the fact that we have sprawled as a city and we should look to build in the city centre proper accommodation in which it is feasible to live in the long term. It should not be a matter of just throwing up many two-bedroom apartments to accommodate people. Families should be among those living in the city centre, and height strategy is intrinsically linked to that aim. A debate on planning in the context of a few different issues that were raised would be useful for the House in the new year. Senator Maria Byrne raised a related issue which would be covered by such a debate.

Senator Leyden raised the Oireachtas channel. I agree it is a pity that "Oireachtas Report" is no longer broadcast although one needs to be some sort of an insomniac to be interested in politics in this country, because one must stay up until 11 p.m. or 11.30 p.m. for some programmes and that is too late.

Senator Terry Leyden: It is not too late.

Senator Catherine Noone: For the benefit of one's circadian rhythms, one should be in bed before then and get up early.

Senator Gerard P. Craughwell: Senator Noone has given an honest view on the crazy times they put these programmes on television.

Senator Catherine Noone: Yes, it is my strong view that for one's health it is better to go to bed and get up early.

Senator Terry Leyden: It is hard to compete with "Coronation Street".

Senator Catherine Noone: I also agree with the point that was raised about the television licence. We need to consider radically how we approach the licence and its structure. The system is such that lads and ladies call around to people's houses to see whether they have a television or whether they are present before pursuing them through the courts over their television licence. There are much easier ways to address the payment of these fees and broaden the potential for other stations to cash in, literally. People do not necessarily watch many of these television programmes on their televisions nowadays but rather on hand-held devices. An innovation could be that the fee could be collected through the Internet providers, but that is politically difficult because it could be seen as a broadband fee. We nonetheless need to examine

the issue of the television licence, which is the fundamental point that I took from Senator's Leyden's contribution.

On Senator Craughwell's point, one must always be careful with what one says about pay and conditions. We have denigrated the profession to some degree over the years, in the sense that we behave in a way that other businesses would not behave. There are simple ways in which we play up to the public image. None of us enters politics for money.

Senator Gerard P. Craughwell: One would not want to.

Senator Catherine Noone: I am a solicitor by trade and could earn much more money outside of this House if my focus was not where it is. We might all look back and regret it, but we must be here because we have a desire for public service. We do not expect to make a great deal of money but a certain degree of fairness is required and the Senator is right in many of his comments. It is a discussion that is probably best had in private for the reason that one does not necessarily need the negativity that could come one's way because one makes certain comments in this area.

Senator Gerard P. Craughwell: I have no doubt the negativity will come anyway and I do not particularly care about it.

Senator Catherine Noone: One gets over it.

Senator Kieran O'Donnell raised the issue of climate change also and suggested a public consultation. That would be a practical suggestion but for the fact that we have a climate change committee. It is something we could consider as an action following on from that. Some Senators are members of that committee. It may not be an appropriate time for a public consultation but it is certainly a good idea because the more we can do when it comes to climate change, the better.

Senator Norris also raised pay and conditions and Brexit, both of which I have covered.

Senator Lombard raised a particular issue in his area with regard to An Bord Pleanála. We need to be careful that the democracy that has always been a feature of our planning process remains. The very idea that a plastics factory is opening somewhere in Ireland makes me see red. I know plastic is still being used extensively throughout the world but we need to look to ban single-use plastic. I do not know the type of plant this is but a discussion on An Bord Pleanála, with the Minister present, could be very useful to have in the new year.

Senator Swanick raised an issue I have taken an interest in. There are people in Mayo who are affected by it who live near my parents. The technical review is ongoing. It is due on 11 December. We would want families to have the decision soon because uncertainty is very stressful. I hope the right decision will be made for them but a fundamental point is the need to examine the system whereby these drugs are procured. I have not had much direct involvement in respect of many of these drugs that are purchased by the State but it seems to me that on many occasions the companies play the system for maximum gain. That is what pharmaceutical companies will do. That is small comfort for families because they do not want to hear about money when they are talking about their child's muscular problems and their difficulty getting through the day when there is an existing drug. It is very difficult for them if other countries provide that to patients and we do not. My view is that we have to provide it but, apparently, the cost benefit is challenging. I do not know anything about the current process but we could

have a better system to deal with these drugs. I agree with the Senator that a decision is needed and should be forthcoming on 11 December.

Senator Mulherin raised a particular issue but as the Cathaoirleach said, tabling a Commencement matter might be the best way to get a satisfactory and detailed answer. One of the last points the Senator made was on the balance between wildlife and human beings. The habitats and birds directives are very important, as is the environment, but a fair balance must be achieved in that respect. I understand the habitats and birds directives are matters for the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, but a debate on that issue would be useful.

I think I addressed the Brexit issue raised by Senator McDowell. As he said, the UK is our closest neighbour. The situation is very fractious and I suppose the less said by Irish politicians that could in any way make it more difficult for Mrs. May, the better. I would hope it will play out in a way that we will see another referendum.

Senator Feighan backed up the comments on the UK being our closest neighbours. The Senator has been very involved with the Brexit issue and I commend him on his work.

With regard to charities collecting online, one of the first issues I raised as a Senator was the chuggers who almost ambush people on the street. I have an issue with those so it is great that one is able to contribute to charities online. I often see a particular individual collecting after matches, in pubs and so on who is clearly not collecting for a particular charity. When people have taken a few drinks they often throw money in a bucket without necessarily knowing where that money will end up.

I have already addressed the comments Senator Gallagher made on Brexit, which were insightful. Prices for suckler cows is an issue the Senator knows more about than I do but if the Minister, Deputy Creed, agreed to come into the House in the new year, many Members would like to contribute to a debate on the future of farming. Senator Kieran O'Donnell's suggestion of public consultation in this House is something we might choose to do in the medium term. I refer to the area of farming, the way climate change interacts with farming, the pricing and all the other issues the Senator mentioned.

Senator Mullen has left the Chamber but the issue he raised is one I feel passionate about. I am sick hearing comments about people who do not subscribe entirely to the teachings of the Catholic Church but who identify as Catholic all their life, like myself. The Catholic Church has made itself an unwelcome place for anyone who does not subscribe fully to its teachings. However, there are those of us who are just keen to do what we believe is the right thing in life for us. That does not mean we are any less of a person. We just want to do what we believe is right.

I do not want to go to a church to collect money, but it speaks to the wider issue. I recall the incident Senator O'Sullivan raised, and it is just not on. There are extreme individuals but as the Senator said, the fact that two thirds of the population voted means that a large percentage of Catholics voted that way. It means also that we are a beautiful democratic people. We look at the reality people are faced with in life and we make changes that will make their lives more safe. It makes me very angry when I hear that type of comment. It is as though we are lesser because our view does not fit with the Catholic Church, but the Catholic Church does not fit with many people nowadays. It needs to look into its own heart in terms of how it would

welcome people in and make those who are slightly alienated from its teachings feel like going to mass at Christmas time, for example.

Senator Mullen also raised the issue of the office block on Thomas Street. It strikes me as an issue that may be suitable for a Commencement debate.

I agree with the Senator's comments about Georgian Dublin, in particular the area around Fitzwilliam Street. What happened there was a travesty. I will speak to the Minister about that particular issue. I do not know much about it but it is certainly something that would be suitable for a Commencement debate.

As always, I support much of what Senator Ned O'Sullivan said on the issue he raised.

On the local elections, the Senator is right. Even in this area of Dublin 2, very good Fine Gael councillors have decided not to run in the next local elections. They are professional people. Being a councillor is supposed to be a part-time job, but how does one define "part-time"? It is an intense and very busy part-time job. We need to look at whether we want it to continue as a part-time job or to make it a full-time job and pay people properly. It is not feasible for people who could have a very-----

Senator Ned O'Sullivan: There is social media abuse as well.

Senator Catherine Noone: Yes. I was speaking to a councillor from Tipperary yesterday whose colleague has come off social media completely because he has been so harassed and harangued on social media. We have all experienced it. Unfortunately, it is just a regrettable part of the job now. There is a wider discussion to be had about how we have chosen to interact as a society, in particular online, and what has become normalised to a great extent. We often see it from politicians as well. I do not know where it will end but Senator Ned O'Sullivan's points about local elections are very well made. It is a difficult career at the best of times and it needs to be in some way attractive to get good candidates to remain in the job. That concludes the response to the Order of Business.

Senator Kevin Humphreys: Rather than oppose the Order of Business, I seek clarity from the Cathaoirleach or the Deputy Leader on the proposals concerning the debate on climate change. I asked for the legislation to be honoured not only by the letter but by the spirit of it. The legislation was passed in 2015, which means we take a whole-of-Government response. What happened yesterday evening was a disgrace. I ask that each Minister come back in and engage in a proper debate, as outlined under the 2015 Act. That is the only approach that is acceptable to this House. I do not want to oppose the Order of Business but that is what I am looking for the Deputy Leader to do.

Senator Catherine Noone: I will come back in briefly in order to be helpful. The only assurance I have for January is that the Minister for Communications, Climate Action and Environment, Deputy Bruton, is available. As the lead Minister, it might make sense for him to come to the House rather than have a number of Ministers present. I am just talking off the top of my head.

Senator Kevin Humphreys: That was a disgrace.

Senator Catherine Noone: Rather than have Ministers waiting for one another, we could allow each of them to come on a weekly or fortnightly basis to interact with us for seven weeks.

Perhaps it is novel to have all the Ministers here but I felt it was a forum that did not make a lot of sense.

Senator Kevin Humphreys: It was a disgrace.

Senator Catherine Noone: I believe it would make sense to have the Minister for Communications, Climate Action and Environment, Deputy Bruton, come to the House in January and then to follow up with a different Minister every week or second week on the sectoral issues, as suggested by Senator Humphreys.

Senator Kevin Humphreys: What mechanism is open to Seanad Members in regard to the enforcement of the 2015 Act? Is it open to us to make an official complaint to you, a Chathaoirleach, or to a committee of this House on what happened here yesterday evening?

An Cathaoirleach: I cannot comment on the enforcement of the Act but I am sure the Deputy Leader can follow that up. To avoid a vote, the Deputy Leader has suggested a full debate as early as possible in January and she has committed to that.

Senator Catherine Noone: Could I suggest that when the Leader is back next week, a meeting of the party leaders could discuss a proposal that would work? A schedule would be required for a workable proposal. I do not think anyone in here is trying to have a bad debate on climate change. It was not anyone's intention. We tried something. It did not work. We can try a different approach. I think the leaders could meet to agree what would work best.

An Cathaoirleach: I remind Members that we are 15 minutes beyond the scheduled time for discussion of the Finance Bill, which is an important Bill.

Senator Catherine Noone: I am sorry.

An Cathaoirleach: No, it is a combined effort. I am trying to get agreement. Before we move to the Finance Bill, I welcome a visitor to the Gallery, Councillor Mattie Ryan, who is the first citizen of Tipperary. He and his friends are very welcome. I am not sure whether the correct term is mayor of Tipperary or chairman of Tipperary County Council, which used to be two councils. He is most welcome, as is Deputy Jackie Cahill. I hope he and his friends have a pleasant day in Leinster House. Is the Order of Business agreed? Agreed.

Order of Business agreed to.

Finance Bill 2018: Committee Stage

Sections 1 to 10, inclusive, agreed to.

Acting Chairman (Senator Frank Feighan): Recommendation No. 1 has been ruled out of order.

Senator Rose Conway-Walsh: Could you please clarify the position for me, Acting Chairman? If a recommendation is out of order, can it be moved? I am speaking on behalf of Senator Alice-Mary Higgins.

Acting Chairman (Senator Frank Feighan): The recommendation cannot be moved.

Senator Rose Conway-Walsh: The recommendation cannot be moved. Does she have any right to present the recommendation on Report Stage?

Acting Chairman (Senator Frank Feighan): No.

Senator Rose Conway-Walsh: Could we withdraw the recommendation and reserve the right to present it on Report Stage?

Acting Chairman (Senator Frank Feighan): Yes.

Recommendation No. 1 not moved.

Section 11 agreed to.

Sections 12 to 22, inclusive, agreed to.

Acting Chairman (Senator Frank Feighan): Recommendations Nos. 2 and 3, tabled by Senator Alice-Mary Higgins, are out of order.

Senator Gerald Nash: Unfortunately, Senator Higgins is absent but she has asked me to speak on her behalf. She has permission from the-----

Acting Chairman (Senator Frank Feighan): The recommendations are out of order.

Senator Gerald Nash: I understand that. While Senator Higgins acknowledges that at this point, she wishes to make it clear that she will resubmit those recommendations on Report Stage and perhaps have another attempt in this regard.

Acting Chairman (Senator Frank Feighan): The Chair will rule at that time.

Senator Gerald Nash: Senator Higgins wishes to resubmit her recommendations on Report Stage.

Senator Gerry Horkan: Is Senator Higgins being represented by Senator Nash or Senator Conway-Walsh or both?

Acting Chairman (Senator Frank Feighan): I have not been informed. It does not matter anyway. It is of no concern to the Chair.

Senator Gerry Horkan: It is a concern to me though. I am asking the Chair.

Recommendations Nos. 2 and 3 not moved.

Section 23 agreed to.

1 o'clock

Section 24 agreed to.
Acting Chairman (Senator Frank Feighan): Recommendations Nos. 4 and 5 in the name of Senator Higgins are out of order.

Senator Gerald Nash: Senator Higgins wishes it to be clear that she wants to resubmit the

recommendations on Report Stage.

Acting Chairman (Senator Frank Feighan): That is noted.

Recommendations Nos. 4 and 5 not moved.

Section 25 agreed to.

Sections 26 to 28, inclusive, agreed to.

NEW SECTIONS

Acting Chairman (Senator Frank Feighan): Recommendations Nos. 6 and 21 are related and may be discussed together.

Senator Rose Conway-Walsh: I move recommendation No. 6:

In page 112, after line 42, to insert the following:

“Report on restricting banks from carrying forward losses

29. The Minister shall, within 6 months of the passing of this Act, prepare and lay before both Houses of the Oireachtas a report on restricting banks from carrying forward losses against taxable profits in a manner which could result in many institutions paying no corporation tax for the foreseeable future by introducing a 25 per cent cap on profit that can be written off by carried forward losses in any given year and an absolute ten year limit on the use of losses for this purpose.”.

The Minister understands the limitations placed on Opposition Deputies and Senators when framing amendments. A report has been carried out and it makes for very interesting reading. The report includes many of the arguments the Minister was making prior to its publication. It states the value of the banks will drop. While I accept that it might, the report also states that the estimate is €420 million in reduced value across the three banks. That number has fallen somewhat presumably as bank shares have dropped. While I do not accept that we should necessarily be trying to sell the banks, I leave that aside for a moment to consider that the figure set out is equivalent to less than two and a half years of tax foregone at current levels of profitability. It would make far more sense to collect the recurring tax returns than to hope for a future windfall which would only be used to reduce the debt rather than invest in the economy and infrastructure. The report also singles out PTSB as suffering most under any change. While that is interesting, it lets the cat out of the bag. The Minister’s defence of the tax break is not that it is fair but that the banks need it. The huge tax break is part of the ongoing bailout we have spoken about before. While the report refers to reduced competition, this is a double-edged sword. Making these banks pay tax would level the playing field and allow new entrants to join the market, which is something that has failed to happen to any serious extent to date. Under my proposal, the State would have collected €175 million in tax this year from banks which have made over €2.6 billion in the last year. I am sure we will have passionate debates about measures to bring in far less. This should be done. Banks need to pay tax and this is a way to ensure they do.

Minister of State at the Department of Finance (Deputy Michael D’Arcy): Before I start, I wish the Acting Chairman, Senator Feighan, and his good lady wife the very best of luck for the future following their nuptials of last weekend.

I thank Senator Conway-Walsh. On Committee Stage of the Finance Bill 2017 in the Dáil, the Minister for Finance committed to providing to the Committee on Finance, Public Expenditure and Reform, and Taoiseach a report on the possible consequences of changes to the treatment of corporate tax loss relief in respect of Irish banks. The report was provided on 31 August 2018. It discusses in some detail the implications of restricting the ability of banks to carry losses forward and of introducing a specific time limit or sunset clause on loss reliefs for banks or the corporate sector as a whole. The report examines the possible effects of such restrictions on consumers, the valuation of the banks, the State's banking investment, capital levels in the banks, possible consequential regulatory impacts, state aid implications and the potential effects on competition in the banking sector in Ireland. It sets out the potential negative effect that restricting bank losses could have on consumers due to the probability that the increased cost base of the banks would be passed on in the form of higher fees and interest rates on mortgages, business loans and personal loans and lower deposit interest rates. It is critically important to understand that the State is getting value today from the tax losses involved through its share sales. Despite the scale of the losses accumulated, Irish banks continue to pay Irish corporate tax as the relevant losses do not shelter the profits from all of their corporate entities in Ireland. The banks are also contributing to the Exchequer through the financial institutions levy which generates revenue of €150 million per year.

As Senators know, loss relief is a standard feature of corporate tax regimes internationally. Loss relief recognises the fact that business cycles run over longer periods than a single year and that it would be inequitable to tax profits in one year and not allow losses in the next. There are differences in the way loss relief operates in differing jurisdictions. While some countries impose a sunset clause or annual limit on the use of losses carried forward, many, like Ireland, do not. Ireland has stricter limitations than many other jurisdictions on the sideways offsetting of losses carried forward against income and gains from other sources. As a report of the type requested in the Senator's recommendation was provided to the Committee on Finance, Public Expenditure and Reform, and Taoiseach three months ago, I cannot accept the proposal.

Senator Rose Conway-Walsh: I cannot accept what the Minister of State says either. Placing a report before the Houses on restricting banks from carrying losses forward against tangible profits cannot harm the banking system. Banks should pay their fair share of tax. We are only asking for a 25% cap on the profits that can be written off against losses carried forward in any given year with an absolute ten year limit on that. I cannot accept that we cannot request the banks to pay more tax at this time.

Acting Chairman (Senator Frank Feighan): Is the recommendation agreed?

Senator Rose Conway-Walsh: I am pressing it to a vote.

Recommendation put:

The Committee divided: Tá, 9; Níl, 13.	
Tá	Níl
Bacik, Ivana.	Burke, Paddy.
Black, Frances.	Coghlan, Paul.
Conway-Walsh, Rose.	Conway, Martin.
Craughwell, Gerard P.	Feighan, Frank.
Devine, Máire.	Lawlor, Anthony.

Mac Lochlainn, Pádraig.	Lombard, Tim.
Nash, Gerald.	McFadden, Gabrielle.
Ó Donnghaile, Niall.	Mulherin, Michelle.
Ó Ríordáin, Aodhán.	Noone, Catherine.
	O'Donnell, Kieran.
	O'Mahony, John.
	O'Reilly, Joe.
	Richmond, Neale.

Tellers: Tá, Senators Rose Conway-Walsh and Niall Ó Donnghaile; Níl, Senators Gabrielle McFadden and John O'Mahony.

Recommendation declared lost.

Senator Rose Conway-Walsh: I move recommendation No. 7:

In page 112, after line 42, to insert the following:

“Report on restoring cap on intangible assets

29. The Minister shall, within 6 months of the passing of this Act, prepare and lay before both Houses of the Oireachtas a report on restoring the 80 per cent cap on intangible assets onshore between 2015 and 2017 that can be written off against profits at the rate of 100 per cent.”.

This relates to 80% cap on intangible assets that were onshored between 2015 and 2017. We want to stop it being written off against profits at the rate of 100%. I welcome that the conversation about multinational taxes is changing. I have always argued that if we are to protect Ireland's interest, we must get our own house in order first.

The Minister commissioned Mr. Seamus Coffey to review this. One of his recommendations was to end the 100% write-off for intangible assets. The Minister acted but, shamefully, left a large gap for the assets onshored. When his attention was brought to a policy allowing significantly profitable companies to write off tax, he closed the door but refused to tidy up the mess. Mr. Coffey's report made it clear that it does not amount to retrospective taxation. When he appeared before the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach he said:

No, I do not believe it is retrospective taxation. It does not change the amount of capital allowances that are available. The total quantum of capital allowances remains the same. All that changes is the amount that can be claimed in future years. That is limited to 80% of the taxable income that is earned. It is not retrospective taxation.

Recommendation 18 of his report stated:

In order to ensure some smoothing of corporation tax revenues over time, it is recommended that the limitation on the quantum of relevant income against which capital allowances for intangible assets and any related interest expense may be deducted in a tax year be reduced to 80%.

It did not state “from now on”.

The whole issue of tax and multinationals is complicated but sometimes there is a blatant favouritism that must be called out. How did we end up here? It seems nobody knows. The lifting to 100% of the cap by the former Minister for Finance, Deputy Noonan, exceeded the wildest dreams of the multinational sector. The senior tax policy adviser in the then Department of Jobs, Enterprise and Innovation said he did not think he was the type in that role to be clamping down on multinationals but he clearly saw this as dangerous and that was when the discussion was about 90%, not 100% which allows for a 0% tax rate. We have forgone €750 million this year. I appreciate it can be argued that this will eventually be paid but a bill delayed is a saving in real terms.

There are serious questions about why this was ever done and as to why the policy remains, allowing an effective 0% tax rate for billion dollar companies. Requests for records of the meetings with Apple prior to the Finance Bill 2015 are refused under the Freedom of Information Act. This decision was a great mistake and must be rectified or else we will be hundreds of millions of euro worse off.

Senator Alice-Mary Higgins: I support the idea of this report and think it is appropriate that it would be done as part of a real forensic analysis of our tax reliefs and their ongoing effect. It is in a similar spirit to the amendment I had proposed to put forward to previous sections, in respect of a very large new set of measures put in place for tax reliefs and so forth, where I suggested we should not leave ourselves hostages to fortune but leave ourselves with the space, in respect of section 25. At that point I said that any changes to relief granted under this provision could be changed by the Houses of the Oireachtas in response to the policy needs of the moment. Similarly, much as I was trying to future proof the new tax reliefs being brought through in this Bill it represents the need to be able to look back and challenge the decisions of the past, be willing to review and adapt them, and operate with new knowledge. That was the spirit of the last two recommendations put forward by Sinn Féin and that is why I will be supporting them.

Deputy Michael D'Arcy: This matter was discussed extensively in the Dáil and Seanad during last year's Finance Bill 2017. As part of the reintroduction of the 80% cap for assets onshored on 11 October 2017 it has again been discussed extensively on Committee and Report Stages in the Dáil and the Seanad in this year's Finance Bill. It has been noted in those debates that, for the purposes of certainty, changes to tax law are generally made on a prospective basis such that they apply only from the date on which they have legal effect. Therefore, the 80% cap introduced last year did not apply retrospectively – it applies to claims relating to capital expenditure incurred from budget night last year 11 October 2017.

Capital allowances for intangible assets were introduced in the Finance Act 2009 to support the development of the knowledge economy and the provision of high-quality employment. When the capital allowances were introduced, in order to ensure that a measure of tax remained in charge annually, an 80% cap was placed on the amount of relevant trading income that the allowances could be offset against in any year.

In the Finance Act 2014, the cap of 80% was increased to 100%, effective for accounting periods commencing on or after 1 January 2015. The rationale for increasing the cap was to bring the tax treatment of intangible assets into line with the tax treatment of similar assets in other jurisdictions and to make Ireland an attractive location for companies to develop intellectual property. This was in recognition of the fact that investment and growth in OECD economies is increasingly driven by investment in intangible assets.

Noting a significant increase in the use of the capital allowances in 2015, the Coffey review recommended that, to ensure some smoothing of corporation tax revenue over time, the 80% cap should be restored, and this recommendation was acted on in the Finance Act 2017. It is important to note that the operation of the cap is simply a timing matter. The measure has no effect on the overall quantum of capital allowances for intangible assets available to use against the relevant trading income. Any amounts restricted in one accounting period as a result of a cap are available for carry forward and use in a subsequent accounting period, subject to the application of the cap in that period. To present the cap as a long-term source of additional tax for the Exchequer would not be correct.

Furthermore, the allowances can be used only against qualifying trading income generated by those assets. They cannot be offset against the company's income from other sources. While I cannot accept this recommendation, I can assure the Senators that these allowances are kept under review by the Department of Finance on an ongoing basis, to ensure that they are delivering overall value for the economy.

Senator Rose Conway-Walsh: I welcome the fact that they are under review but Sinn Féin estimates that we are losing out on €750 million. On that basis we are absolutely certain we are not talking about retrospective taxation and that this is something that really needs to be done.

Deputy Michael D'Arcy: The Senator is absolutely talking about retrospective taxation.

Senator Rose Conway-Walsh: We can agree to differ.

Deputy Michael D'Arcy: The Senator is. There is not €720 million lost.

Senator Rose Conway-Walsh: I said €750 million.

Deputy Michael D'Arcy: The cap was reintroduced not to raise additional revenue but to effect the smoothing of corporate tax receipts over time. Therefore, retrospective application of the cap would not have resulted in any additional receipts, simply a change of time periods. The Senator is looking for retrospective taxation and we do not do that in this jurisdiction. In respect of tax matters it is almost always, on every occasion, the case that tax matters are prospective, for future dates.

Recommendation put:

The Committee divided: Tá, 9; Níl, 12.	
Tá	Níl
Bacik, Ivana.	Burke, Paddy.
Conway-Walsh, Rose.	Conway, Martin.
Devine, Máire.	Feighan, Frank.
Higgins, Alice-Mary.	Lawlor, Anthony.
Mac Lochlainn, Pádraig.	Lombard, Tim.
Nash, Gerald.	McFadden, Gabrielle.
Ó Donnghaile, Niall.	Mulherin, Michelle.
Ó Ríordáin, Aodhán.	Noone, Catherine.
Warfield, Fintan.	O'Donnell, Kieran.
	O'Mahony, John.

	O'Reilly, Joe.
	Richmond, Neale.

Tellers: Tá, Senators Rose Conway-Walsh and Máire Devine; Níl, Senators Gabrielle McFadden and John O'Mahony.

Recommendation declared lost.

Senator Martin Conway: I welcome two students from Furglan national school in County Clare and their teacher, Ms Patricia Vaughan, to the Gallery. I congratulate them on winning a national award on awareness for people with disabilities, which was presented to them at City Hall today.

Acting Chairman (Senator Joe O'Reilly): I am sure we all join in those good wishes and salute the students and their teachers. It is a very special occasion.

Senator Rose Conway-Walsh: I move recommendation No. 8:

In page 112, after line 42, to insert the following:

“Report on “double Irish” tax scheme

29. The Minister shall, within 6 months of the passing of this Act, prepare and lay before both Houses of the Oireachtas a report on the options available to end the transition period for companies availing of the double Irish sooner than 2020.”.

The recommendation provides that the Minister shall within six months of the passing of the Act prepare and lay before both Houses a report on the options available to end transition period for companies availing of the double Irish sooner than 2020.

Deputy Michael D'Arcy: The Finance Act 2014 amended the company residence rules in section 23A of the Taxes Consolidation Act 1997, to provide that an Irish incorporated company would be regarded as resident for tax purposes in the State. In essence, the change was designed to ensure that a company could no longer use an Irish label of incorporation without being tax resident here. As the previous Minister for Finance, Deputy Noonan, clearly stated at the time, the double Irish was not part of the Irish tax offering. It was just one example of the many international tax planning arrangements designed by tax and legal advisers to take advantage of mismatches between the tax rules in two or more countries. In many cases these were designed to exploit gaps in US anti-avoidance rules. Therefore, action was taken by Ireland in the Finance Act 2014 to amend our residency rules in the absence of US tax reform.

Recent tax reforms see the US asserting its global taxing rights, and this should put an end to the type of arrangements some multinationals were previously able to use to avoid tax. Those changes, combined with the widespread implementation of the BEPS recommendations, will have a major impact on the ability of multinationals to engage in aggressive tax planning. We are already seeing evidence of US companies paying tax in the US in respect of historic profits as a result of US tax reforms.

The amendment in the Finance Act 2014 was brought into effect for new companies incorporated after 1 January 2015. To ensure that this change did not negatively impact on other related group companies which have real and substantive operations in Ireland, a transition period until end 2020 was provided to give these groups a reasonable timeframe to plan and reorganise

their business model to take account of this change. The ending of the double Irish has already been provided for in legislation and I consider the issue to be dealt with. Furthermore, as I have stated, the continuing process of international tax reform is proving effective in ensuring that multinational companies are subject to tax on their global profits. Therefore, I see no need to revisit the issue at this time, and I do not accept the Senator's recommendation.

Senator Rose Conway-Walsh: I will withdraw the recommendation and reserve the right to resubmit it on Report Stage.

Recommendation, by leave, withdrawn.

Sections 29 to 31, inclusive, agreed to.

Acting Chairman (Senator Joe O'Reilly): Recommendation No. 9 has been ruled out of order as it has the potential to impose a charge on the people.

Recommendation No. 9 not moved.

Section 32 agreed to.

Sections 33 to 35, inclusive, agreed to.

NEW SECTION

Senator Gerry Horkan: I move recommendation No. 10:

In page 125, between lines 16 and 17, to insert the following:

“Report on independent bookmakers sector

36. The Minister shall within three months of the passing of this Act, prepare and lay before the Oireachtas a report assessing the economic impact of the 2 per cent turnover tax on the independent bookmaker sector.”.

We know there is currently a turnover tax of 1% applying to online and in-shop betting. There is also a 15% tax on commission earned by betting intermediaries. The Finance Bill is going to increase that turnover tax to 2%. This is effectively a 100% increase. The tax on commission is also to be increased to 25%. We certainly recognise the need to tackle gambling addiction, which can be an absolute scourge on society. The recommendation is directed at the turnover tax and its potential impact on individual, independent retail bookmakers. I am sure the Minister of State has received representations on this, as we all have, mainly from independent, smaller bookmakers. Perhaps the Acting Chairman, Senator O'Reilly, has received them too. The big betting companies with substantial online presence can absorb the increase but individual retail bookmakers, many of whom are in small towns and village, cannot.

I am asking the Government to consider a tax on the individual bet where the customer pays rather than to impose a tax on turnover. A gross profit tax could also be explored. These options would be a better way to protect independent bookmakers. A great deal of analysis has been done by independent economists, including Professor Anthony Foley. I cannot say whether it will happen, but it has been suggested that up to 400 retail bookmaking outlets will close on the basis of this tax and its effect on the marginal ability of smaller firms to absorb charges. That threatens 3,168 direct and indirect jobs, or 2,400 direct jobs and 768 indirect jobs, respectively. These jobs include those of shopfitters, computer services providers, printers and newsagents.

That would also remove 400 shop contributions to the gambling addiction services contribution scheme and to Horse Racing Ireland. Income tax, PRSI and USC contributions would also be lost. While I do not want towns to be filled with bookmakers' shops, they add a vibrancy to many small villages and towns. There is a genuine concern that almost half of the 855 retail betting shops are suggested to be in trouble on the basis of the impact of an increase in tax from 1% to 2%. What I am seeking here is that, within three months of the passing of the Act, the Minister should prepare and lay before both Houses of the Oireachtas a report assessing the economic impact of the increase.

One of the Minister of State's favourite phrases is "unintended consequences" and I certainly do not want a situation to develop where we simply move all betting online while people continue to behave as before. There is an element of regulation in a shop environment which does not exist online and while I might prefer it if they were not all bookmakers, I do not want empty shops in towns either. There is a concern that this proposal will have unintended consequences. As such, a report would be helpful for the Department and the Houses.

2 o'clock

Senator Anthony Lawlor: I am also concerned regarding the impact of an increase in the betting tax from 1% to 2%. I have raised with the Minister of State my concerns about whether we are generating the proper tax through the system we have in place. Perhaps he will provide an indication that he will review the impact of the 2% tax he is placing on bookmakers to determine whether we can generate the equivalent amount of tax revenue through some other means which avoids hitting the smaller bookmakers in rural towns up and down the country. We should also look at funding gambling addiction services through the tax income generated to support those people who have gambling addictions. I would welcome any comments from the Minister of State and an indication of a review to determine whether the same amount of income can be generated in a way that does not impact the smaller bookmaking firms to a greater extent than it does the large ones.

Senator Rose Conway-Walsh: A great deal of social damage is caused by betting and that necessitates a higher tax contribution from the sector. The current duty does not even cover the horse and greyhound fund, however, and it has not done so for a long time. I have an issue, however, with the way in which the tax is being levied. It is not a million years since a betting duty of 10% was applied but it is crucial to note that this duty was imposed on the bet and borne by the punter. I have seen the accounts of local bookies operating on slim profit margins and it is clear that doubling the turnover tax will hurt them immensely whereas Paddy Power and other larger chains will be able to absorb the cost. While some Members are calling for a gross profit tax instead, that will not deal with the fact that gambling is damaging and nor will it tackle the actual behaviour at source. An examination is required in respect of the elasticity of a betting tax and the impact it could have on behaviour. I agree that it must be done in a sustainable way which protects jobs. It is possible to achieve a balance across the board.

Deputy Michael D'Arcy: The 1% rate of betting duty is at an all-time low. It is lower than the rate applied in other countries and, certainly, the receipts are exceptionally low when compared to other sectors subject to excise taxes. Betting duty receipts account for less than 1% of all excise receipts at a time of raised public consciousness of the social consequences of problem gambling. All proposals have consequences. The industry should contribute more to the Exchequer. Ultimately, many taxes on goods and services are passed to end-consumers and bookmakers will have to make commercial decisions on such matters. I acknowledge that the market has moved towards online betting and that this has led to ongoing competitive chal-

lenges for smaller independent bookmakers. While I have sympathy for small independent bookmakers, I cannot apply the increase to some bookmakers and not to others. However, during the debates on the Bill in the Dáil, the Minister for Finance gave a commitment to consider, in 2019, the alternative betting duty proposal put forward by the industry. I assure the House that as part of this exercise, the Department will examine ways to alleviate the betting duty increase for small, independent bookmakers. Accordingly, I cannot accept the recommendation. The alternative proposal for a gross profits tax was presented by the sector after the Finance Bill was published. The Minister has consented to review the matter and we will consider the sector's proposal in 2019.

Senator Gerry Horkan: I thank the Minister of State for his response. We are not that far apart in what we are saying. There is a concern and the Minister for Finance and the Minister of State have acknowledged that they are cognisant of the issue. They are keeping an eye on the matter and carrying out a review, which is important. We do not want to have a small number of very large bookmaker chains constituting the whole market and lose that independent presence in the smaller towns in particular. There is a value here which is similar to the value of the on-trade versus the off-trade in alcohol. A great deal more policing and supervision takes place in the on-trade than the off-trade. It is similarly the case with bookmakers. Smaller shops in smaller areas can keep an eye on what is happening and perhaps advise people on inappropriate behaviour. While we all want to ensure that anyone who gambles does so responsibly, it is safer when it happens in a shop or retail environment than online. I ask the Minister of State to take my concerns on board and reflect on whether there is a better way to secure more revenue which avoids the unintended consequences of large-scale shop closures and driving business online where it is subject to less supervision.

Senator Anthony Lawlor: I welcome what the Minister of State has said. We are all in agreement on the need to take more tax from the bookmaking sector. We do not want a crude bludgeon but a fair system. We are driving more and more people to online services and we need to review those to determine whether we can generate more income from the sector. As most of us know, it is the small bookmakers nationally who are creating employment in small villages and towns. While many of us are concerned about gambling addiction, there are also concerns about employment. I encourage the Minister of State to permit an engagement between the Department and the bookmaking associations as soon as possible in the new year so that budget 2020 might reflect what is required to generate the same revenue in a less crude manner for the industry.

Senator Kieran O'Donnell: High-street bookmakers have approached Members in respect of the betting levy. I very much welcome the fact that the Minister is committed to carrying out a review. I would expect there will be engagement between the finance committee and the representative bodies to examine the measure. There are times when one needs an overarching view of a particular measure or of a particular sector. This sector, like others, is not homogenous and I welcome the practical commitment given by the Minister of State and the Minister for Finance. I look forward to engagement with the representative bodies in the finance committee as part of the overall review.

Deputy Michael D'Arcy: In response to Senator Lawlor, I would like to clarify that there are two strands to this increase. The 1% is going to 2% but the 15% for online terminal betting is increasing to 25%. The Minister for Finance is clear that the sector can contribute more in taxes. Subsequent to the budget, the industry came forward with an alternative, the gross tax model, which we will review. The Minister gave a commitment on Report Stage in the Dáil

to allow interaction between the industry and officials from the Department of Finance, and I reaffirm that.

Senator Gerry Horkan: I acknowledge the Minister of State's response and will withdraw the recommendation. I reserve the right to resubmit it but I doubt I will do so. I take what the Minister said at face value and I urge him to keep it under review because it is important that there be no unintended consequences to the measure. I have no difficulty with the bookmaking sector, and the gambling industry generally, contributing more taxes but this measure has the capacity to turn smaller shops into loss-making enterprises on account of the fact that the tax is not being applied to the consumer but to the shop itself. If the shops close, employment, rates, rent and so on will be lost.

Recommendation, by leave, withdrawn.

Sections 36 to 41, inclusive, agreed to.

NEW SECTION

Senator Gerry Horkan: I move recommendation No. 11:

In page 134, between lines 15 and 16, to insert the following:

“Report on impact of ending VAT rebate on VRT

42. The Minister shall within three months of the passing of this Act, prepare and lay before the Oireachtas a report assessing the economic impact of ending the VAT rebate on VRT in section 38 on the car rental sector.”.

People who are not in the car rental sector may not be aware that the rebate was originally temporary. It has been in place since 1993 and I do not know if the Minister had to read up on the legislation from 1993 when he addressed the issue. There is an impact from the measure on the car rental sector, however, and most Members will have been alerted to it. When it came in, it was a rebate for car rentals in the vehicle sector, and for training schools, with the VRT charge for new cars being given back by way of a VAT refund.

The car rental sector is seasonal in nature. In the summer months, companies buy new cars but they sell them to dealers at the end of the summer, with the VRT refund mechanism helping that model. As a result, the number of cars that could be made available to the tourist market was much greater. The Finance Bill will end that refund. This was done without any consultation and was not even mentioned on budget day or in the budget documents. It may have been temporary in the beginning but 25 years is a long time for a temporary measure. Senator O'Reilly will remember a temporary student centre in UCD, which was there for 40 years before a permanent one was built. Temporary can mean different things to different people.

Abolishing the refund will bring in approximately €20 million in additional revenue, depending on the no-behavioural change scenario, but it will mean negative changes for the tourism sector. The constant car rental fleet will get older as companies will not want to buy the new cars because of the VRT. More important, the cost of the seasonal fleet will increase substantially. The cost to the tourist will be more than €5 per day and up to €23, depending on the car. It will make the industry less competitive, particularly for North American tourists who may want to go to areas where they need a car. These areas are probably the most vulnerable to a downturn in tourism. The Wild Atlantic Way has been a great success but one could not travel

along it on public transport. A ten-day trip could cost €230 extra, depending on the vehicle. Companies could offer a smaller car model but overall it could damage tourism.

The industry has been in touch with me as I am sure it has been in touch with all Members. We have had representations from both Dublin Airport and Shannon Airport. The expertise these airports have in the tourism sector should not be ignored and Dublin Airport is a fantastic success, processing more than 31 million passengers this year. I take on board what the Minister says about the measure contributing additional revenue but it may not do so if the sector contracts. We might make more on car rental but if the tourists do not come because the product has become too expensive, we may be worse off overall. Tourism is going well but the VAT rate will increase from 9% to 13.5%. We need to be cognisant of the impact and this recommendation calls on the Minister to lay before the Houses an assessment of the economic impact of ending the rebate. Tourism is the reason for most of the car rental sector in any event.

Senator Michelle Mulherin: I echo Senator Horkan's concerns. The case being made by leasing companies is that they will be put at a competitive disadvantage compared to the hire purchase and other sectors. It was a temporary measure but the industry has become used to it and the change will have an impact on its members. I support the call to examine it to see what further can be done. If someone in the same activity as somebody else is put at a disadvantage in our tax system, it merits further examination and I ask the Minister of State to see what can be done as we go forward.

Deputy Michael D'Arcy: This recommendation seeks a report on the economic impact of section 38, which discontinues a provision in the 1992 Act whereby a partial repayment of vehicle registration tax is available to vehicle leasing businesses, hiring businesses or school of motoring businesses. This measure is part of an ongoing process where the Department reviews reliefs that have been in place for a long time. The repayment is a legacy from 1993 when vehicle excise duty was replaced by the VRT. It was introduced to ease the transition for car leasing and hire companies by ensuring their costs did not increase under the new VRT regime. However, at the time of its introduction a date was not given for its removal.

Since the introduction of the CO₂-based charging model in 2008, the average VRT rate has fallen consistently, which has resulted in the vehicle leasing and hire sector benefitting from significantly lower VRT charges. The average VRT rate is now approximately 17% whereas the old motor vehicle excise duty was, at a minimum, 25.75%. Additionally, since the introduction of the export repayment scheme in 2013, car leasing and hire companies can and do receive VRT refunds when exporting a qualifying vehicle.

It is prudent to discontinue this repayment on the grounds that the original rationale for the scheme has passed and that the current application of the repayment scheme bears no relation to its original purpose. It was a transitional arrangement that has remained in place for 25 years and can no longer be justified as a tax expenditure which is not available to other sectors.

The Minister said on Committee Stage in the Dáil that an economic assessment had not been carried out on this issue because it is preferable to invest scarce resources in carrying out appraisals where much larger decisions, such as the VAT rate applied to the tourism sector, are involved. I cannot, therefore, accept the recommendation.

Senator Gerry Horkan: Could the Minister of State return on Report Stage with a recommendation to delay this for even three or six months? We can discuss it on Report Stage but I

am talking about giving the industry some time to adapt. It was a shock to those in the industry; I do not believe they were expecting it. They might have expected it to be a temporary measure in 1994 or 1995 but after 25 years they probably thought it would not change. I thank Senator Mulherin for her support. There is a concern. I worry less about the leasing sector and more about the short-term car rental sector. We value our tourism product. We need tourists to visit places that are inaccessible by public transport. They can survive in the major cities - Dublin, Cork, Galway and so on - but when they want to go out on the Wild Atlantic Way, Ireland's Ancient East or the hidden heartlands in the midlands, by and large, they need a car. If that market contracts, we might see fewer visitors coming here because they need a car and if the cars are not here, they may not come. That is a problem for all of us. We want tourists to visit the inaccessible areas which provide a far greater percentage of the activity - I refer to rural Mayo, Kerry, Donegal, Limerick or Clare - than are provided in urban areas. It is important that we consider that. I accept that resources are scarce and that we cannot have reports on everything but a delay, even of six months, to allow the sector adjust would be helpful. After 25 years, three or six months is not that big an ask. It should be examined. There is no point introducing charges that ultimately result in a net loss to the Exchequer, be it in tourism receipts, employment in rural areas, tourism product and so on. I will not push this to a vote but I ask the Minister of State to consider looking at this sector in its totality. It is important for Ireland inc. that we would do that.

An Cathaoirleach: Is the Senator withdrawing the recommendation?

Senator Gerry Horkan: I will withdraw it but reserve the right to resubmit on Report Stage.

Recommendation, by leave, withdrawn.

Section 42 agreed.

SECTION 43

An Cathaoirleach: Recommendation No. 12 is in the name of Senator Higgins.

Senator Frances Black: I move recommendation No. 12:

In page 134, line 22, to delete "7A" and substitute "7A, 8(4)".

I am speaking on behalf of Senator Higgins. Recommendations Nos. 12 to 14, inclusive, relate to proposed VAT changes. Senator Higgins asked me to say that she is disappointed it has been ruled out of order. We will withdraw it and consider resubmitting it on Report Stage.

Recommendation, by leave, withdrawn.

An Cathaoirleach: Recommendations Nos. 13 and 14 are out of order. The Senators can have a look at those again.

Recommendations Nos. 13 and 14 not moved.

Question, "That section 43 stand part of the Bill", put and declared carried.

Sections 44 and 45 agreed to.

NEW SECTION

Senator Gerry Horkan: I move recommendation No. 15:

In page 135, between lines 1 and 2, to insert the following:

“Report on VAT on food supplements

46. The Minister shall within three months of the passing of this Act, prepare and lay before the Oireachtas a report on the different rates of VAT charged on food supplements and on whether certain categories of food supplements should be retained in the zero rate VAT category.”

The purpose of the recommendation is to ask for a report. It recommends that the Minister shall within three months of the passing of the Act, prepare and lay before the Oireachtas a report on the different rates of VAT charged on food supplements and on whether certain categories of food supplements should be retained in the zero rate VAT category. I have a very long note on what was said about that in the debate in the Dáil. Is the Minister of State familiar with this?

Deputy Michael D’Arcy: Yes.

Senator Gerry Horkan: I do not propose to read out everything that was said by Deputies Michael McGrath, Pearse Doherty, Howlin, Mattie McGrath and others but issues arise in terms of food supplements and it would be helpful if we had a report because they are causing much confusion. There are some items that people consider should be in the zero rate VAT category that are not and *vice versa*. I ask the Minister of State to take on board my concerns.

Deputy Michael D’Arcy: I thank the Senator. Currently, the standard rate of VAT applies to food supplements. However, there is a Revenue concession which allows the zero rate to be applied to certain types of food supplements, including vitamins, minerals and fish oils. The practice of zero rating vitamins, minerals and fish oil food supplements has been applied since the introduction of VAT in November 1972 when the marketplace for food supplements was small. However, this concession is proving to be extremely problematic.

Elements of the food supplement industry have made a sustained challenge to the application of the standard rate of VAT to a range of food supplements. There are concerns that while elements of the industry apply the correct rates, others have a competitive advantage by applying the zero rate to products that are properly liable at the 23% VAT rate. Their argument is generally that the products concerned are similar and compete with other products that are zero rated.

There has been protracted correspondence on the issue which has raised concerns regarding possible non-compliance in the sector, in particular, the zero rating of products that should be standard rated, which may result in a degree of unfair competition between compliant and non-compliant businesses.

Revenue’s position is that food supplements are not food and, as such, are not entitled under VAT law to the zero rate of VAT; therefore, the standard rate of VAT applies. The concession in regard to vitamins and the like is proving unworkable as the industry seeks to use the concession to achieve a zero rating for much of the product range in the sector.

After consultations between Revenue, the Department of Health and the Department of Finance concerning policy options that might be considered in the context of the recent budget,

reservations were expressed by the Department of Health as to the implications a change might have on the promotion of food supplements in certain circumstances. For these reasons, the Minister decided not to make any changes in this year's budget and Finance Bill.

However, as the Minister stated during the Dáil debates on the matter, he has asked the Department's officials to address this matter in the context of the tax strategy group next year and potentially the matter will be considered in subsequent budgets.

Senator Gerry Horkan: I welcome the Minister of State's response that it will be looked at in terms of the tax strategy group. I will withdraw the recommendation and reserve the right to resubmit on Report Stage.

Recommendation, by leave, withdrawn.

Sections 46 to 52, inclusive, agreed to.

Question, "That section 53 stand part of the Bill", put and declared carried.

Section 54 agreed to.

SECTION 55

Senator Rose Conway-Walsh: I move recommendation No. 16:

In page 138, to delete line 19.

I will withdraw the recommendation and reserve the right to resubmit on Report Stage.

Recommendation, by leave, withdrawn.

Section 55 agreed to.

Sections 56 to 63, inclusive, agreed to.

An Cathaoirleach: Recommendation No. 17 has been ruled out of order.

Recommendation No. 17 not moved.

NEW SECTIONS

Senator Rose Conway-Walsh: I move recommendation No. 18.

"Report on income tax relief

64. The Minister shall, within 6 months of the passing of this Act, prepare and lay before both Houses of the Oireachtas a report on an income tax relief equivalent in value to one month's rent of an individual available to all renters not already in receipt of any State subsidy examining the social and economic impact of this measure in the context of historically high levels of rent for Irish citizens."

This recommendation relates to the income tax relief equivalent in value to one month's rent of an individual available to all renters not already in receipt of any State subsidy and examining the social and economic impact of this measure in the context of the historically high levels of rent for Irish citizens. This was part of a motion proposed by my colleague, Deputy Eoin Ó

Broin. In this Finance Bill, landlords have been given accelerated tax breaks with no conditionality at all attached. What we propose is a tax relief equivalent to one month's rent for all renters in the State who are not already supported by the State. This would, therefore, exclude those receiving a subsidy, such as the housing assistance payment, HAP, for example. As we outlined to the Minister in our alternative budget and on Committee Stage, this one month's rent back each year for three years, would be accompanied by a rent cap or freeze during that period.

The third leg of this stool would be an increase in the supply. We argue and advocate for a larger, much increased capital programme which would see thousands more social, affordable and cost-rental houses being built with direct funding from the State.

The great solution to the housing crisis that the Minister came up with in budget 2019 was an increase for landlord tax relief on the mortgage interest of up to 100%. Sinn Féin's alternative, as I said, is rent relief for the renters who are facing the greatest crisis out there. The problem with the Government's proposal is that it is completely unconditional. There needs to be a large amount of conditionality. It should be ensured that landlords getting this very large tax break are providing affordable rents and security of tenure. This relief provides no incentive to reduce rents in an environment in which supply is still restricted. Many people out there are put to the pin of their collars and many young people can never aspire to what their parents had before them which was the simple ability to own one's own family home. This is particularly acute in the more urban areas of Dublin, Cork, Galway and elsewhere. It is also being felt more and more right across rural Ireland.

This is a clear example of how we are failing on the issue of housing. The Minister likes to say we are never returning to boom and bust but that is exactly what is happening here. We went from boom to bust and now we are going to boom again. There is lack of ability to manage the issue of housing in this State. The Government never seems to be able to get a handle on it.

Rents have risen for the 25th consecutive quarter and have reached an all time high in each of the last ten quarters. Every single one of those quarters broke new records. Year on year we are seeing inflation of more than 10% and the Government is discussing accelerating tax relief for landlords. We want to see the tax relief going to the renters. We want to see one month's rent back for every person renting in the State for a period of three years. That is what this report calls for.

It is about giving real relief to people and introducing a cap so that landlords cannot increase these rents any further. It is about giving breathing space at a time when the Government needs to ramp up the amount of money it is putting in to social, affordable and cost-rental houses to deal genuinely with the supply issue rather than tinkering around the edges.

Senator Kieran O'Donnell: By way of observation, we could have an unintended consequence with this measure in that it may bring about an increase in rents. If one is giving tax relief one may find it being exploited with rents being increased. Furthermore, the supply issue is the key one in dealing with rents. The whole issue of rent pressure zones is an evolving one that has to be reviewed on an ongoing basis to see if it is working and if we need to make changes. The Senator's proposed measure may have the unintended consequences of driving up rents.

Deputy Michael D'Arcy: The previous tax relief in respect of rent paid was abolished in budget 2011, and it is no longer available to those who commenced renting for the first time

from 8 December 2010. That followed a recommendation in the 2009 report by the Commission on Taxation that rent relief should be discontinued. The view of this independent commission was that, in the same manner in which mortgage interest relief increases the cost of housing, rent relief increases the cost of private rented accommodation, which is exactly what Senator O'Donnell has said. Accordingly, the result of reintroducing this relief could be seen as a transfer of Exchequer funding directly to landlords, which would not have the intended effect of reducing the pressure on tenants.

In the normal course of events, a tax credit of this nature would be of little benefit to lower income workers, the unemployed and students who may have little or no income tax liability.

However, I understand from previous discussions on Committee Stage in the Dáil that what may be envisaged here is that the relief would be in the form of a refundable tax credit. An approach based on refundable tax credits would represent a significant shift which could have major policy implications far beyond the question of financial support for rent costs. It would take us into the area of income and welfare supports, which is currently the primary responsibility of the Minister for Employment Affairs and Social Protection.

In addition, going the route of refundable tax credits would entail a very significant investment by Revenue to provide for it. Likewise, it would involve substantial investment by employers and payroll systems providers to develop new systems and procedures to handle refundable tax credits.

For these reasons, this is not a development I am willing to consider. The actions the Government proposes to take in order to address concerns about the cost of rental accommodation are set out in Rebuilding Ireland: Action Plan for Housing and Homelessness.

At the time of its abolition, the rental tax relief cost the Exchequer up to €97 million per annum, and it is likely that there would be an even higher cost were a similar scheme to be introduced. It would be higher again if it were on the basis of a refundable tax credit.

An Cathaoirleach: Is the matter being pressed by the Senator?

Senator Rose Conway-Walsh: I thank the Cathaoirleach. While I take on board what the Minister of State said around the refundable tax credit, this is a really important recommendation and I will be pressing it.

Recommendation put:

The Committee divided: Tá, 7; Níl, 14.	
Tá	Níl
Bacik, Ivana.	Burke, Colm.
Black, Frances.	Burke, Paddy.
Conway-Walsh, Rose.	Byrne, Maria.
Devine, Máire.	Coghlan, Paul.
Humphreys, Kevin.	Conway, Martin.
Norris, David.	Feighan, Frank.
Ó Donnghaile, Niall.	Lawlor, Anthony.
	Lombard, Tim.

	McFadden, Gabrielle.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Mahony, John.
	O'Reilly, Joe.
	Richmond, Neale.

Tellers: Tá, Senators Rose Conway-Walsh and Máire Devine; Níl, Senators Gabrielle McFadden and John O'Mahony.

Recommendation declared lost.

Senator Rose Conway-Walsh: I move recommendation No. 19:

In page 146, after line 36, to insert the following:

“Report on re-introduction of trade union tax relief

64. The Minister shall, within 6 months of the passing of this Act, prepare and lay before both Houses of the Oireachtas a report on the reintroduction of trade union tax relief.”.

This amendment intends to do what it says on the tin, which is to prepare and lay before both Houses of the Oireachtas a report on the re-introduction of trade union tax relief.

Deputy Michael D’Arcy: In October 2016 the Department of Finance published a report on tax expenditures, which included a review of the treatment for tax purposes of trade union subscriptions and professional body fees. The review found that a scheme of tax reliefs for trade union subscriptions would fail to meet the evaluation threshold laid down by the Department’s tax expenditure guidelines. The reinstatement of this tax relief would have no justifiable policy rationale and would not express a defined policy objective. Given that individuals join trade unions largely for the benefits of membership, and the potential value of the relief to an individual would in most cases equate to about €1 per week, this scheme would have little to no effect on the numbers choosing to join. I am not convinced that there is a specific market failure that needs to be addressed by such a scheme. I do not intend to undertake this recommendation.

Senator David Norris: I support the amendment. I believe in the trade union movement and it should be encouraged by every means possible. I am a member of three trade unions: the Irish Federation of University Teachers; Equity and one of the big ones - I cannot remember which one.

Senator Catherine Noone: A meaningful membership.

Senator David Norris: It is SIPTU. That is the one. I remember that.

An Cathaoirleach: I could see it in the Senator’s forehead.

Senator David Norris: You could indeed. Branded like the mark of Cain. I think it is a great pity that in Ireland and England the trade union movement appears to be declining. It is a great pity and I believe that the Government should encourage it by any means possible, including tax relief.

An Cathaoirleach: Is Senator Conway-Walsh pressing the recommendation?

Senator Rose Conway-Walsh: Yes.

Recommendation put and declared lost.

Senator Frances Black: I move recommendation No. 20:

In page 146, after line 36, to insert the following:

“Report on impact of Irish Real Estate Investment Funds on residential property prices

64. The Minister for Finance shall, within six months of the passing of this Act, prepare and lay before both Houses of the Oireachtas a report—

(a) on the impact of Irish Real Estate Funds and the Real Estate Investment Trusts on the Irish property and housing sector, including rental prices and residential and commercial property prices throughout Ireland, and

(b) the effective tax rates paid on the profits of these entities and their shareholders.”.

This recommendation would see the Minister draw up a report on the impact of Irish real estate investment funds on residential property prices. I will not press this recommendation now but would like the Minister to comment on the current plans to report on this and on the effective tax rate paid on the profits of these entities.

Deputy Michael D’Arcy: The Senators may be aware that during his response to amendments of a similar nature put forward during the Dáil Committee Stage debate, the Minister for Finance, Deputy Donohoe, advised that officials in the Department of Finance have already commenced further work to examine the activities of Irish real estate funds, IREFs, and real estate investment trusts, REITs, in the Irish property market.

It was previously agreed by the Dáil on Committee Stage of the Finance Act 2017 to produce a report in this year’s Tax Strategy Group papers regarding the impact that REITs and IREFs are having on the residential property market. As the IREF regime was introduced from October 2016 and the first returns were only due this summer, the lack of available data limited the detail that could be provided on the subject in this year’s Tax Strategy Group paper. The Minister, Deputy Donohoe, has therefore already requested officials to undertake further work based on property market data. This will be supplemented by Revenue data due to become available in the new year as further IREF returns will be received and analysed in early 2019. We will have enough data available by the end of the first quarter of 2019 to provide a more complete picture of the activities of IREFs in the Irish property market. It is intended that a detailed report containing this analysis will be presented to the Tax Strategy Group next summer. I therefore cannot accept the Senator’s recommendations.

I wish to put onto the record of the House that the top 20 largest landlords in the State, effectively commercial entities, equate to 2.8% of the properties that are available for rent in the State. The total cumulative amount of these top 20, including these REITs and IREFs, equate to less than 3% of the actual market of the units per year.

An Cathaoirleach: Is the recommendation being pressed?

Senator Frances Black: I will withdraw it if I can reintroduce it on Report Stage.

Recommendation, by leave, withdrawn.

Senator Frances Black: I move recommendation No. 21:

In page 146, after line 36, to insert the following:

“Report on restricting banks from carrying forward losses

64. The Minister shall, within 6 months from the passing of this Act, prepare and lay before both Houses of the Oireachtas a report on policy options which could be taken to restrict banks from carrying forward losses against taxability of their current profits of those banks in respect of Budget 2020.”.

This amendment would see the Minister draw up a report on restricting the banks from carrying forward losses and explore policy options in that regard. Will the Minister of State comment on the current policy options he is exploring and his intentions in this area? I will be reintroducing this on Report Stage.

Deputy Michael D’Arcy: We discussed this recommendation earlier with recommendation No. 6.

Recommendation, by leave, withdrawn.

Senator Frances Black: I move recommendation No. 22:

In page 146, after line 36, to insert the following:

“Gender and Equality Proofing of Taxation and Expenditure

64. The Minister for Finance shall ensure a comprehensive gender and equality proofing of Budget 2020 to include both taxation and expenditure.”.

Recommendation, by leave, withdrawn.

Senator Frances Black: I move recommendation No. 23:

In page 146, after line 36, to insert the following:

“Sustainable Development Report

64. The Minister for Finance shall, within six months of the passing of this Act, prepare and lay before both Houses of the Oireachtas a report assessing the impact of the Finance Act 2018 on the progressive implementation of the Sustainable Development Goal 10, including target 10.1, to progressively achieve and sustain income growth of the bottom 40 per cent of the population at a rate higher than the national average. The report should also include proposals of how this target may be progressed by the Department of Finance in 2020.”.

I will withdraw this amendment but my colleague, Senator Higgins, is keen to reintroduce it on Report Stage. The Senator has asked me to say a few words on this, if that is okay.

An Cathaoirleach: Yes.

Senator Frances Black: The sustainable development goals make a commitment to reducing inequality within a country. Under goal 10, including target 10.1, the Government is committed to progressively achieving and sustaining the income growth of the bottom 40% of the population. Ireland has played a leading role in brokering an agreement on the sustainable development goals but we must continue to demonstrate leadership by implementing them and ensure that we do not fall behind in our commitments.

Recommendation, by leave, withdrawn.

Sections 64 and 65 agreed to.

Schedules 1 and 2 agreed to.

TITLE

Question proposed: “That the Title be the Title to the Bill.”

Senator Gerry Horkan: If I may make a brief comment.

An Cathaoirleach: Yes.

Senator Gerry Horkan: I thank the Minister of State and the other Members for getting through the business relatively efficiently but there are a couple of small things I wish to mention. I had mentioned to the Minister that the IFA had been on to me with regard to thresholds and intergenerational relief for young farmers and so on. I know the Minister is aware of it. Equally, there are concerns around the tax appeals process and how it is being handled and changed. I know the Minister is also aware of that. I wanted to put these concerns on the record. Perhaps the Minister of State, Deputy D’Arcy, would bring them to the attention of the Minister.

I have a request that we might have a look at the issue of ambulances being used exclusively by the voluntary emergency services and also at the tax treatment and motor tax exemption for voluntary for ambulances used by the voluntary organisations such as the Order of Malta and other groups that do voluntary work.

We might have a look at that as well. I just wanted to put my concerns on the record.

An Cathaoirleach: It is a matter you might raise again on Report Stage.

Question put and agreed to.

Bill reported without recommendation.

Report Stage ordered for Tuesday, 11 December 2018.

Consumer Protection (Regulation of Credit Servicing Firms) Bill 2018: Second Stage

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

Minister of State at the Department of Finance (Deputy Michael D'Arcy): I thank Deputy Michael McGrath for the work he has done on the Bill. The Government welcomed the Bill and committed to working with Deputy McGrath, who initiated it in the Dáil, to make it more effective than it was when it started out. The Bill is quite short but it is very technical.

3 o'clock The principle behind the Bill is that loan owners who purchase loan books will require authorisation from the Central Bank and will be regulated by the Central Bank. The bank will be able to impose sanctions on loan owners who breach its codes of conduct. The Bill allows securitisation to continue to take place. We accept that securitisation plays an important role in the financial services landscape and we consider that a passive securitisation vehicle does not have any consumer protection implications.

The Bill was considered in great detail on Committee Stage in the Dáil. A number of amendments were made on Report Stage to reflect these discussions and further consultations with the Central Bank. Prior to Committee Stage, there was not full agreement on whether the credit servicing regime or the retail credit firm regime was the most appropriate structure but I am glad to note that officials of the Department and the Central Bank were able to resolve their issues when the draft legislation was examined in detail.

We now have a relatively short Bill of just three sections. The first section amends a number of definitions in the Central Bank Act 1997, which will have the effect of making the following activities subject to Central Bank regulation: holding the legal title to credit granted under the credit agreement, determination of the overall strategy for the management and administration of a portfolio of credit agreements and maintenance of control over key decisions relating to such portfolios. The second section has transitional provisions in place that mean the transitional authorisation only applies to the newly-regulated activities, requires the owner to seek authorisation from the Central Bank within three months and only applies as long as the other activities are undertaken by a regulated credit servicing firm. The third section is the standard section on commencement and Short Title.

I wish to be clear that it is the intention of myself and the Minister, Deputy Donohoe, that the Bill will be commenced as soon as possible after enactment.

Senator Gerry Horkan: I thank the Minister and the Government for bringing the Bill to the House. Fianna Fáil, and Deputy Michael McGrath in particular, were instrumental in bringing it through the Dáil. I acknowledge that the Minister of State has thanked and congratulated Deputy McGrath for his work on the matter. As a former member of the finance committee, I know we talk regularly about vulture funds, as we refer to them. I will speak briefly as I hope we can conclude Second Stage by 3.30 p.m. today, get all Stages passed before Christmas and have the will of the people, and the will of the Lower House and Upper House, enacted as quickly as possible to provide protection for people.

I welcome the opportunity to contribute. As a party, we brought forward this Bill earlier this year to regulate vulture funds and to protect consumer rights with regard to mortgages that have been sold on. We believe that, by and large, banks should not be selling their loans to unregulated loan owners, or vulture funds, and should instead be working through their non-performing loan book. They are choosing not to do that and we have seen regular sales by many of the large institutions to get the loans off their books. As we know, many vulture funds are not interested in the long term or in protecting the homeowner. They want to get in, get an asset and get that asset in such a position that they can get the tenants out, get the owner out and sell the asset as quickly as they can for as much they can. We see this all the time.

People who have non-performing loans are very concerned. They may have fallen into distress, bought other properties against an original property, had a business that failed or lost their job. Perhaps two people in a marriage have both lost their jobs and have fallen into arrears. Relatively speaking, banks have been understanding in terms of forbearance, interest-only solutions and so on, but they are now using the European Central Bank and the Single Supervisory Mechanism, SSM, as an excuse to get rid of non-performing loans, rather than reducing them in their own way. They do not want the reputational damage of doing it, so they just pass it on to somebody else and let them take the hit. This Bill helps that situation somewhat in that it regulates firms that were operating unregulated within the market. We are on the side of the mortgage holder making an honest effort to pay their mortgage.

The central provision of the Bill is the requirement that a credit agreement owner, that is, a loan owner, must be fully regulated in the normal course by way of Central Bank supervision. This is the central plank of the Bill and is what we are seeking to achieve. Unfortunately, the Government has failed to fully protect borrowers who have found themselves in arrears, despite the majority of these borrowers co-operating with lenders. They insisted on letting the banks keep the veto despite a Bill on an independent mortgage resolution office being brought forward by Fianna Fáil.

It is not acceptable or good practice to allow vulture funds to be unregulated. We believe they should be regulated like any other lender because, otherwise, they are at a competitive advantage to all the other lenders in the industry. Senator Norris referred earlier to confidence and supply. There is a commitment in the confidence and supply agreement to provide greater protection for mortgage holders, tenants and SMEs whose loans have been transferred to non-regulated entities, or vulture funds. Ireland has had loan sales before from NAMA and from the liquidation of IBRC, Danske Bank and Bank of Scotland Ireland. Prior to 2015, there was absolutely no protection for borrowers whose loans were sold to unregulated vulture funds.

Many in the House, such as Senators Conway-Walsh, Kieran O'Donnell and the Minister of State, Deputy D'Arcy, were formerly on the finance committee and we heard many horror stories of how people were treated when their loans were transferred by the new owners, who made the lives of businesses, homeowners and landlords very difficult and awkward in terms of how they were trying to proceed. We heard stories of hotels and other businesses being refused planning permission, with people coming in to allegedly help with the business but really out to destroy it and to get possession of the business and get the existing owners out so they could sell it on for a fast buck.

It is helpful that this Bill has been brought forward. The bottom line is that loan owners who make the key decisions, like setting the interest rates and, crucially, deciding when to enforce a loan, were not being regulated but, hopefully, they now will be. The ECB had been asking banks to reduce the level of non-performing loans but that does not have to be done by loan sales and it can be done internally. However, the banks, including Permanent TSB, AIB and others, have passed on that responsibility and sold off these loans at a discount. Therefore, we have taken the hit again, as a State, given we own much of AIB and Permanent TSB. They have passed on those loans at a lower value and the vulture funds then make money chasing the full loan and taking people out of their homes, even though this ultimately comes at a cost to us as we end up having to rehouse people. We have all heard stories of these entities buying properties cheap and getting rid of the tenants and homeowners.

It is very positive that we would get this Bill passed and I want it done as quickly as possible.

It is important to realise that a significant number of people are in these categories, with 11,824 principal dwelling mortgages owned by unregulated loan owners and with 6,973 of these mortgages in arrears. It is welcome that the Minister of State is bringing it forward in Government time. All of us would like to conclude by 3.30 p.m. in order that we can get through Committee and Remaining Stages and I hope the Minister of State could commit to taking Committee and Remaining Stages before the recess in two weeks.

Senator Kieran O'Donnell: I welcome the Minister of State to the House to discuss this Bill, which is welcome. I acknowledge his commitment that when the Bill goes through, a commencement order will be signed as quickly as possible. It should be brought through the House as quickly as possible. If possible, we should deal with the other sections of the Bill within the time available.

There was a weakness in that the servicing firms were being regulated, rather than the funds themselves. Hopefully, the legislation will address that lacuna.

It is important that an update be provided by the Central Bank of Ireland within the next three months so that when the Bill is enacted, the update will outline the number of applications received within the three-month transitional period for existing funds. Am I correct that is provided for under transitional measures in the Bill? The existing funds must come back within three months of the Bill being enacted to seek authorisation from the Central Bank. I would like for the bank to report that this has taken place and that funds are being compliant.

It is also important in that process, including for newer firms, that when they seek authorisation from the Central Bank, the capacity of the funds to deal with the profile of loans they are taking over is examined. Do they have the capacity to deal with long-term mortgages? There is a perception among the public that funds are buying short-term loans and that they have effectively borrowed themselves to purchase the loans, which they must repay quickly. By definition, that impacts on how they deal with the loans that they have purchased. It is important that if someone has a mortgage and is dealing with a bank with the capacity to deal with long-term loans, he or she would have a fund purchase the deed by way of tranches, which effectively gives it the capacity to work out mortgages over time rather than looking for short-term solutions.

This is a welcome Bill and I hope that we can facilitate the Minister of State in passing it as quickly as possible. I am at the disposal of my colleagues in the House and more particularly, the Cathaoirleach, for that to happen.

An Cathaoirleach: It is only scheduled and agreed to take Second Stage but at least we will complete that today.

Senator Rose Conway-Walsh: I welcome the Bill and Sinn Féin will facilitate its passage through all Stages in the House. It goes some way towards addressing the concerns of all affected homeowners regarding who is regulated.

Since the Bill was introduced back in March of this year, many more mortgages have been sold to vultures. This issue goes back four years when the first raft of Irish Bank Resolution Corporation, IBRC, mortgage holders learned that their mortgages had been sold to vultures. We all knew what the solution was back then.

The owners of the debt themselves needed to be regulated, not the middlemen or the credit

servicing firms. The previous Government promised legislation, but after heavy lobbying by the vultures, it chose only to regulate the middlemen. We then found out that ten of these credit servicing firms or middlemen did not go through with the applications, and operated under a transitional scheme. Sinn Féin proposed an amendment to that 2015 legislation, which called for the regulation of the debt owners and that is what we still call for today.

My colleague, Deputy Pearse Doherty, introduced legislation last year which went as far as holding the vultures themselves to account. If they stepped out of line, the Central Bank could hold them to account and, ultimately, prosecute them as opposed to going after the middlemen. It is, therefore, obvious that what homeowners demanded way back in 2015 has not been delivered by the then Labour and Fine Gael Government or the current coalition of Fine Gael and Fianna Fáil.

Senator Gerry Horkan: It is not a coalition.

Senator Rose Conway-Walsh: The Bill does not protect homeowners and this is what we need to discuss. Even if passed, there is still much to do. An impression is being given that because of this legislation, which is important in that it brings us a step forward, somehow these homeowners will be protected. They will not be protected and this message needs to go out loud and clear. It does not give them any additional protection under the code of conduct on mortgage arrears, CCMA, the consumer protection code or from the vultures repossessing their homes.

The core issue remains the sale of the mortgages by State owned banks to vultures. Many of the properties involved are primary residences or have tenants in them. The problem at its core is that vultures have only a short-term interest. When the legislation is passed, it will not make a difference to the homeowners. There is no additional requirement on the vultures, in particular to offer any of the options under the CCMA.

The Bill does what it says on the tin. It basically states that if the vultures step out of line and do not comply with the code of conduct, the Central Bank can prosecute them, but it does not provide any protection. This is why I plead with Fianna Fáil to use the weight it has in supporting the Government to ensure that continued sales do not go through.

We have a choice as to whether we believe it is acceptable for a bank, especially a bailed-out bank, to pass the buck and to absolve itself of its responsibilities. As always, Sinn Féin says “No” to vultures. A little additional layer of regulation is not the answer but we still support this Bill.

Senator David Norris: I will be brief in order to expedite the passage of the Bill. I have spoken at length on the question of vulture funds and the financial situation here. I noticed a Fianna Fáil Senator - I think Senator Horkan - use the word “disadvantaged.” The people most disadvantaged in this equation are the homeowners and people in difficulties with mortgages. I am horrified at the activities of vulture funds and the fact that they were allowed into this country. They were allowed charitable status, for God’s sake. They are the least charitable and the most vicious and vindictive of all organisations so I welcome the fact that this part of a process, albeit it is not the final solution. For the first time, thank God, it allows the Central Bank to impose sanctions. That is critically important because these organisations understand nothing other than sanctions. Pious exhortations are of no use whatever.

Minister of State at the Department of Finance (Deputy Michael D’Arcy): I thank the

Senators for their contributions. It is wrong to say that this Government has done nothing for people who find themselves in difficulty with a bank or somebody who has that loan sold onto a fund. There have been 17 actions and Bills to deal with this, beginning with the CCMA, and this is No. 18.

We have a structure in Ireland that is historic in nature. We have a psychological scar in our mindset about repossessions, which goes back to the Famine era.

Senator David Norris: Quite right too.

Deputy Michael D'Arcy: That is the case and nobody wants to see anybody's property repossessed.

Senator David Norris: Eviction is a dirty word.

Deputy Michael D'Arcy: It is indeed and it always was going back to before the Famine. However, there are circumstances in which we are down to the hard cases. I have made the point previously that the legislation that is most relevant and not used much here is the insolvency legislation. Some people find themselves insolvent in respect of their property and there are no circumstances in which they can afford to pay for it. Perhaps it is through no fault of their own or perhaps it is their fault. The reason we reduced the insolvency period from 12 years to one was in order that people could start again but there is a lack of desire to use that legislation.

Senator David Norris: Will insolvency keep people in their homes?

Deputy Michael D'Arcy: The point I am making is that they can start again.

Senator David Norris: They will still be out of their homes.

Deputy Michael D'Arcy: Someone who is insolvent and never coming out of insolvency will have an opportunity to go back to zero and start again, which is good. It is not used in our jurisdiction because it is a stain on somebody's character to go bankrupt. However, other jurisdictions have moved beyond that psychological barrier and people have the opportunity to restart and get going again.

As a teenager in the 1980s, I recall people who restarted and were successful when they had that opportunity but they had to avail of appalling, Edwardian-type legislation. This is the 18th Bill the Government has introduced to help people who find themselves in that terrible position to get out of it.

I hope this will be concluded before Christmas. We will not be allowed to take all Stages today but there is a commitment from the Minister and Department of Finance to complete it by year end in order that the funds are regulated, not their agents or service providers, which would be a positive change.

The Minister, Deputy Donohoe, has said on many occasions that these funds should appear before the Joint Committee on Finance, Public Expenditure and Reform, and the Taoiseach. They have been asked time and again and have on all occasions refused to a man and woman. None has ever shown up or given evidence.

I am happy to move this Bill on as quickly as we can to get it signed into law and enacted.

To respond to Senator Kieran O'Donnell's point, the Central Bank publishes a register

of authorised firms, including firms that have a transitional authorisation under the transition agreements. That means I have three months to do this.

Question put and agreed to.

Committee Stage ordered for Tuesday, 11 December 2018.

Senator David Norris: Tuesday will be busy.

Sitting suspended at 3.25 p.m. and resumed at 3.30 p.m.

Qualifications and Quality Assurance (Education and Training) (Amendment) Bill 2018: Committee Stage

Sections 1 and 2 agreed to.

SECTION 3

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 1 to 3, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 1:

In page 7, line 2, after “providing” to insert “one or more”.

Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor): Section 3 provides for the amending of existing definitions and the introduction of newly defined terms within the Act of 2012. Amendment No. 1 is a technical refinement to the definition of relevant provider. It will ensure that the definition is comprehensive and captures those listed awarding bodies providing either one or more programmes leading to their own awards, that are awards included within the framework.

Amendment No. 2 is a technical change to the definition of “validation”. Validation is the process by which the authority determines if a Quality and Qualifications Ireland, QQI, award can be offered in respect of a provider’s programme of education and training. This amendment ensures the definition of validation is comprehensive and that it clarifies the essential linkages between the validation of programmes, the establishment of quality assurance procedures and the capacity of a provider to deliver the programme.

Amendment No. 3 revises the definition of a “linked provider” for the purposes of this legislation. The intent is to regulate the provision of linked providers that is offered to the State. On review of the published Bill, the initial definition would go well beyond that intention and would require any provider that wishes to enter an agreement with the designated awarding body to establish its principal place of business in the State. There is also a concern that such a requirement may be considered discriminatory under EU law in relation to the establishment of businesses. This amendment redresses those issues while ensuring that regulation of provision in the State remains comprehensive.

Amendment agreed to.

Government amendment No. 2:

In page 7, to delete line 24 and substitute the following:

“programme,
and section 45 shall be construed and operate so as to require the Authority to be so satisfied as to those matters.”.”.

Amendment agreed to.

Government amendment No. 3:

In page 7, line 26, to delete “its principal” and substitute “a”.

Amendment agreed to.

Section 3, as amended, agreed to.

SECTION 4

Government amendment No. 4:

In page 8, lines 6 and 7, to delete “Data Protection Act 2018” and substitute the following:

“general law (and in particular the relevant law of the European Union and the Data Protection Act 2018)”.

Deputy Mary Mitchell O'Connor: Section 4 provides for amendments to the functions of QQI, including a specific statutory function for the sharing of information with other bodies such as a Department of State, the Office of the Revenue Commissioners and SOLAS. This amendment modifies this function to align it with legislation in the area of data protection such as GDPR and the Data Protection Act 2018. This function is further elaborated under section 5, which will also be amended to take account of relevant European and national legislation.

Senator Alice-Mary Higgins: While I am not opposed to this amendment there are serious data protection concerns, and that will still be the case even following the acceptance of the proposed amendments. I will address those issues when I come to the relevant section. I am speaking to this section in case I need to take action on it on Report Stage.

Amendment agreed to.

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 5 and 6 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator David Norris: They are not related; they are identical.

Government amendment No. 5:

In page 8, line 20, to delete “investigations” and substitute “reviews”.

Deputy Mary Mitchell O'Connor: These amendments will replace the term “investigations” with the term “reviews” within the authority’s performance of its functions and that is

necessary for the consistency of the terminology within the legislation and to ensure that there can be no misrepresentation or misinterpretation of the terms.

Senator Alice-Mary Higgins: Could the Minister of State confirm that this will not mean a de facto weakening of the power and that it is simply a change of terms and that there is not a diminishment of the capacity by virtue of the change from investigations to review?

Deputy Mary Mitchell O'Connor: No, it is just to tighten up the wording. We use the word “reviews” earlier and it is to ensure a seamless change.

Senator David Norris: There is a substantial difference in the meanings of investigation and review. Investigation is a much more solid thing which suggests that one would go in and inquire or examine while a review is just reviewing. I am a little surprised if there was inconsistency in language that it was not noticed during the drafting of the Bill and corrected at that stage.

Amendment agreed to.

Government amendment No. 6:

In page 8, line 22, to delete “investigations” and substitute “reviews”.

Amendment agreed to.

Section 4, as amended, agreed to.

NEW SECTION

Government amendment No. 7:

In page 8, between lines 23 and 24, to insert the following:

“Amendment of section 13 of Principal Act (Co-operation with Authority)

5. Section 13 of the Principal Act is amended by the insertion of the following subsection after subsection (3):

“(4) In this section and section 14 a reference to a relevant provider shall be construed as including a reference to a listed awarding body, whether or not it is a listed awarding body that falls within paragraph (k) of the definition of ‘relevant provider’ in section 2(1).”.

Deputy Mary Mitchell O'Connor: Section 13 of the Act of 2012 requires that providers facilitate and assist QQI in the performance of its functions, insofar as those functions relate to the functions of that provider.

Section 14 enables the authority to make a direction in writing, which a provider shall comply with, requiring that provider to provide information to the authority where it has failed to do so, following a request from section 13. The proposed amendment will include listed awarding bodies as subject to the requirements of these sections.

Senator Anthony Lawlor: I have some queries on this amendment given the level of concern there is about the English language school sector at the moment. QQI is being asked to interact with providers, whether in the English language school sector or otherwise. Many

providers of English language classes at present do not have any qualification marks and one might even describe some as bogus schools. They are not officially recognised and the quality of the material they are teaching is below par. Will it be the objective of QQI to provide curriculum guidance to English language course providers? On this section, will this cover linkages between the Departments of Justice and Equality and Education and Skills in the context of students who are registered with providers? Will it be possible to assess the levels of participation of registered students?

Senator Ivana Bacik: Amendments have been tabled by Senators Ó Ríordáin, Ruane and others dealing specifically with the issue of English language schools which we will come to later. Clearly that has been thrown into sharp focus with the recent closure of Grafton College, of which the Minister of State is well aware. I welcome to the Public Gallery today some of those who have been directly affected by that closure, namely, former staff members of Grafton College. They are very welcome.

Senator David Norris: Hear, hear.

Senator Ivana Bacik: They have felt, very personally, the impact of the lack of regulation of this sector. Senator Lawlor has posed some important questions and I acknowledge we will be debating the matter when we come to the relevant amendments later, that is, the grouping comprising amendment No. 57 and others. While the Minister of State is well aware of the issue, we need to ensure that this does not happen again. Some of the staff involved have experienced three closures of English language colleges in the course of their careers. We have seen 23 closures already in a sector that is worth so much money to the Irish economy. We must address this properly for the sake of the staff and students in the sector.

Senator Aodhán Ó Ríordáin: I concur with Senator Bacik's comments. In terms of the amendments to which she refers, many were written before the closure of Grafton College. Often on this side of the House we table amendments and are accused of doing so to try to prevent events that will never happen. We are often told we are scare-mongering, that what we fear will never come to pass, that the sector is well regulated and so forth. Today in the Public Gallery we have people who literally have no job in the run-up to Christmas. They are now engaging with the Department of Employment Affairs and Social Protection in order to get payments to survive over the Christmas period because a hand-written note was put on the door of the educational institution in which they worked. When we table amendments, we are not doing so to cause trouble or to try to embarrass anybody. We are doing it because we know these sectors well and are trying to protect workers' rights. I know the Minister of State will appreciate that and will work with us to ensure that incidents like this never happen again.

Deputy Mary Mitchell O'Connor: I also welcome the teachers who are in the Public Gallery today. I met them briefly earlier and gave them a commitment to meet them again after this debate and to work with everyone to come up with a good solution. I thank them for coming along to the Chamber. As a former teacher, I fully understand the gravity of the situation. The fact that we are so close to Christmas and they have not been given their wages is disgraceful.

On the issue raised by Senator Lawlor in terms of quality, under the Accreditation and Coordination of English Language Services, ACELS, rules and the Interim List of Eligible Programmes, ILEP, providers must meet certain standards for both curricula and teacher qualifications. The objective today is to introduce the International Education Mark, IEM, which will allow QQI to go underneath the bonnet and to check exactly what is happening. I am very

willing to do all of that *vis-à-vis* the amendments that are coming up later.

Senator Robbie Gallagher: I would also like to welcome the visitors to the Public Gallery. Like others, I sympathise with them on their plight although I know that they did not come in here to look for sympathy. They want solutions and answers to the situation in which they find themselves and that is the collective goal of this House. I look forward to the progress of the debate.

Senator David Norris: I would also like to be associated with the comments of my colleagues. I was a teacher in Trinity College for many years. It is an appalling prospect that these people should be turfed out, particularly when language schools, which have proliferated in recent years, charge very considerable fees to their students. They really are a profit-making machine. Later in this debate we will come to amendments that deal directly with the terms and conditions of work, limiting short-term and zero-hour contracts and various other nasty practices by employers. In case our friends from Grafton College are not here for the later part of the debate, I assure them that we will be looking at the issue of terms and conditions of work under amendments which I will be strongly supporting later on.

Amendment agreed to.

SECTION 5

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 8 to 13, inclusive, are related. Amendments Nos. 11 to 13, inclusive, are physical alternatives to amendment No. 10. Amendments Nos. 12 and 13 are physical alternatives to amendment No. 11. Amendments Nos. 8 to 13, inclusive, may be discussed together, by agreement.

Senator Alice-Mary Higgins: I move amendment No. 8:

In page 8, line 26, after “other” to insert “public”.

My set of amendments, to which the Government has tabled amendments in response, relates to section 5. Before I get into a detailed discussion of the amendments, I note that I was an English language teacher myself for four years and am looking forward to that part of the debate.

This part of the debate is very important too because it relates to data. A huge quantity of information and data will be going through QQI. At present, the language in the Bill is quite fast and loose in terms of how data will be gathered and shared. In respect of the furnishing of information by the authority to other bodies, the text currently states that subject to the Data Protection Act, the authority may furnish to a Department of State, the Revenue Commissioners, the CAO and various other bodies, and “any other body” the authority considers appropriate, “information which comes to its attention in the course of performing its functions”. This section is giving the authority permission to share anything with any body. The Bill refers to anything which comes to the authority’s attention. The language used is incredibly vague in the context of data protection. It is extraordinarily wide and goes against the spirit of anything we are doing now in the realm of data protection, where information is shared only for particular purposes. It is no longer acceptable for found information to be shared at will with whomsoever one deems appropriate.

Amendment No. 8 is very short. I recognise that because it is counter lapped by Govern-

ment amendments which may be passed, if I press it today, it may be overtaken by a later Government amendment. In that context, I may choose to withdraw and press it again on Report Stage. Either way, I will be pressing it because it provides the most basic brake on what is being offered here. It simply says that data should be shared with any other “public” body rather than just any other body. As it is currently constituted, the section gives the authority permission to share any information that may come to its attention with any other body, whether private or public. Thus data can be shared with companies, outside actors, lobby groups and so on. Whether such sharing is appropriate is left to the authority, with no safeguards or guidance. There is no caveat that this refers only to public bodies, over which we might have some measure of control.

In terms of the sharing of data between public bodies, legislation is currently on its way through the Oireachtas by way of the Data Sharing and Governance Bill 2018. The Bill before us today is pre-empting that legislation and giving permission to share data, even though the Government, in putting forward the Data Sharing and Governance Bill, acknowledges that public bodies do not currently have a legal basis for the sharing of data with one another. The Data Sharing and Governance Bill is being pushed forward because of anxiety around the lack of a proper legal basis for data sharing among public bodies. That Bill has not yet passed and here we are, jumping the gun with yet another example of an authority being given permission to share data. Moreover, when the Data Sharing and Governance Bill came through this House, the Minister of State, Deputy O’Donovan, accepted a number of amendments.

These amendments were not forced on the Government, but accepted by it because it accepted that they were in line with good practice. It is now proposed to remove many of those amendments that were accepted on Report Stage in the Seanad on Committee Stage in the Dáil. We have a real concern that the Minister of State, Deputy O’Donovan, stood here, said the Government was very conscious it had legal obligations, accepted a number of amendments to ensure the better functioning of the Data Sharing and Governance Bill and is now proposing to remove these.

I will give one example that should be of concern to any parliamentarian. It was agreed that a data-sharing agreement between public bodies would be published and available for an Oireachtas committee. We are not talking about the information the two public bodies share, but just the data-sharing agreement which outlines that data are shared and how they are shared. The Minister of State, Deputy O’Donovan, agreed that those data-sharing agreements would be published. Tomorrow in the Dáil he will propose to remove that, eliminating the need to publish agreements about data being shared between public bodies. It is really concerning that that legislation is not yet passed and is being pre-empted here, and also that that legislation is now looking extremely ropey if the Minister of State, Deputy O’Donovan, presses ahead with rolling back on those provisions.

In that context I must oppose the section. I note that the language of a data-sharing agreement is not even used in this. There is not even a precursor to a data-sharing agreement, which could, of course, be supplanted if the later quality legislation came in.

Amendments Nos. 10 and 11 attempt to deal with this. Amendment No. 11 puts forth a very basic form of a data-sharing agreement which sets out what are largely regarded as good practice internationally and in line with data-protection law. Therefore, if QQI is sharing information with other bodies it must: put in place a data-sharing agreement, which is not required at the moment; publish that agreement; consult with data subjects who may be affected given that

this is their information; and ensure there is appropriate regulation for how the data are stored and processed. We have talked about a fast and loose environment in some of these institutions and we have real concerns about how people's data are minded. The amendment also requires that any information shared is not simply what comes to their attention, but that whenever information is shared it is done for a reason and is proportionate to that reason.

I apologise for the length of my contribution, but this is a substantive issue. I acknowledge that the Government amendment No. 13 removes personal data somewhat from the impact of this section. However, I will still press amendment No. 11 because the main language on page 8, lines 26 to 32, is still highly flawed and far too loose. We may have an opportunity to engage on the language in that section before Report Stage.

Deputy Mary Mitchell O'Connor: I understand the Senator's points. I thank her for acknowledging that we have tried to address what we felt might be the shortcomings she identified. I cannot accept her amendments, but I accept the initial text was not sufficient in light of the developments in data-protection legislation at national and European level. I am grateful to the Senator for raising this important issue.

Consequently, I am proposing amendments Nos. 9 and 13 which will require QQI to align its data-sharing activities with the provisions of GDPR, the Data Protection Act 2018 and other relevant national legislation in this regard. This will ensure that QQI adopts best practice in data protection and that the rights of the data subjects are protected. While the majority of QQI's data sharing will be conducted with public bodies, such as those listed, it is essential for QQI to share data with other bodies such as the CAO. That is not a public body and there are other similar private bodies. Consequently, this section cannot be limited exclusively to public bodies.

Senator Alice-Mary Higgins: The Central Applications Office is listed separately and would not be affected by my amendment No. 8, as is SOLAS and a number of other bodies. My concern is with reference to "any other body". I accept it is a very substantial concession for the Minister of State to take directly identifiable personal data out of this exchange of information, but there are still caveats. Perhaps a further amendment might be allowed for the delay in the exchange of information until proper legal provision has been made. We can consider that further on Report Stage.

I will not press the amendment because I realise it will be overtaken by amendment No. 13, but I will reserve the right to reintroduce it on Report Stage.

Amendment, by leave, withdrawn.

Government amendment No. 9:

In page 8, line 27, to delete "Subject to the Data Protection Act 2018" and substitute (1) Subject to subsection (2)".

Amendment agreed to.

Amendment No. 10 not moved.

Senator Alice-Mary Higgins: I move amendment No. 11:

In page 8, lines 27 to 32, to delete all words from and including "may" in line 27 down

to and including line 32 and substitute the following:

“may put in place a data sharing agreement with a Department of State, the Office of the Revenue Commissioners, An tUdarás um Ard- Oideachas, Solas and the Central Applications Office. The Minister shall, having consulted with the Minister for Justice and Equality and the Data Protection Commission set out suitable and specific measures in respect of any such data sharing agreement. These measures must include but not be limited to:

- (a) publication of the data sharing agreement;
- (b) consultation with any data subjects who may be affected;
- (c) appropriate regulation in respect of the storage and processing of any data;
- (d) measures to ensure that any sharing of data is necessary and proportionate; and
- (e) other measures as required.”.

I will press this amendment because it is important to set out what a data-sharing amendment should look like.

Amendment put:

The Committee divided: Tá, 12; Níl, 16.	
Tá	Níl
Bacik, Ivana.	Burke, Colm.
Craughwell, Gerard P.	Burke, Paddy.
Gavan, Paul.	Byrne, Maria.
Higgins, Alice-Mary.	Coghlan, Paul.
Humphreys, Kevin.	Conway, Martin.
Mac Lochlainn, Pádraig.	Feighan, Frank.
Nash, Gerald.	Lawlor, Anthony.
Norris, David.	Lombard, Tim.
Ó Donnghaile, Niall.	McFadden, Gabrielle.
Ó Ríordáin, Aodhán.	Mulherin, Michelle.
Ruane, Lynn.	Noone, Catherine.
Warfield, Fintan.	O'Donnell, Kieran.
	O'Mahony, John.
	O'Reilly, Joe.
	Ó Céidigh, Pádraig.
	Richmond, Neale.

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

Amendment declared lost.

Senator Alice-Mary Higgins: I move amendment No. 12:

In page 8, line 30, after “other” to insert “public”.

I will withdraw the amendment and reserve the right to reintroduce it.

An Cathaoirleach: Is that agreed?

Senator Anthony Lawlor: I asked the Minister of State a question and she never answered it.

Senator David Norris: It is too late now.

An Cathaoirleach: We have moved on. The Senator must find another way.

Senator Anthony Lawlor: Thank you very much, a Chathaoirligh.

An Leas-Chathaoirleach: We are dealing with amendment No. 12.

Senator Anthony Lawlor: On a point of order, I asked the Minister of State a question with regard to the transfer of information from-----

An Leas-Chathaoirleach: Hold on. That is not a point of order, with respect. We are on amendment No. 12.

Senator Anthony Lawlor: I did not get an answer.

An Leas-Chathaoirleach: The Minister of State can reply in her own time.

Senator Anthony Lawlor: Maybe the Minister of State, in her wisdom, will give me an answer.

An Leas-Chathaoirleach: Order, please. I am dealing with amendment No. 12. As I understand it, Senator Higgins has indicated she is withdrawing it, with leave to reintroduce on Report Stage.

Amendment, by leave, withdrawn.

Government amendment No. 13:

In page 8, line 32, to delete “other body.” and substitute the following:

“other body.

(2) Subsection (1) does not apply to information that is personal data within the meaning of the General Data Protection Regulation; the furnishing to others of personal data by the Authority shall be in accordance with the general law, and in particular:

(a) the General Data Protection Regulation; and

(b) as applicable-

(i) the Data Protection Act 2018; and

(ii) any Act of the Oireachtas that is passed, before, on or after the commencement of section 5 of the Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2018, for the purpose of, amongst other things, the regulation

of the sharing of personal data (or both personal data and other information) between public bodies.

(3) In subsection (2) ‘General Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.”.”.

Amendment agreed to.

Section 5, as amended, agreed to.

Section 6 agreed to.

SECTION 7

Question proposed: “That section 7 stand part of the Bill.”

Senator Anthony Lawlor: Will the Minister of State answer my question on the transfer of information between Departments?

An Leas-Chathaoirleach: Is your question relevant to section 7?

Senator Anthony Lawlor: All questions are relevant to the Bill.

Senator David Norris: They are not.

An Leas-Chathaoirleach: Order. If it is not relevant to section 7, I cannot ask the Minister of State to answer.

Senator David Norris: Ask Kildare County Council.

An Leas-Chathaoirleach: The Minister of State replied in her own way and she will reply further in her own way when dealing with other matters. Is section 7 agreed to?

Question put and agreed to.

SECTION 8

An Leas-Chathaoirleach: Amendments Nos. 14 to 16, inclusive, 19 to 38, inclusive, and 80 are related. Amendments Nos. 22 and 24 are consequential on amendment No. 21. The amendments may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 14:

In page 11, line 8, to delete “**relevant**” and substitute “**specified**”.

Deputy Mary Mitchell O’Connor: Section 8 provides QQI with statutory powers to evaluate a provider’s corporate fitness. These provisions will enable QQI to examine the *bona fides* of a provider and its capacity to engage, in the round, with quality assurance processes. The powers are to be extended by means of statutory instrument so as to provide for regulatory responsiveness to innovative modes of provision and forms of provider organisation.

To ensure this section is comprehensively applied and delivers on its intent, the proposed

amendments will include as subject to the provisions of this section listed awarding bodies, associated providers and linked providers, as defined under the term “specified provider”. This series of amendments includes a consequential change to the Title of the Bill at amendment No. 80, which ensures that specified providers are captured within the scope of the Bill. Amendment No. 29 will enable QQI to set criteria for “fit and proper” persons when assisting the corporate fitness of providers. In addition to this amendment, I want to inform the committee that I will be bringing a further amendment to this section on Report Stage. This amendment will also address “fit and proper” persons in order to enable QQI to set and apply criteria to the key staff and personnel of providers, such as their owners and directors.

Senator David Norris: I notice amendment No. 14 has the words “relevant” and “specified” in heavy type whereas the next two amendments, which are identical, have them in ordinary type. Is there any significance to this?

Senator Anthony Lawlor: I have a couple of queries in regard to the providers.

An Leas-Chathaoirleach: I hope it is relevant.

Senator Anthony Lawlor: It is. By “providers”, I mean the schools or other facilities that are providing the courses that are being recognised by QQI. Will the providers have to facilitate the authority with a list of students who are attending those schools, so they can link with the Department of Justice and Equality in order to make sure - I go back to the transfer of data from one Department to another - the relevant Departments are not working in silos, as they are now, but are communicating with one another? In this way, they would know to which provider each individual student is going.

Will QQI be able to speedily recognise new schools and provide them with the necessary award marks so they can be recognised internationally, given this is an international business and its reputation has been tarnished by what has happened in the last week. I know some teachers from Grafton College are present. There are other schools in similar situations to that of Grafton College that would have provided visas for students who never attended the schools. Will QQI quickly assess new facilities that open up to ensure students who are entering them are able to complete their courses?

Will QQI liaise with providers to ensure the fees that are charged are relevant to the course involved, meaning there will be no undercutting of the cost of fees being charged to students. This is what has indirectly led to the loss of, for example, Grafton College and other schools. Providers are undercutting to make sure they get students in but are probably not providing the education the student has paid for. Many of the schools that have gone under have done so as a result of not being able to financially support what they are supposed to deliver.

Deputy Mary Mitchell O'Connor: QQI will be sharing data with the Department of Justice and Equality, which is very important in regard to international students who require visas. This will be done in accordance with best practice.

The Senator asked about new schools and the fees that are charged, undercutting and if we will have good quality schools. That is the reason I am here today. The purpose of that International Education Mark is to ensure there is best practice in schools. They are the schools that will get that IEM. Fees are an issue for the providers and QQI does not set fees.

Senator Anthony Lawlor: Fees are a major issue. There are schools, which I would call

“visa factories” that are just charging students, getting them into the State where they can start working, but the students are not attending the schools. I am sure that some of the teachers from Grafton College would be aware that legally they are supposed to have about 15 students per class in a full classroom, but sometimes there may only be five or ten. The register might not note the reason those students are absent. I am concerned that this is across the sector, and now we are being looked at internationally, especially by those in the UK who would want to set up English language schools in Ireland as a result of Brexit. The fees that are being charged must reflect the cost associated with providing that service. We cannot have situations where schools are charging students while fully knowing that the fee would not cover the cost of the tuition involved. This is what is happening in the sector.

Deputy Mary Mitchell O'Connor: There is the interim list of eligible programmes, ILEP, recognition and then there is the accreditation and coordination of English language services, ACELS, recognition. The majority of English language schools operate under those accreditations. I hear what the Senator is saying. Currently there are voluntary national schemes. In 2018 there were 88 ACELS recognised schools, now there are 87. There were the ILEP schools also. I can assure the Senator there is a minimum number of contact hours and maximum class sizes. These are inspected by the Department of Justice and Equality. That is what is happening in the sector.

Senator Alice-Mary Higgins: I note that amendments Nos. 21 and 29 relating to criteria and specified providers, and I reserve the right to examine those on Report Stage. It is also important to recognise the large number of students who come to Ireland looking for education because Ireland is one of those English speaking countries that offers an extraordinary and important educational opportunity, and the valuable contribution made by the very professional English as a second language teachers to their students' learning and in building their students' skills. While there may be instances that show otherwise, it is very important that we do not create a false impression that there is not very high quality teaching. This is why we need these provisions around quality for such institutions and in how they treat their staff and students. We would not, however, want to create a false message that might unnecessarily scaremonger around the intent of many students who come here, which is usually very positive.

Amendment agreed to.

Government amendment No. 15:

In page 11, line 10, to delete “relevant” and substitute “specified”.

Amendment agreed to.

Government amendment No. 16:

In page 11, line 10, to delete “specified” and substitute “referred to”.

Amendment agreed to.

An Leas-Chathaoirleach: Amendments Nos. 17 and 18 are related and may be discussed together. Is that agreed? Agreed.

Government amendment No. 17:

In page 11, to delete lines 16 to 18 and substitute the following:

“(b) a case in which—

(i) the provider who, having invoked (whether before, on or after the operative date) any provision of this Act, subsequently invokes any provision of this Act, and

(ii) the Authority, in its discretion, on that provision being invoked by the provider, requests the provider to demonstrate to the Authority that it meets those criteria;”.

Deputy Mary Mitchell O'Connor: Amendments Nos. 17 and 18 are technical amendments that will provide Quality and Qualifications Ireland, QQI with the discretion to determine when an existing provider must demonstrate its compliance with the criteria established for corporate fitness. The effects of these amendments is twofold. Firstly, it will enable QQI to provide a transition period for existing providers before they become subject to this section. Secondly, it will ensure that providers who frequently invoke certain provisions of the Act will not be required to demonstrate compliance unless QQI requests them to do so.

Amendment agreed to.

Government amendment No. 18:

In page 11, line 23, after “action,” to insert “in its discretion,”.

Amendment agreed to.

Government amendment No. 19:

In page 11, line 34, after “the” to insert “specified”.

Amendment agreed to.

Government amendment No. 20:

In page 11, line 37, after “the” to insert “specified”.

Amendment agreed to.

Government amendment No. 21:

In page 12, between lines 1 and 2, to insert the following:

“(a) ‘specified provider’ means—

(i) a relevant provider,

(ii) a listed awarding body (so far as it does not otherwise fall within this definition by virtue of subparagraph (i)), and

(iii) an associated provider, or a linked provider, that offers, for reward, a programme of education and training leading to an award that is an award included within the Framework, and the reference in this paragraph to a relevant provider includes a reference to a person who will fall within the definition of that expression in section 2(1) on the doing of the one or more things, specified in the relevant paragraph of that definition, the doing of which constitute the person as a relevant provider;”.

Amendment agreed to.

Government amendment No. 22:

In page 12, line 2, to delete “(a) a reference” and substitute “(b) a reference”.

Amendment agreed to.

Government amendment No. 23:

In page 12, line 4, after “mark;” to insert “and”.

Amendment agreed to.

Government amendment No. 24:

In page 12, line 5, to delete “(b) ‘operative date’ ” and substitute “(c) ‘operative date’ ”.

Amendment agreed to.

Government amendment No. 25:

In page 12, line 7, to delete “2018; and” and substitute “2018.”.

Amendment agreed to.

Government amendment No. 26:

In page 12, to delete lines 8 to 12.

Amendment agreed to.

Government amendment No. 27:

In page 12, line 21, to delete “relevant” and substitute “specified”.

Amendment agreed to.

Government amendment No. 28:

In page 12, line 23, to delete “relevant” and substitute “specified”.

Amendment agreed to.

Government amendment No. 29:

In page 12, to delete lines 30 to 34 and substitute the following:

“(2) The relevant criteria may include—

(a) criteria as to the specified provider being a fit and proper person to provide programmes of education and training, and

(b) criteria related to the possession of a particular legal personality by the specified provider, the possession by it of adequate financial resources to ensure the viability of its business and the securing by it of arrangements to ensure its good cor-

porate governance.”.

Amendment agreed to.

Government amendment No. 30:

In page 12, line 35, to delete “relevant” and substitute “specified”.

Amendment agreed to.

Government amendment No. 31:

In page 13, line 16, to delete “relevant” and substitute “specified”.

Amendment agreed to.

Government amendment No. 32:

In page 13, line 21, to delete “relevant” and substitute “specified”.

Amendment agreed to.

Government amendment No. 33:

In page 13, line 24, to delete “relevant” where it secondly occurs and substitute “specified”.

Amendment agreed to.

Government amendment No. 34:

In page 13, line 33, to delete “relevant” and substitute “specified”.

Amendment agreed to.

Government amendment No. 35:

In page 13, line 38, to delete “relevant” and substitute “specified”.

Amendment agreed to.

Government amendment No. 36:

In page 13, line 40, to delete “relevant” and substitute “specified”.

Amendment agreed to.

Government amendment No. 37:

In page 14, line 2, to delete “relevant” and substitute “specified”.

Amendment agreed to.

Government amendment No. 38:

In page 14, line 13, to delete “relevant” and substitute “specified”.

Amendment agreed to.

Section 8, as amended, agreed to.

Sections 9 to 12, inclusive, agreed to.

SECTION 13

An Leas-Chathaoirleach: Amendments Nos. 39 and 40 are related and may be discussed together. Is that agreed? Agreed.

Government amendment No. 39:

In page 16, line 9, after “levels” to insert “and types”.

Deputy Mary Mitchell O'Connor: This is a technical amendment to section 13, to better reflect the structure of the national framework of qualifications, NFQ. The framework is comprised of levels and types of awards. The amendment will ensure that this is appropriately reflected in the legislation.

Amendment agreed to.

Government amendment No. 40:

In page 16, line 11, after “level” to insert “, and of the type concerned,”.

Amendment agreed to.

Section 13, as amended, agreed to.

Sections 14 to 16, inclusive, agreed to.

SECTION 17

An Leas-Chathaoirleach: Amendments Nos. 41 and 42 are related and may be discussed together. Is that agreed? Agreed.

Government amendment No. 41:

In page 19, line 31, to delete “subsection” and substitute “subsections”.

Deputy Mary Mitchell O'Connor: These are technical amendments that will allow a provider to appeal a decision by QQI should the authority decide to withdraw validation from a programme that it considers dormant.

Amendment agreed to.

Government amendment No. 42:

In page 20, to delete line 5 and substitute the following:

“validation.

(7) A notice under subsection (6) shall state the reasons for the withdrawal referred to in that subsection.

(8) Where the Authority withdraws its validation of a programme of education and training under subsection (6)(b) or (c), the provider concerned may appeal against that withdrawal to the Appeals Panel.”.”.

Amendment agreed to.

Section 17, as amended, agreed to.

Sections 18 to 21, inclusive, agreed to.

SECTION 22

Government amendment No. 43:

In page 27, line 2, after “provider” to insert “, having a place of business in the State,”.

Deputy Mary Mitchell O'Connor: This amendment is a technical change to the definition of the associative provider. The associated providers are those providers who enter into arrangements with listed awarding bodies to offer programmes leading to their awards. This alteration limits the scope of this legislation to the activity and programme of education and training offered in this State by this class of provider.

Amendment agreed to.

Government amendment No. 44:

In page 30, line 2, to delete “bodies, or” and substitute the following:

“bodies with reference (as the Authority considers appropriate) either—

(i) to each of the one or more awards as respects which the body’s name had been included in that list (a ‘whole deletion’), or

(ii) to such one or more (as the Authority specifies), but not all, of those awards (a ‘partial deletion’), or”.

An Leas-Chathaoirleach: Amendments Nos. 44 to 53, inclusive, are related and may be discussed together by agreement. Amendments Nos. 51 and 53 are consequential on No. 52.

Deputy Mary Mitchell O'Connor: These are technical amendments which will allow QQI the flexibility to remove individual awards of listed awarding bodies from the national framework of qualifications, NFQ, where they no longer meet the relevant policies and criteria. I would like to inform the committee that I will be bringing further amendments to this section on Report Stage. This section provides the legislative mechanism for the inclusion of awards in the NFQ. Following consultation with stakeholders, amendments will be brought forward to provide a more streamlined process primarily for the inclusion in the framework of those awards made by designated awarding bodies. This new process will serve to avoid the duplication of regulatory activities and reduce administrative burden both on the bodies in question and on QQI.

Amendment agreed to.

Government amendment No. 45:

In page 30, line 8, after “name” to insert the following:

“, whether by way of a whole deletion or, as the Authority considers appropriate, by way of a partial deletion,”.

Amendment agreed to.

Government amendment No. 46:

In page 30, line 15, after “included” to insert “, whether by way of a whole deletion or by way of a partial deletion,”.

Amendment agreed to.

Government amendment No. 47:

In page 30, line 32, after “name” to insert the following:

“, whether by way of a whole deletion or by way of a partial deletion and, in the case of the latter, specifying the awards to which it is proposed the deletion will apply,”.

Amendment agreed to.

Government amendment No. 48:

In page 31, to delete lines 1 to 11 and substitute the following:

“(6) Where after consideration of any observations submitted to it in accordance with subsection (5)—

(a) the Authority is still of the opinion referred to in subsection (1)(a) or (b), it may, by notice in writing addressed to the awarding body—

(i) delete from the list of awarding bodies the awarding body’s name, whether by way of a whole deletion or, as the case may be, by way of a partial deletion (being the partial deletion as notified to that body under subsection (4)), or

(ii) vary, in particular respects, the conditions that stand imposed on the awarding body under section 55F(7)(f), or

(b) in a case in which the original opinion was that referred to in subsection (1)(a) and the Authority is now of the opinion that the awarding body’s name should be deleted from the list of awarding bodies by way of—

(i) a partial deletion (rather than by way of a whole deletion), or

(ii) a partial deletion as respects a lesser number of awards than had been notified to that body under subsection (4), it may, by notice in writing addressed to the awarding body, delete from that list the body’s name by way of a partial deletion consonant with what is described in subparagraph (i) or, as the case may be, subparagraph (ii),

and that deletion (of whatever kind) or variation shall be expressed to take effect from such date (not being earlier than the date of service of the notice) as the Author-

ity considers appropriate and specifies in the notice.”.

Amendment agreed to.

Government amendment No. 49:

In page 31, line 25, after “name” to insert “(whether by way of a whole deletion or by way of a partial deletion)”.

Amendment agreed to.

Government amendment No. 50:

In page 31, line 32, after “section 55H(6),” to insert “(in whatever of the ways there provided)”.

Amendment agreed to.

Government amendment No. 51:

In page 31, line 35, to delete “subsection (2)” and substitute “subsections (2) and (3)”.

Amendment agreed to.

Government amendment No. 52:

In page 31, between lines 35 and 36, to insert the following:

“(2) If the name of the awarding body concerned has been deleted, under subsection (6) of section 55H, by way of what is referred to in that subsection (in whatever provision of it) as a ‘partial deletion’, then subsection (1) shall not have effect in relation to any award as respects which that partial deletion does not apply.”.

Amendment agreed to.

Government amendment No. 53:

In page 31, line 36, to delete “(2) If” and substitute the following:

“(3) Without prejudice to subsection (2), if”.

Amendment agreed to.

Section 22, as amended, agreed to.

Section 23 agreed to.

SECTION 24

Government amendment No. 54:

In page 32, line 29, after “providers” to insert “(other than associated providers)”.

An Leas-Chathaoirleach: Amendments Nos. 54 to 56, inclusive, and No. 60 are related and may be discussed together by agreement.

Deputy Mary Mitchell O'Connor: Sections 24 and 25 contain provisions to facilitate the introduction of the international education mark, IEM. The IEM will serve both as a quality mark to promote Irish education to international students and as a regulatory tool to underpin the student immigration system. These amendments will serve to limit the scope of the IEM to those providers and bodies with whom QQI will have a direct regulatory relationship. Associated providers are providers who enter into arrangements with listed awarding bodies to offer their awards in the State. In these cases, the quality assurance oversight of these providers will be conducted by the listed awarding bodies. As a result, QQI will not have direct oversight of this element of the activities of the associated providers. As the IEM will be utilised as a key facet of the student immigration system, regulatory oversight of provider activity is key. These associated providers who wish to have access to the IEM can get such access by directly engaging with QQI or a designated awarding body.

Amendment agreed to.

Government amendment No. 55:

In page 33, lines 11 and 12, to delete “relevant, linked or associated” and substitute “relevant or linked”.

Amendment agreed to.

Government amendment No. 56:

In page 33, line 12, to delete “relevant, linked or associated” and substitute “relevant or linked”.

Amendment agreed to.

An Leas-Chathaoirleach: Amendments Nos. 57 to 59, inclusive, and Nos. 62 to 66, inclusive, are related and may be discussed together by agreement. Amendment No. 59 is a physical alternative to No. 58.

Senator Lynn Ruane: I move amendment No. 57:

In page 33, to delete line 16.

I thank the Minister of State for her time in the Seanad this afternoon. I will speak to all the amendments together. I welcome the Bill but I want to express my disappointment at how it has been progressed through the Oireachtas. In the Joint Committee on Education and Skills we decided not to hold pre-legislative scrutiny sessions on this Bill on the understanding that stakeholder engagement would be held later in the process. Before the summer, we invited submissions from relevant stakeholders and based on those submissions we planned to invite particular stakeholders to a public stakeholder engagement session in the autumn. However, during the summer recess, when no one was here, the Bill was introduced to the Seanad, printed in the month of August and then Second Stage was taken, with no warning given to committee members, almost immediately after the summer on 10 October. The joint committee was then informed that, because the Bill was under active consideration by the Oireachtas, Standing Orders forbade us from holding a public stakeholder engagement session on it. As much as I would hope that this was accidental, the Minister’s own Department actually made a submission to the consultation, so I can only assume that it was fully aware the consultation was in progress. Surely it knew that the practical effect of its progression through the Oireachtas

would be to circumvent the role of the joint committee.

Moreover, despite not holding a public session, we released a report with recommendations and a summary of the submissions. I note that not a single recommendation from that cross-party committee of politicians has been introduced by a Government amendment. This is even more inexcusable given that the whole reason this Bill exists and is being brought through the Oireachtas is that QQI was found to have exceeded its legal authority in a case before the High Court. That we would not thoroughly interrogate the provisions of this Bill after its predecessor was the subject of legal action is just not good enough.

I want to put on record that I am extremely disappointed with how the Minister of State has gone about this Bill. The wide array of the amendments tabled today shows that this Bill needs further scrutiny, further changes and further analysis of how its provisions will impact the relevant sectors. I have met with providers who will be affected by this Bill and who have no idea how it will impact on their businesses because the Minister of State's Department has done no outreach work on the impact of the reforms. Especially in light of the events over the weekend in respect of Grafton College, it could not be clearer to me that we needed to do proper and thorough stakeholder engagement. I am very sorry we were not able to do that.

All these amendments have been tabled with the intention of raising employment standards in the English language teaching sector. As the Minister of State will have been made aware through the work of Unite the Union and its organisers, the English language teaching, ELT, sector in Ireland is largely unregulated with poor employment standards and often terrible working conditions. I went into detail on the specific issues on Second Stage so I will not repeat them but they are serious and need to be dealt with in this legislation. The Minister of State has said that the authority should not be given responsibility for monitoring this area but that is simply not good enough. The closure of Grafton College over the weekend shows just how poorly regulated and in need of State intervention this sector is.

The amendments I have proposed simply seek to give the authority a role in assessing one more provision on its checklist when evaluating a provider's eligibility to operate with the international education mark. This provision relates to whether the provider is complying with employment law in respect of its English language teacher employees. If we are legislating for this new sign of internationally recognised high quality English language learning, mainly for international students, we should also be including provisions that will raise standards for the teachers teaching them. It is a simple ask and one that would strengthen the Bill.

In terms of the specific amendments, amendment No. 58 would add minimum employment standards for English language teachers to the code of practice issued by the authority and would have a similar practical effect to the Labour Party's amendment, which I also support. This amendment is particularly justifiable as the subsection above, which is on issues that will be addressed in the statutory code of practice, includes requirements in respect of the tax compliance of a provider. QQI may not be the Revenue Commissioners but, in setting up guidelines for the English language schools, it would be given a recognised role to play in monitoring and checking compliance with other areas of law outside its remit, in this case tax law. If that can be said for tax law, it is very easy to argue and accept that checking compliance with employment law could easily be added to the code of practice as well. Workers deserve the same level of regulation and compliance as is provided in respect of providers' tax obligations.

Amendment No. 63 would require the providers of the courses to demonstrate that they

have procedures for complying fully with employment legislation before they could apply for the IEM. Amendment No. 64 would add compliance with relevant employment legislation to the criteria that the authority would take into consideration when determining an application for the IEM. Amendments Nos. 62 and 65 are technical amendments to address grammatical issues. They have the same policy intention as the previous amendments and add compliance with employment legislation to the IEM application process at different points.

The simple fact is that the schools are not complying with employment law. We need to give the authority some sort of stake in monitoring this. None of these amendments would impact on schools operating without the IEM. It just means that if schools want this very high standard mark of excellence, the students who are seeking to enrol in these courses can be comforted that those teaching them have their rights to fairness in the workplace fully vindicated.

The Labour Party amendment to this section is strong - perhaps even stronger than mine - because it applies to all staff rather than teachers alone. Therefore, I reserve the right to introduce a variant amendment on Report Stage to incorporate some of the language in the Labour Senators' amendment, for which I thank them. I support the Labour amendment and hope it will be accepted. I also reserve the right to table a Report Stage amendment on legal requirements regarding teachers and staff when a school folds suddenly, as was the case with Grafton College.

Amendment No. 66 takes a different approach. If the earlier more straightforward amendments are not accepted, we will have to push for the sort of explicit protections that are required for a provider who wishes to have the IEM in the terms of conditions they offer to English language teachers. It would create a requirement for certain amounts of fixed-term contracts to give teachers more certainty. It would prohibit bogus self-employment, and would require work done outside contact hours to be recognised, leave entitlements to be set out and accessible and the publication of information relating to pay scales. It would also prohibit the practice of automatically paying English language teachers more where English is their first language. I would prefer that the Government would accept our earlier amendments because amendment No. 66 represents a blunter means of achieving the same outcome. If we have to add a new explicit section on employment standards, then so be it.

Senator David Norris: These are extremely important amendments which go to the matters at the heart of the Bill. They deal with terms and conditions of employment. There is no doubt that the employers in this case are well able to meet their obligations. Their student fees range from €2,000 to €4,500 for a part-time six month course. A lot of money is coming into these institutions. I received a briefing from Unite the Union on this matter. It highlights teachers' very precarious employment conditions and the variable pay rates. Unite has highlighted several abuses which currently exist in the system on foot of the fact that there is no provision for minimum employment standards. I urge the Minister of State to accept these amendments. It is unacceptable that minimum employment standards are not implemented in respect of certain employments. Those standards should be implemented universally. There is no reason to stand against what is proposed being applied in the limited areas to which this Bill relates. The abuses include the misuse and abuse of fixed-term contracts of between three months and one year. This idea is new to me, and I am 74 years old. In my day, by and large, people looked for jobs, had them for life and received pensions at the end. Now there are contracts for three months or a year in the teaching profession. That is absurd. Then there are the notorious and noxious zero-hour contracts. There may be a very limited justification for these generally but there is none in the context of the teaching profession. There is also the matter of people who

do not have contracts at all.

I have a question to which Senator Ruane might reply in the context of amendment No. 66. It features a clause which specifies that “no less than twenty percent of these employees are employed under contracts of indefinite duration”. I would think that ought to be “no more than”. We do not want people to be employed in these bad conditions. I may have understood this but I hope that Senator Ruane will address this.

The matter of bogus self-employment has very much entered the political discourse. These are people who have been coerced by their employers into pretending that they are independent agencies who employ themselves. That is absolute rubbish. It is done so that employers can get away with abrogating their responsibilities in respect of employees.

This is a very important section of the Bill and these amendments are crucial. I strongly urge the Minister of State to accept them. It is quite wrong to contemplate a situation where the conditions applying to workers are below the minimum requirements for employment. How can any Minister stand over that? How can the Government not accept this amendment. Surely to God it should insist that minimum standards of employment are universal across this island and accept that there is absolutely no reason for this section to be excluded from that requirement.

Senator Aodhán Ó Ríordáin: I take this opportunity to recognise the presence of the teachers from Grafton College in the Gallery. They are at the coalface in the context of this issue.

In support of Senator Ruane’s comments about the process and how we reached this point, I see no reason the Government or any particular party should have difficulty with workers rights being peppered through every item of legislation. A frustration felt by my party, which is shared by others, is the Government’s sense of taking the employers’ best goodwill as a given at all times. Recently, I had a meeting with an education NGO which pointed out the number of educational bodies that have trade union representation compared with employer representation. The trade union representation on the bodies was paltry compared to that of employers. Senator Norris has articulated the point very well that all we are doing is trying to protect the workers in the colleges. That needs to be done via legislation. I do not understand why that

5 o’clock would challenge or upset people or make them uneasy. Ministers will be advised that it is unnecessary and over the top and that it is implicit in other employment legislation. However, one cannot say that to the people sitting in the Gallery. Last weekend, these people saw a note pinned to the door of the institution at which they taught telling them that it was over. They are now looking forward to Christmas without employment. They have children that they need to look after and feed. No Minister can say that employment rights or workers rights can ever be overstated in any legislation. They cannot. The Minister of State might not agreed but I believe that the market has no conscience. When dealing with a market economy with no conscience, one must regulate it within an inch of its existence or else situations such as that experienced by the people in the Gallery will arise. Companies will do what they will to survive and make money. It is people such as those with us this evening who endure the fallout.

Labour tabled its amendment, and Senator Ruane did likewise, prior to this controversy arising. We are not reacting or doing anything on the basis of having held a meeting today or there being media attention on a particular situation that arose at the weekend. The position has been

highlighted by unions such as Unite, which helped to draft these amendments.

The unions see this industry as unregulated and the workers therein as being potentially exploited and certainly vulnerable. Nobody can accuse us in this Chamber of knee-jerk reactions to a particularly newsworthy issue because these amendments were tabled some time ago. The Minister of State, Deputy Mitchell O'Connor, and the Government should not be opposed to what we are seeking to achieve today. Amendment No. 59 states:

(8) Without prejudice to the generality of subsection (1), a code of practice established under that subsection shall specify requirements relating to compliance with quality standards for the recruitment, employment and cessation of employment of employees, and with employment law generally, by relevant providers.

(9) In specifying requirements of the type referred to in subsection (8), the Authority shall consult, in such manner as it thinks fit, with trade unions or staff associations that represent education and training staff or other employees of relevant providers.”.”.

We are trying to do the right thing. I know that the Minister of State is also trying to do the right thing. We may have different interpretations of what is the best legislation that can come out of this House but surely the Minister of State is aware of what is wrong with this industry and it is her responsibility to fix it.

Senator Ivana Bacik: I, too, welcome the Grafton College teachers to the Public Gallery. I reiterate how sorry we all are at the situation in which they find themselves given the recent and sudden closure of the college, which, as stated by Senator Ó Ríordáin and others, highlights the issues we had already flagged through these amendments. I commend the work of Unite, the union with whom the Labour Party worked on this issue. I note Senators Ruane and Norris and others have also worked with that union. This recent closure of a college is another glaring example of the lack of regulation in a sector that so badly needs regulation. We know that there has been a series of closures of private language colleges, leaving not only students but also teachers and other staff in those colleges high and dry. I support the call of my colleagues for the Minister of State to accept some of these amendments. Senator Ruane has set out eloquently which of the amendments are preferable and which we intend to press if the Minister of State chooses not to accept them. I think the Government should accept at least some of them.

There are two issues, the first of which is the short-term one concerning the immediate future of staff who have just been let go. I note that the Minister of State has already met some of them and she has indicated a willingness to meet them again, which is welcome. Similarly, the Minister for Education and Skills, Deputy McHugh, has indicated a willingness to meet them, which is also welcome. The staff and all of us have a strong interest in ensuring that this does not happen again. The second more long-term issue is to ensure adequate regulation of the sector and adequate protection of the rights of workers and students within the sector to make sure it remains sustainable because otherwise we will come to a point where it will be impossible to recruit prospective students or staff for colleges.

I again appeal to the Minister of State to accept some of the amendments. As I said, we are happy to withdraw some of them in the interests of ensuring others are accepted such that better protections are put in place. Also, we all reserve the right to bring further amendments on Report Stage if we cannot progress this issue now.

Senator Paul Gavan: I, too, welcome the teachers from Grafton College. I also welcome

the Minister of State, Deputy Mitchell O'Connor, to the House. What we witnessed this week at Grafton College serves to highlight how badly needed regulation in this sector is for workers. Grafton College represents another fiasco surrounding an English language school that has flagrantly disregarded existing workers rights legislation and has left another 23 workers abandoned by their employer, empty handed without their hard earned wages.

On Second Stage of this Bill, I spoke of a similar incident which occurred last March in Limerick, where another English language school collapsed without warning. We now know that the owner purchased that school in 2017 for €100. He had no idea how to run a business and he drove the school into insolvency, leaving not only students but also teachers high and dry. What happened in Limerick and what has happened this week at Grafton College has been allowed to happen because of a severe lack of regulation in the industry. We cannot allow this to continue. Teachers and students need certainty and protection. For this reason, I support these amendments, in particular amendments Nos. 58, 59 and 66.

While I acknowledge that a lot of good work has been done on this Bill, to deal with the issue of regulation without addressing the pressing needs of workers is akin to deciding to paint a house, forgetting that it is on fire. This is too important an issue to address it in that way. It would send out a negative signal not only to the people in the Public Gallery today but workers throughout Ireland engaged in this sector if the Minister of State does not take the opportunity of this Bill to address these key concerns. I thank my colleague, Senator Ruane, and colleagues of the Labour Party for these amendments, which provide us with the means to address those concerns.

On amendment No. 66, if this House is in agreement that the best way to regulate the English language sector is through the awarding of an International Education Mark, IEM, then we must ensure that the standards we set for schools to attain that mark include a strong and rigorous application of workers' rights, otherwise little will change for those who currently work in the sector. It is, therefore, essential that the IEM includes provisions which set standards for how we expect employers to act in this sector. For this reason, Sinn Féin will be supporting Senator Ruane's amendment to section 61 of the principal Act. Under the International Education Mark, if a school were to contravene, for example, health and safety regulations, it would be sanctioned and it could potentially lose its IEM accreditation. Amendment No. 66 seeks the application of the same consequences where a school contravenes employment regulations. Senator Ruane's amendment sets out some of these basic standards, including that the school must be in compliance with section 9 of the Fixed Term Working Act 2003; it must not engage in bogus self employment; it must pay workers for work outside of class contract hours and it must adhere to the Working Time Act and the Paternal Leave Act. In this regard, all we are doing is bringing the English language sector in line with existing employment standards.

I have a background in trade union work. I have spoken to my colleagues in Unite and I know first-hand the horror stories in this sector. It would be a missed opportunity if the Minister of State did not use this Bill to address those issues, otherwise we are failing thousands of workers who deserve better.

The consequences of not adhering to such basic provisions include that a school will not be granted an International Education Mark by the Department. We do not accept the response we received on Second Stage from the Minister of State to the effect that a worker in the sector should use existing law and take a case to the Workplace Relations Commission, WRC. The reality is that a worker on a short-term contract will never take a case to the WRC because to

do so would mean his or her contract would not be renewed. I know this to be the case. The Department needs to take responsibility for the abuse of workers' rights in the education sector rather than off-loading it to the WRC.

Amendment No. 58 addresses minimum employment standards for teachers. While we welcome the principle of the Bill we also recognise there is a distinct lack of focus therein on regulating employment practices in the sector. This is a sector characterised by low pay, precarious employment and a prevailing culture of disregard for workers' rights. For example, we are aware that fixed-term contracts are abused by employers on a regular basis. They are misused and over-used to control workers. Teachers are often released prior to Christmas and re-hired in January so that the payment of holiday pay can be avoided, which is a scandalous practice that has been happening for years. Zero-hour contracts are rife in the sector, as is bogus self employment. This is the reality for workers in the English language sector. Neither the Department nor the Minister for Education and Skills can continue to turn a blind eye to this abuse and expect the WRC to deal with the consequences. Most workers, especially those on short-term fixed contracts, will not take a case to the WRC because they know if they do so when their contracts expire they will not be renewed. It is for this reason we need to ensure that this legislation provides for minimum employment standards for teachers as a key pillar of any code of practice which employers must meet to be awarded an International Education Mark.

On amendment No. 59, proposed by my colleagues in the Labour Party, if we are serious about regulating this sector then we need to consult with the appropriate stakeholders. This amendment must be accepted to ensure the relevant authority must consult with trade unions on how the Department specifies its requirements in subsection (8). We must remember the fantastic work carried out for years by Unite, the union in the sector, and the input of its organiser, Mr. Roy Hassey, who has had an important role in strengthening sections of the Bill in the interests of workers in the sector. We must respect the experience and knowledge that Unite the Union has in the sector and we agree it is vital the Department consult with unions, such as Unite the Union, during the implementation and ongoing governance of the Bill to ensure workers' rights are maintained to a very high standard.

The Minister of State has an opportunity today. I hope she will take it and that she will listen not just to a range of voices in the Chamber but, more important, to the people here watching and listening who are desperately in need of support and recognition that things need to change.

Senator David Norris: There are a few more issues to which I would like to draw the Minister's attention, which are anomalous and could constitute-----

An Leas-Chathaoirleach: They are relevant to what we are discussing, of course.

Senator David Norris: Yes, very much so. I am very much to the point today.

I am speaking about the terms and conditions of work and the enormous disparity in pay. The average teacher's pay in this area is approximately €18 an hour but some of them are only paid €13. Many of them are only allowed to work a 30-hour week and if we put this in the context of a 39-hour week and average it out, they receive less than the minimum wage. This is something about which we should be concerned. It comes under terms and conditions of work.

There is also the absence of any payment for non-contact hours. I was a teacher in Trinity College Dublin. If I had only been paid for the hours that I lectured, I would have received half of what I did. Quite a lot of time is spent on marking essays at home, preparing for lectures and

so on. There is as much work outside of the classroom as there is inside and to have no pay at all for this is a violation of workers' rights.

Then there is the question of entitlement to sick pay. Most of the schools involved do not have any sick pay arrangements. That is dreadful because it is a hazard of life that people get sick. What are they to do? They will be stranded. There is also a nasty element with regard to holiday pay. I was shocked that people were let go just before Christmas and hired again in January just so that they did not have to be paid over the holidays. That is Dickensian and certainly should not be allowed. A range of issues must be confronted and resolved through the application of a minimum employment standard. I certainly hope if the Minister of State does not accept these amendments that we, as independent parliamentarians and party members, will stand for the workers and vote these amendments through.

Senator Paul Gavan: Hear, hear.

Senator Alice-Mary Higgins: Given everything that has been said so articulately by my colleagues, I will keep my contribution to a minimum. I was an English language teacher in Ireland for four years when I saw the extraordinarily bad practice that is in the sector. It was an area that lacked unionisation and I am delighted to see people are organised and unionised now. I support the provisions and the Minister of State should take on board the sign that people throughout the House are supporting each other. We have put forward a number of proposals to deal with this and we are willing to co-operate. I ask her to join in this spirit of co-operation to ensure the issue is addressed.

Quality must include quality employment. There cannot be any credibility in an international education mark that does not reflect quality of employment and does not deliver quality assurance, which is in the Title of the Bill. Decent working conditions are fundamental and gaps need to be addressed. It must also be borne in mind that representatives of Ireland go abroad on trade missions and speak about Ireland being a wonderful land of saints and scholars and invite people to travel and be educated here. If there is a proposal to speak abroad about this type of quality mark but it does not include quality conditions for staff, it is somewhat meaningless and lacks robustness. This needs to be taken on board. Grafton College is an example but there have been many other cases of staff and students being left high and dry. This is an opportunity to ensure there is meaning behind the standards being provided for in the Bill and a number of constructive proposals have been put forward on how to achieve that. I urge the Minister of State to engage.

Senator Gerald Nash: I will be brief because I am anxious that these amendments are voted on this evening. This is an urgent matter, as I hope the Minister of State will agree. This is not a new experience, and every speaker has referenced this. What has happened in Grafton College is illustrative of a wider problem regarding the gaps in employment rights' coverage in this State. I have sought to address these gaps in recent years, with some success to some degree, but there are still gaps that need to be addressed and filled.

The English-language sector is, in effect, a byword for exploitation and all that is wrong with the worst forms of business practice in this country. It is not necessarily only a matter to do with employment rights and their enhancement. This goes to the heart of problems associated with the enforcement of company law. I worked hard during my short spell as Minister of State to address some of the issues relating to tactical insolvencies. I produced the Duffy Cahill report, which identified ways in which workers can be better protected in the context of what

we describe as tactical insolvencies. These are where directors simply walk away from their businesses leaving workers on the breadline, creditors at arm's length and the State to pick up the bill for the costs associated with statutory redundancy entitlements. This is no way to run a system. The Minister of State and her colleagues in Government need to review their position on the Duffy Cahill report. Time and again tactical insolvencies of this nature have come back to bite us. Recently, in Dundalk, the Authentic Food Company closed down overnight leaving workers on the hook and leaving the State on the hook to pay statutory redundancy.

Elements of company law can be used to pursue errant directors involved in these cases. One of these particular sections, as the Minister of State will be aware, remains untested. This is section 599 of the Companies Act whereby, in effect, the State or any other creditor can go after the related assets of the directors of a company to try to ensure that moneys owed to the State are recovered. This was something that Duffy Cahill report focused on clearly and methodically. This element of company law has been in place since 1991. It was introduced by Desmond O'Malley but it is yet to be tested. It should be enforced to the nth degree, at least to dissuade people who may be considering tactical insolvencies of this nature, to stop them in their tracks and ensure creditors are paid and that workers have their rights vindicated in tactical insolvencies. As it stands, they do not. I refer to what happened with Clerys and the Authentic Food Company in Dundalk. The same is happening to the workers of Grafton College in Dublin. I support the amendments and I hope the Minister of State will accede to our request to support them and a clear position can be enunciated by the House this evening on this critical matter.

Deputy Mary Mitchell O'Connor: I thank the Senators. My officials and I have met Unite, the union. I have deliberated on our meeting and what came up. I have thought a lot about it. I share the concerns of Senators regarding the employment practices in the English language education sector, which have been brought to the fore in the context of the recent closure of Grafton College. We all want an English language education sector in which we have confidence to provide a quality education to students coming to Ireland to learn English. I fully agree that those working in the English language sector are central to the quality of that provision. None of us wants English language teachers to go without paid or being allowed access to the full suite of employment rights supported by the State. It is also important to recognise the respective roles and responsibilities in this important policy area. The issue of employment rights for English language teachers falls outside QQI's regulatory responsibility. It is not all within the remit of the Department of Education and Skills. I believe there was a debate here last night and the working conditions were raised by my colleague, Senator Maria Byrne, and by Senator Gerald Nash when the Minister, Deputy Regina Doherty, was here.

It is important that we recognise there is an extensive legislative framework in place in Ireland to protect employment rights, including for those working in the English language sector. There is also comprehensive industrial relations machinery in place for dealing with workplace relations issues, including collective bargaining at firm and sectoral level. It would not be appropriate to duplicate or undermine these statutory schemes through affording QQI powers in respect of matters beyond its *vires* to regulate. I note that Senators, as I said, have been discussing the Employment (Miscellaneous Provisions) Bill and I understand that the Minister, Deputy Doherty, gave a commitment last night that she would look at this area and meet the teachers from Grafton. This is going through. I understand it has to come back to the Seanad and it is important that this is raised again on Report Stage.

I wish to highlight again that the Qualifications and Quality Assurance (Education and Training) (Amendment) Bill will further strengthen QQI's role as a regulator in the English language

sector. The Bill provides for the introduction of the international education mark, IEM, and an associated code of practice for this sector. These will help to drive standards across the sector. It is specifically intended that the code of practice for the IEM will include provisions specifying that providers authorised to use the IEM will be compliant with their statutory obligations such as employment law. The Bill will provide QQI with additional statutory powers to examine a provider's financial sustainability. At present, when a provider engages with QQI, QQI's primary focus, in line with its existing legislative responsibilities, is to ensure that the providers' quality assurance procedures and the quality of its programme content meet the required standards. However, the new Qualifications and Quality Assurance (Education and Training) (Amendment) Bill will provide QQI, for the first time, with statutory powers to evaluate a provider's corporate fitness. These provisions will enable QQI to examine the bona fides of a provider in addition to assessing that the provider has the capacity and capability to implement the quality assurance processes and to provide programmes of education and training consistent with the requirements of the Act. Providers will have to satisfy QQI with regard to issues such as the legal personality, the ownership and the corporate governance arrangements in addition to examining whether adequate financial resources are in place to ensure the viability of their business. This will mean that only providers that satisfy QQI in these areas will have their quality assurance procedures approved by QQI. It is expected that providers who can demonstrate compliance in these areas are likely to be compliant in other areas outside of QQI's direct regulatory remit, such as employment rights. This will apply to English language providers seeking to access the IEM and, taken together, these measures are intended to reduce the likelihood of future college closures once the Bill is enacted.

Having made those relevant points, I fully recognise the importance of this issue and am willing to make two commitments here today. I accept the merit in the principle of the amendments being proposed by Senators Ruane and Ó Ríordáin and his Labour Party colleagues. However, the Department needs to reflect on the nature of the amendments to ensure that they are consistent with the role and responsibilities that QQI can legitimately be expected to fulfil. While it may not be possible to accept the full text of some of the amendments, I am willing to work with Senators to try to come up with a form of wording that will strengthen QQI's role in this area without involving that organisation in responsibilities that are more appropriate to other Departments and agencies. I request the Senators to allow my Department to have the opportunity to further consider these amendments with a view to reverting with a proposal on Report Stage. My officials will work with relevant Senators in this regard in advance of Report Stage.

Senators will be aware that the Industrial Relations (Amendment) Act 2015 provides an opportunity for a registered employment agreement, REA, to be developed and registered with the Labour Court in order to regulate the pay and conditions of employment of workers specified in the agreement. The REA is a collective agreement between a trade union or unions of workers and an employer or employers on the pay and conditions of specified workers, which is registered with the Labour Court. The effect of that registration with the Labour Court makes the REA binding for subscribing parties. I am committing today to appoint an experienced mediator who would meet with bodies representing the employers and employees in the English language education sector to explore the potential for the registered employment agreement to be developed for workers in the English language sector. I wish to commence this process as soon as possible. This development will complement the provisions contained in the Qualifications and Quality Assurance (Education and Training) (Amendment) Bill that are intended to strengthen QQI's role as a regulator of quality in the English language education sector. This

would be a more appropriate and stronger vehicle to improve the terms and conditions of English language teachers rather than expecting QQI to fulfil responsibilities that are beyond its remit and the remit of the Department of Education and Skills. I hope Senators will support me in this regard.

Senator Gerald Nash: On a point of order, I thank the Minister of State for her contribution. I wrote the Industrial Relations (Amendment) Act 2015. With respect, I propose that we extend time for ten minutes. We only have two minutes.

Acting Chairman (Senator Catherine Noone): Senator Nash cannot propose that. I would have to propose that and I cannot while I am in this seat. This item started ten minutes late.

Senator Gerald Nash: I authored the Industrial Relations (Amendment) Act 2015. Registered employment agreements are enterprise-level agreements, not sectoral agreements. The Minister of State has no function in calling the parties together and requesting that they engage in a sectoral employment order process. I understand the motivation of the Minister of State and that she may want to assist in this process but it is entirely, under legislation passed by these Houses, a matter for a trade union that is substantially representative of workers in a discrete economic sector or a representative body that is substantially representative of employers to make an application to the Labour Court for a sectoral employment order that would be universally applied across the sector. It is not the function of the Minister.

Acting Chairman (Senator Catherine Noone): That is not really a point of order. I can allow the time to be extended by ten or 15 minutes. Senator Maria Byrne could make that proposal but it will not really see the Bill through.

Senator Aodhán Ó Ríordáin: On a point of order, out of respect for the workers who are present this evening and who would like to see the Seanad working in their favour, we should allow these amendments, at least, to be voted on this evening. We would greatly appreciate even ten or 15 minutes.

Acting Chairman (Senator Catherine Noone): I have no difficulty in that regard, but a decision was made by the House earlier.

Senator Maria Byrne: I propose that, notwithstanding the order of the House, this item adjourn no later than 5.40 p.m.

Acting Chairman (Senator Catherine Noone): Is that agreed? Agreed.

Senator David Norris: What the Minister of State said was all fine and emollient, but he mentioned registered employment agreements. As far as I understand, however, there is no requirement for employers to engage in this process at all because it is not mandatory and, therefore, it does not form a central part of the argument.

The Department of Education and Skills has consulted widely with the owners, but despite requests from the teachers, it has never had a meeting or engaged in consultation with them. This is despite the teachers contacting the former Minister, Deputy Bruton, in an attempt to discuss the matter in which we are engaged, namely, the terms and conditions of work. That Minister turned them down on the basis that the businesses are private, for-profit enterprises. He said that employment law issues should be taken to the Workplace Relations Commission but, as has been effectively pointed out, people in precarious employment are not prepared to

appeal to the commission because it is too dangerous for them and they will lose their jobs.

Acting Chairman (Senator Catherine Noone): Is Senator Ruane pressing the amendment?

Senator Lynn Ruane: Yes.

Acting Chairman (Senator Catherine Noone): The question is-----

Senator David Norris: You have already asked that question. Nobody said “No” and, therefore, it passes.

Acting Chairman (Senator Catherine Noone): I was asked to clarify because it was unclear.

Senator David Norris: You were asked to clarify because the Government was not paying attention.

Amendment put and declared carried.

Senator David Norris: Yes, the amendment is carried. Excellent, that was my point exactly.

Senator Lynn Ruane: I move amendment No. 58:

In page 33, line 20, to delete “appropriate.” and substitute the following:

“appropriate.”,

and

(c) in subsection (6), by the insertion of the following paragraph after paragraph (c):

“(d) minimum employment standards for English language teachers.”.

Amendment, by leave, withdrawn.

Section 24, as amended, agreed to.

SECTION 25

Senator Aodhán Ó Ríordáin: I move amendment No. 59:

In page 33, line 20, to delete “appropriate.” and substitute the following:

“appropriate.”,

and

(c) by the insertion of the following subsections after subsection (7):

“(8) Without prejudice to the generality of subsection (1), a code of practice established under that subsection shall specify requirements relating to compliance with quality standards for the recruitment, employment and cessation of employment of employees, and with employment

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law generally, by relevant providers.

(9) In specifying requirements of the type referred to in subsection (8), the Authority shall consult, in such manner as it thinks fit, with trade unions or staff associations that represent education and training staff or other employees of relevant providers.”.”.

Amendment put:

The Committee divided: Tá, 17; Níl, 16.	
Tá	Níl
Bacik, Ivana.	Burke, Colm.
Black, Frances.	Burke, Paddy.
Conway-Walsh, Rose.	Byrne, Maria.
Devine, Máire.	Coghlan, Paul.
Dolan, John.	Conway, Martin.
Gavan, Paul.	Feighan, Frank.
Higgins, Alice-Mary.	Lawlor, Anthony.
Humphreys, Kevin.	Lombard, Tim.
Mac Lochlainn, Pádraig.	McFadden, Gabrielle.
McDowell, Michael.	Mulherin, Michelle.
Nash, Gerald.	Noone, Catherine.
Norris, David.	O'Donnell, Kieran.
O'Sullivan, Grace.	O'Mahony, John.
Ó Donnghaile, Niall.	O'Reilly, Joe.
Ó Ríordáin, Aodhán.	Reilly, James.
Ruane, Lynn.	Richmond, Neale.
Warfield, Fintan.	

Tellers: Tá, Senators Gerald Nash and Aodhán Ó Ríordáin; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared carried.

Progress reported; Committee to sit again.

Control of Economic Activity (Occupied Territories) Bill 2018: Report and Final Stages

Question put: “That the Bill be received for final consideration.”

The Seanad divided: Tá, 29; Níl, 16.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Bacik, Ivana.	Burke, Paddy.

Black, Frances.	Byrne, Maria.
Boyhan, Victor.	Coghlan, Paul.
Clifford-Lee, Lorraine.	Conway, Martin.
Conway-Walsh, Rose.	Feighan, Frank.
Craughwell, Gerard P.	Lawlor, Anthony.
Daly, Paul.	Lombard, Tim.
Davitt, Aidan.	McFadden, Gabrielle.
Devine, Máire.	Mulherin, Michelle.
Dolan, John.	Noone, Catherine.
Freeman, Joan.	O'Donnell, Kieran.
Gallagher, Robbie.	O'Mahony, John.
Gavan, Paul.	O'Reilly, Joe.
Higgins, Alice-Mary.	Reilly, James.
Humphreys, Kevin.	Richmond, Neale.
Leyden, Terry.	
Mac Lochlainn, Pádraig.	
McDowell, Michael.	
Murnane O'Connor, Jennifer.	
Nash, Gerald.	
Norris, David.	
O'Sullivan, Grace.	
O'Sullivan, Ned.	
Ó Donnghaile, Niall.	
Ó Ríordáin, Aodhán.	
Ruane, Lynn.	
Swanick, Keith.	
Warfield, Fintan.	

Tellers: Tá, Senators Frances Black and Niall Ó Donnghaile; Níl, Senators Gabrielle McFadden and John O'Mahony.

Question declared carried.

Question proposed: "That the Bill do now pass."

Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee): I would like to make a short statement on the Government's overall position, addressing the Bill as a whole. While understanding the motivation and intentions of the proponents of the Bill, the Government is opposed to the Bill for the reasons set out in detail by the Tánaiste and Minister for Foreign Affairs and Trade when he spoke on Second Stage. The first and essential reason is that the essential purpose of the Bill is contrary to EU law and requires the State to do something which is not in its power. External trade rules are an exclusive competence of the European Union, so goods from settlements can only be excluded at an EU level, not by an individual member state. This is the essence of the EU Single Market. While it is noted that various legal options have been put forward to argue that the Bill is compatible with EU law, the clear and comprehensive advice of the Attorney General is that it is not. The

Government has not been convinced by arguments to the contrary. We have every reason to believe the enactment of this Bill would expose the State to legal action, not only by the European Commission but also by the parties claiming to have been adversely affected by the Bill. We expect that the State would be liable for significant and recurring damages so long as the law remained on the Statute Book. This is not a course into which any Government would willingly enter against its own legal advice as provided by the Attorney General. This is not the only cost that the Bill would entail since the creation of new offences also carries a cost, but it is likely to be the largest.

The Bill would create real difficulties for business in Ireland and for Irish businesses in the United States, which could find themselves placed between incompatible legislative demands. I do not say this is right or justified but it is the case. It is also clear to us that Ireland's voice and influence on the Israel-Palestine issue in Europe and wider international circles would be lessened by a unilateral action of this nature. Far from leading the way, we would be marginalised and less influential in those places where we can be of most use to the Palestinian people. Finally, while the Government absolutely shares the objectives of ending the Israeli settlement project, we do not believe the Bill would have any significant effect on this. The volume of settlement goods reaching Ireland is not large. No other EU country has shown any interest in taking a similar step. Even the symbolic gesture of support for the Palestinians would be turned into yet deeper disappointment if the European Court of Justice, as we would fully expect, determined the Bill to be in breach of EU law. In the end, we would give a psychological boost not to the Palestinians but to the settlers. Taking these factors together, the Government must oppose the Bill. Since it is the fundamental basis of the Bill that we must oppose, the Government has not offered any amendments.

Senator Frances Black: I am going to keep it very short until the Bill is passed, at which point I would like to make a final speech and thank a few people. I have to disagree with the Minister of State on what the Attorney General said. At some point I would like to see what the Attorney General said. We have opinions from the top legal people in Europe - Michael Lynn, Professor James Crawford and Professor Takis Tridimas from King's College London, who will disagree with the Attorney General. We even have a former Attorney General in the Seanad, Senator McDowell, who will disagree with the advice. I do not really have much more to say about that.

Senator Ned O'Sullivan: We are supporting the Bill. It is our hope that in voting for the Bill, we will enable peace to be brought forward some little way in the Middle East. I acknowledge the genuine concerns of the spokesperson for the Israeli people who have legitimate concerns, I believe, about the Bill. They must be listened to. As I said in my Second Stage speech, no nation in the history of mankind has suffered like the Jewish people. Any decisions we make here should always bear that in mind. It is quite conceivable that there will be legal opinion which will counteract what is being done here tonight. It is quite conceivable that, if and when the Bill reaches Dáil Éireann, certain amendments may be put down by all parties. We will look forward to that with interest.

Senator David Norris: I welcome the Bill, which will obviously pass. There is no question about it. It is a great day for this country. We are the first country to break ranks and I hope we will not be the last. One will never get unanimity in the European Union as the Minister knows perfectly well. The Germans have such a conscience about the Holocaust that they will never do anything. That is one thing. The other thing is that there is a nasty campaign by the Israeli Government against the Bill. I have noticed it and been made aware of it. I record something

a constituent of mine contacted me about recently. He was watching a Facebook video which was interrupted by an advertisement depicting a young Palestinian girl stabbing repeatedly as a voiceover said Palestinian children were trained to hate. It lasted ten minutes. My correspondent contacted Norman Finkelstein who is Jewish but an authority on Arab-Israeli affairs and discovered that this is a web campaign established by the Israeli Ministry of Strategic Affairs. This kind of interference is unacceptable behaviour. Several other people who have taken positions on the Bill have had this advertisement pop up too. I point out this kind of Goebbels style operation going on from the Israelis which is really to be condemned.

Senator Niall Ó Donnghaile: I take the opportunity to say a few words and respond to some of the remarks of the Minister. As Senator Norris was right to say, this is a landmark day, not just for the Palestinian people but for all of those who adhere and aspire to international justice and solidarity. As a team, Sinn Féin in the Seanad is proud and happy to facilitate these Stages of the Control of Economic Activity (Occupied Territories) Bill 2018 via our Private Members' time. Sinn Féin has supported Senator Black's legislation on all Stages. We support it in practical terms and its outworking and we will again when it reaches the other House. The Bill has the noble and just aim of prohibiting the import and sale of goods, services and natural resources originating in illegal settlements in occupied territories. It is not extreme and seeks only to establish a legal framework to ban imports from settlements which are already illegal under international humanitarian law and, most important, domestic law. The Bill is important as it seeks to prohibit the sale of goods and services originating in illegal settlements on occupied land. Those goods and services are only available because of gross human rights abuses and violations of international law and they should not be available in Ireland.

A clear example of how the legislation would work is by stopping goods and services from illegal Israeli colonial settlements from entering the State. For decades, Israel has attempted to destroy the two-state solution by increasing massively the construction of illegal colonial settlements in Palestine. The building of these illegal colonial settlements violates international law and is a war crime, yet Ireland continues to trade freely with them. As long as we continue to hand the Israeli Government impunity to impose apartheid, continue its illegal occupation and violate international law, it will never make the necessary compromises to create a just and lasting peace settlement. The Irish Government must make a strong and unambiguous statement that there can be no impunity for Israel's continued illegal occupation of Palestine. Nothing will change in Gaza or the West Bank until the international community moves on from empty rhetoric to place real pressure on Israel.

The Government must stop sitting on the sidelines wringing its hands. When concrete and tangible steps are proposed, the Government is afraid to show leadership. Thursday, 29 November was the international day of solidarity with the Palestinian people. What a great message it would have been for the Palestinian people living under occupation and apartheid had the Government given unanimous support to the Bill in the Seanad on that day. The Government is hiding behind supposed legal advice from the Attorney General. I am sure other Members would, like me, love to see that advice. Senator Black has legal advice from Professor Takis Tridimas, an expert in EU law at King's College London and a practising barrister with an extensive record before the European courts, that the Bill is fully compatible with EU law. The Tánaiste and Minister for Foreign Affairs and Trade should publish the advice of the Attorney General so that all parties could see the legal perspectives and make up their own minds. I am in no doubt that the Bill complies fully with EU trade rules and that we should, as a matter of urgency, pass it tonight.

The Bill does not focus on one occupation or country, its focus is solely on respect for international law. The legislation would apply to occupations and breaches of international law anywhere in the world on the basis of evidence and legal consensus. As mentioned on a previous Stage, there is a strong case for Morocco's occupation of Western Sahara to come under the remit of the Bill also. Colleagues will be aware that Morocco's occupation of Western Sahara is completely illegal under international law. The Sahrawi people have a right to self-determination and to decide their future democratically, but this has been denied them by Morocco. Morocco's occupation has been affirmed as illegal by international courts, most recently the Court of Justice of the European Union in February. In July 2018, the court further ruled that the EU's fisheries agreement with Morocco must not extend to Western Saharan waters. The EU is attempting to undermine the judgment of the court and to push ahead anyway. Sadly, the Irish Government has been silent. Sinn Féin opposes the fisheries agreement's application to Western Saharan waters as it opposes illegal occupation of Western Sahara itself.

I hope the Bill will be a vehicle to challenge both violations of international law outlined and, indeed, any others where they exist. I am proud Sinn Féin is able to facilitate the Bill which we support.

Senator Ned O'Sullivan: On a point of order, while I have the height of respect for Senator Norris, I am shocked at what he said. Is it appropriate that he would invoke the memory and image of Joseph Goebbels to make a point against the Israeli people? It is absolutely inappropriate and perverted. It would be a disgrace if someone in the Chamber failed to make that comment. I know Senator Norris will reflect on the remark and I hope he will withdraw it.

Acting Chairman (Senator John O'Mahony): My information is that the Senator was entitled to make the point but he may want to reflect on it himself and withdraw it. However, he was entitled to make the contribution.

Senator Michael McDowell: I support the Bill. I understand fully that the Government has the advice of the Attorney General. Unlike a certain other country close to us, it is not possible for the Parliament to demand to see that advice for very good reasons which I respect fully. Senator Black has taken the step of publishing legal opinions to the contrary and I have had the opportunity to read them. I agree with them. That is not to say there is always one infallible view on these matters.

I agree with Senator O'Sullivan. I stand for the right of Israel to exist and in supporting the Bill, I am not taking an anti-Israeli position. The right of Israel to exist within internationally accepted borders is an absolute right which the country is entitled to defend. I make no bones about that. I do not believe it is an illegitimate state and I want that to be very clear. It has been suggested in public discourse by a former Member of these Houses and by a senior Israeli Minister that the motivation behind the Bill is anti-Semitic. Nothing could be further from the truth. In that regard, I was the person who, as Minister for Justice, Equality and Law Reform, inaugurated Holocaust Memorial Day. I supported the Irish Holocaust commemoration committee and apologised in public for the way in which Ireland failed Jewish refugees during the Second World War. I have taken a lifelong interest in the appalling atrocities involved in the Holocaust and I object deeply to anybody saying my motivation is anti-Semitic. It is scandalous and wrong that it should be stated. I take particular solace from the fact that not merely is the Bill supported by international lawyers like those whose opinions Senator Black has published, it is also supported by a considerable number of people in Israel. This Bill is by no means anti-Semitic.

Senator Niall Ó Donnghaile: Hear, hear.

Senator Michael McDowell: It is not opposed to the existence of Israel or the legitimacy of the Israeli state. It is merely saying that international law must mean something and that this Chamber of the Irish Parliament is determined to make it clear that international law cannot be flouted with impunity. We are not obliged to accept de facto annexation of land in a manner that infringes international law.

Senator Ivana Bacik: On behalf of Labour Party Senators, I welcome the Minister of State to the House and congratulate Senator Black and colleagues on this Bill which is just about to be passed by Seanad Éireann. As others have said, it sets down an important marker about the need to uphold and respect international law. It is a Bill about respecting international law and ensuring that we control and restrict imports from occupied territories, that is, territories that are recognised as illegally occupied under international law. I am proud to support it on behalf of my Labour Party colleagues because my party has a proud record of standing up for the rights of the Palestinian people, particularly in the context of the ongoing campaign of illegal settlements and demolitions, about which many of us on the Joint Committee on Foreign Affairs and Trade have heard evidence and about which we have been highly critical. The committee has made representations to the Minister for Foreign Affairs and Trade, Deputy Coveney, about same and he, in turn, has made representations on behalf of the State about the continuing illegal settlements and demolitions. This Bill is entirely in keeping with that record of criticism of, and challenge to, illegal activity by any state and, in this case in particular, by Israel.

I agree with Senators McDowell and Ned O'Sullivan that this is not in any way an anti-Semitic Bill. It is important to stress that all of us who support this Bill see it as an important step towards recognition and respect for international law but also as setting down a marker to try to bring about a peaceful resolution of the ongoing Israeli-Palestinian conflict, one that recognises and respects a two-state solution. Currently, we are at an impasse. There is no apparent international impetus or momentum towards any sort of settlement and we need to move things forward. One of the ways in which we can do that is to prevent the ongoing obstruction of a peace process by the continuing campaign of illegal settlements and demolitions. This Bill is an important part in bringing about a peaceful resolution in the interests of the Israeli and Palestinian peoples who are living currently in a state of conflict.

Finally, I am proud that the Labour Party has such a strong record in defending Palestinian rights. The former Tánaiste and Minister for Foreign Affairs and Trade, Eamon Gilmore, exemplified that in his recognition of the rights of Palestinian people. At the same time, the Labour Party supports and facilitates the annual Holocaust memorial event which is held in the Mansion House in Dublin. I have been proud to attend that event over many years. It is also an important marker in terms of respect for international human rights law, respect for the Jewish people and recognition of the enormous wrong done to them and the terrible crimes that they suffered in the past.

I reiterate my party's support for the Bill and commend Senator Black.

Senator Joe O'Reilly: It is my pleasure to welcome my neighbour, the Minister of State, Deputy McEntee to the House. I applaud the effective way in which she represents our country on the international stage and particularly in Europe.

I am impressed by the way in which we are going about this business today because this is

an extraordinarily sensitive topic. We are talking here about a very difficult situation. I will try to adhere to the respectful tone with my own contribution. The people who support the Bill are rightly anxious to establish that they are not anti-Semitic. Those of us who do not support the Bill are similarly anxious to establish that we are not anti-Palestinian. Quite the contrary, in fact; we are conscious of Palestinian suffering and are supportive of the Palestinian people. Like colleagues who spoke earlier, we are also acutely and profoundly aware of the history of the Jewish people over centuries and the extraordinary suffering and unspeakable barbarism inflicted on them. However, that cannot, by extension, make us not want to stand up for the rights of the Palestinian people now.

The Tánaiste and Minister for Foreign Affairs and Trade has made the Middle Eastern question a Government priority, second only to Brexit. He has made numerous visits to the middle east and to the occupied territories. He is genuinely committed to doing something about the conflict. I believe that the Tánaiste has the respect of Members on both sides of the House and I doubt that anyone would question his bona fides or his competence. He is of the view, which he expressed previously in this House, that it would be more effective for us to stay within the framework of the EU efforts to resolve the problems in the middle east and not to act unilaterally. We must take account of what he has said in that regard. I reiterate that those of us who do not support the Bill have the same objection to illegal settlements as those who support it. Ireland is a participant in the Europe-wide regime of sanctions at the moment. Those sanctions relate to tariffs and labelling. We are supportive of them and were to the forefront in trying to achieve them.

Senator McDowell, who is a distinguished former Attorney General himself, accepts that a Government in office cannot not ignore or fail to take account of the advice Attorney General. The entire apparatus of government could not function were that premise set aside because it would suggest a lack of confidence in the Attorney General. That in itself would raise another set of questions. The Minister of State has made the point that the Attorney General is of the view that there is a risk of dangerous legal actions for the State in this regard. Were they to be taken and to be successful, that would set back the Palestinian cause rather than helping it.

There are practical difficulties to implementing this legislation. Goods could be imported from a third country, goods that were manufactured by another EU trading partner, for example, parts of which originated in the settlements. How will this law be implemented by Ireland unilaterally? How do we do it, business by business? It raises difficult administrative questions.

Finally, this has been an extraordinarily mature debate and never once have those of us who oppose the Bill doubted the bona fides, good motivation and sincerity of Senator Black and those supporting her. However, we must do our job by drawing attention to the perspective of the Tánaiste in achieving a peace process, the considered legal opinion of the Attorney General and the fact that this will present practical difficulties in its implementation.

Senator Gerard P. Craughwell: One of the things that disappointed and upset me following the previous debate we had was an email I received suggesting that I am anti-Semitic. Nothing could be further from the truth. I do not see this Bill as being about Israel and Palestine but about people profiting from what they steal. Quite frankly, we simply cannot allow one country to infringe the border of another, as has happened in the occupied territories, and to profit from that. That is why I support Senator Black's Bill. I am in no way anti-Israeli. I have met the new Israeli ambassador, who is a very fine man. I supported the Holocaust memorial event when I was president of the Teacher's Union of Ireland and will do so again. I am always

interested in hearing the Israeli side of the story, in terms of what it is like to go to bed at night unsure as to whether a missile will land in one's back garden or on top of one's house. There is an Israeli story to be told and I believe everybody is open to listening to that story and to doing whatever we can on an individual basis and a collective basis as a nation to try to find a solution that will allow these two countries to live side-by-side in harmony.

This is not pro-Palestinian and anti-Israeli or anything like that; it is simply about doing the right thing. I fully accept what the previous speaker, Senator O'Reilly, said about the difficulty in implementing the Bill when it is passed, as I believe it will be. These problems can all be overcome in time.

Senator Black is to be commended on this initiative, which she backed up with solid legal advice. The important message is that a country cannot use aggression to take land belonging to another people and then profit from it. I urge the Government, even at this stage, to change its position, accept the Bill and allow it pass through this House. It must still go before the Dáil.

I will support Israel in any way I can; I will equally support Palestine in any way I can. I have no beef with either country. When I lived in Limerick, I was proud to see the refurbishment of a Jewish graveyard which had been wrecked in the 1940s. The community in which I lived supported ensuring the headstones were re-erected and the graveyard was put right. There is nothing anti-Israeli about this. I support the Bill and commend Senator Black.

Senator Alice-Mary Higgins: I wish to clarify something for those who might have been concerned after hearing the earlier speeches on European law. The legal advice which has been given to us is clear. While the Attorney General may have given advice about cases, it is clear in European and international trade law that cases would be taken under this. For example, the EU trade agreement with Israel, which is in no way affected by this Bill, is explicitly clear that settlements are not included and not covered by the provisions of that.

This is not a unilateral move; this is a move in support of international law as agreed by the UN and by the countries of the world together through the standards we collectively try to set for ourselves.

Senator Gerard P. Craughwell: Hear, hear.

Senator Alice-Mary Higgins: In that sense this is a move in favour of multilateral diplomacy and in favour of the use of tools of diplomacy, rather than the rule of might, power and alliances. It shows we can put instruments in place. It reaffirms international diplomacy and is important not simply for Israel and Palestine but, as was rightly mentioned, for Western Sahara and the Sahrawi where trading by Irish companies is currently being pursued and should not be. This is an important marker of Ireland's leadership in international law and should be embraced by the Government.

Question put.

An Leas-Chathaoirleach: In accordance with Standing Order 72, as the required number of tellers have not been appointed for the Níl side, I declare the question carried.

Question declared carried.

Senator Frances Black: I want to thank a few people. I am so delighted and I feel so emotional. I am so proud to see Seanad Éireann pass this Bill in full today. It is an historic

and momentous occasion and I know how much it means to the Palestinian people to know that someone out there cares. Today, we send a strong signal that Ireland will always stand on the side of international law, human rights and justice.

I am deeply thankful to Sinn Féin which has been so committed and principled on this issue for decades and gave up its Private Members' time to facilitate the Bill. I thank it sincerely from the bottom of my heart. I also acknowledge the fantastic support from Fianna Fáil, in particular the party's foreign affairs spokesperson, Deputy Niall Collins, who was just amazing and has worked tirelessly on the issue. I am so delighted he will bring the Bill into the Dáil early in the new year and I wish it a quick passage through the Lower House. I am deeply grateful for the support for this Bill from right across this House. I thank the Labour Party, the Green Party, Independent Senators and my wonderful colleagues in the Seanad Civil Engagement group. I am delighted that we have the support of every political party in the Oireachtas bar the Government. From listening to the thoughtful contributions of colleagues in Fine Gael and the Tánaiste, Deputy Simon Coveney, I remain hopeful that they will hear us out and come on board as the Bill progresses.

Senator Aodhán Ó Ríordáin: Hear, hear.

Senator Frances Black: The tremendous level of cross-party support for this Bill is a testament to the fact that it is not a radical ask. We are simply saying that if we know certain goods have been produced as a result of war crimes, we should not be trading in them. This is the bare minimum that should be expected of a country with a deep commitment to human rights. If not, there is a clear hypocrisy. How can we keep condemning the settlements as illegal, as a theft of land and resources and as a barrier to peace but happily trade in the proceeds of this crime? It is not acceptable and it is our duty, as legislators, to change it.

I thank the amazing groups of people who have worked so hard in support of this Bill. My God they have been absolutely amazing. People have been fundraising, holding public meetings and sending their support from all over the country. The people of Ireland are amazing and I am just blown away by the support. Bringing brave Palestinian farmers, Mona and Fayez, over to meet them in July was one of the best experiences I have ever had. There is nothing more inspiring than seeing solidarity in action. I recognise the years of work on this issue from SADAQA, particularly by Marie Crawley and Gerry Liston, without whom we would not have reached this point. They are two geniuses. I also recognise the fantastic supporting organisations Trócaire, Christian Aid, the Irish Congress of Trade Unions, the Global Legal Action Network and the Ireland Palestine Solidarity Campaign, IPSC. The Palestinian ambassador is also here tonight and I thank him so much for all his support.

Ultimately I am pursuing this initiative because I want to see Ireland take a stronger lead on issues of human rights and social justice. I do not believe such stances hinder our international standing. I believe they greatly enhance it. I saw the impact of settlement expansion myself when I visited the West Bank earlier this year. I saw the restrictions on movement, the separate roads, the destruction of people's homes and the devastating human rights conditions, which are worsening daily. We cannot in good conscience look at this situation, the unforgiveable human cost and say that decades of empty condemnation are enough. It should summon in us a deep sense of injustice and anger that demands meaningful action against occupation.

Today marks only the halfway point. The Bill has been agreed by the Seanad and it now must be agreed by the Dáil. I am calling on all of those who have supported us so far, both the

political parties and the amazing activists all over the country, to keep going with their backing. We can make this Bill law. Go raibh míle míle maith agaibh everybody. Thank you so much for all your support.

Senator Joe O'Reilly: I am happy to congratulate Senator Black on bringing forward a major Private Members' motion in her first term in the Seanad. It is a great achievement as a legislator and I wish her well. We approach this from the best perspective and, as a Government, we will work every day to bring peace and justice to the Middle East.

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

Senator Joe O'Reilly: Tomorrow at 10.30 a.m.

The Seanad adjourned at 7 p.m. until 10.30 a.m. on Thursday, 6 December 2018.