



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

Business of Seanad . . . . .	703
Commencement Matters . . . . .	704
Drugs Crime . . . . .	704
Mica Redress Scheme . . . . .	707
Order of Business . . . . .	709
Criminal Justice (Rehabilitative Periods) Bill 2018: First Stage . . . . .	735
Business of Seanad . . . . .	735
Joint Sitting of the Houses of the Oireachtas: Motion . . . . .	735
Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union: Motion . . . . .	736
Public Service Superannuation (Age of Retirement) Bill 2018: [Seanad Bill amended by the Dáil] Report and Final Stages . . . . .	737
Central Bank (National Claims Information Database) Bill 2018: Committee and Remaining Stages . . . . .	745
Finance (African Development (Bank and Fund) and Miscellaneous Provisions) Bill 2018: Committee and Remaining Stages . . . . .	746
Business of Seanad . . . . .	751
Greyhound Racing Bill 2018: Report Stage (Resumed) . . . . .	752

## SEANAD ÉIREANN

*Déardaoin, 20 Nollaig 2018*

*Thursday, 20 December 2018*

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

---

*Machnamh agus Paidir.  
Reflection and Prayer.*

---

### **Business of Seanad**

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

The need for the Minister for Children and Youth Affairs to restore funding to local youth groups to 2008 levels and work with her colleagues in other Departments to prepare an overall support package for youth groups in Ballymun.

I have also received notice from Senator Pádraig Mac Lochlainn of the following matter:

The need for the Minister for Housing, Planning and Local Government to provide an update on the mica redress scheme for affected homeowners in County Donegal.

I have also received notice from Senator Colette Kelleher of the following matter:

The need for the Minister for Children and Youth Affairs to provide an update on the future governance of and project funding for the school completion programme.

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

The need for the Minister of State with responsibility for the Office of Public Works and flood relief to provide an update on the Glashaboy flood relief scheme, County Cork.

I have also received notice from Senator Martin Conway of the following matter:

The need for the Minister for Health to outline if the drug Pembro, pembrolizumab, will be made available to all cervical cancer patients.

I have also received notice from Senator Anthony Lawlor of the following matter:

The need for the Minister for Housing, Planning and Local Government to outline his interpretation of objective 19 of the national planning framework.

I have also received notice from Senator Tim Lombard of the following matter:

The need for the Minister for Transport, Tourism and Sport to outline the national strategy for promoting viable trade routes between southern Ireland and the Continent in the light of the plans by Irish Ferries to reduce its port services at Rosslare.

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

The need for the Minister for Housing, Planning and Local Government to provide an update on rural group water schemes on funding and quality of water, with particular reference to the Keenagh electoral area in County Mayo.

The matters raised by the Senators are suitable for discussion. I have selected the matters raised by Senators Mark Daly, Pádraig Mac Lochlainn, Colette Kelleher and Colm Burke and they will be taken now. Senators Martin Conway, Anthony Lawlor, Tim Lombard and Paddy Burke may give notice on another day of the matters they wish to raise. Senators Colette Kelleher and Colm Burke have withdrawn their Commencement matters which I had selected for discussion.

## **Commencement Matters**

### **Drugs Crime**

**Senator Mark Daly:** I thank the Minister of State, Deputy Catherine Byrne, for coming to the House. Councillor Paul McAuliffe has asked that the Taoiseach would come and see for himself the effects of crack cocaine use in Ballymun, which reached a crisis point this summer. He wants a cross-departmental task force to be organised to address the issue. In the past year there has been an increase in crime, anti-social behaviour and aggressive begging and children have been used to transport drugs. While the Garda has put short-term measures in place to deal with the issue, it needs a cross-departmental and whole-of-government response.

Local residents have been slow to highlight the issue because of the great work that has been done to ensure that Ballymun is a place that everyone is happy and proud to live in, and that has been the case, but the epidemic of crack cocaine use has blighted the community. The response has not been adequate and that must change. In recent months, Fianna Fáil's deputy leader, Deputy Calleary, our health spokesperson, Deputy Donnelly, and our spokesperson on children, Deputy Rabbitte, attended a meeting at the Setanta GAA club organised by Councillor McAuliffe to listen to the concerns and bring them to the attention of the Government so that it can address the issues. The agencies in attendance at the meeting included the Ballymun drugs task force and two youth services in the area, namely, the Ballymun job club and the Dublin North West Area Partnership. Many other groups have discussed the issue with Councillor McAuliffe. There is a solution but funding is required to implement it.

Press releases are not sufficient or even a visit by the Taoiseach, although he should visit Ballymun and see for himself what is going on. A cross-departmental task force, led by Dublin City Council, is required to ensure this crisis does not continue and that a new generation is not affected by the scourge of drugs. The approach needs a buy-in at all levels in Departments, led by Dublin City Council. It is essential that the Taoiseach come to Ballymun to meet Council-

lor McAuliffe and other public representatives to ensure he is aware of the problem and that a solution is put in place. That requires both co-ordination and funding and the approach taken could be applied to other communities in Dublin and elsewhere that are affected by the blight of an epidemic of crack cocaine use in society.

**Minister of State at the Department of Health (Deputy Catherine Byrne):** I am taking this Commencement matter on behalf of the Minister for Children and Youth Affairs, Deputy Zappone. I thank the Senator. I will read the written response before responding to a few points. The Senator spoke about drugs and I will contribute on that issue.

As the Senator is aware, the Department of Children and Youth Affairs was established in 2011. This Department, along with all Departments, was required to deliver substantial savings on all funding programmes in line with the comprehensive review of expenditure 2012-14. The Department sought to ensure front-line youth services, particularly those for the most vulnerable young people, were protected as far as possible from the impact of the reduction in funding.

Established in 1999, Ballymun Regional Youth Resource is a youth work organisation with special emphasis on young people at risk of drug misuse. The centre-based youth work has a strong focus on developmental group activities and the provision of youth work training and practical supports. Poppintree Youth Project supports the personal, interpersonal, social and analytical development of young people. The project develops programmes which include recreational activities, sports and adventure, creative arts and skills development.

In recent years funding for the provision of youth services has been increased on an annual basis. In 2011, Ballymun Regional Youth Resource and Poppintree Youth Project received a combined total of €539,104 in youth funding from the Department of Children and Youth Affairs. In 2018, these services received youth funding with a combined total of €1,442,794. The Department of Children and Youth Affairs completed an exercise with Pobal and each of the 16 education and training boards which mapped youth service provision across the State. This mapping exercise will assist the Department of Children and Youth Affairs and each education and training board in developing a detailed social demographic profile in terms of both population numbers and deprivation levels and will inform future development and investment in youth services. For 2019, an extra €1.5 million has been allocated in current funding to support the provision of youth services, which brought the total current youth funding available to the Department of Children and Youth Affairs to more than €60 million.

The additional funding is being used for programmes that target disadvantaged young people. The Department has commenced a process to identify service development needs for 2019 and to finalise the 2019 youth funding allocations. The primary purpose of this process is to ensure that youth services are sufficiently resourced to meet the needs of young people, particularly those who are at risk of drugs or alcohol misuse, early school leaving and homelessness or who are living in disadvantaged communities. In this regard, officials in the Department are awaiting the return of completed funding renewal applications on behalf of youth projects throughout the country which are due to be submitted by 21 December 2018. On receipt of these completed renewal applications, the Department of Children and Youth Affairs will be in a position to finalise the funding allocation which will be provided for each youth project in 2019, having regard to the overall budgetary position.

I will address the Senator's other comments when I come back in.

**Senator Mark Daly:** I realise the Minister could not be here and appreciate the Minister of State coming in on her behalf. The Minister of State outlined the issues surrounding the funding and purpose of the Ballymun Regional Youth Resource and the Poppintree Youth Project. However, we were talking about restoring funding to 2008 levels, whereas the Minister of State referred to the funding available in 2011, which was a time of many cuts. That is just one element of what is required across Departments and Government. This needs to be targeted towards Ballymun in conjunction with Dublin City Council, which should meet public representatives on the ground.

We cannot simply leave it to the Ballymun Regional Youth Resource to tackle a crack cocaine crisis in Ballymun. It is not within the organisation's gift to tackle all of the areas that need to be addressed, such as aggressive begging and anti-social behaviour. It can only deal with the youth who come before it. The Garda, social services and the local community need to be involved and that needs co-ordination by the Government and Dublin City Council. I call on the Taoiseach to meet Councillor Paul McAuliffe and other public representatives on the ground in Ballymun to ensure a response is provided for the benefit of the area's residents. They feel threatened by the anti-social behaviour taking place. Ballymun should be used as a template for other communities in Dublin and beyond which are blighted by drug use and the current crack cocaine epidemic.

**Deputy Catherine Byrne:** I have been speaking to Deputy Rock about this issue and that know he is in the process of trying to arrange a date with the Taoiseach to visit Ballymun. I hope that will be finalised some time in the new year. We are all aware of the serious concerns about drugs in every community. Crack cocaine has become popular with many age groups and with people living in wealthy as well as poorer communities. It is also being used as a social drug.

I have met the GAA club in question and had some of its members in the Houses for discussions. We are trying to address this issue through the new national Reducing Harm, Supporting Recovery strategy. We are examining emerging trends as part of one of our actions to support and influence communities through education and youth projects to tackle the use of different drugs by young persons and vulnerable people. We will look at our policy in that regard in the coming weeks and months.

The local drugs task forces, as the Senator is aware, are funded through the drugs policy department and the Health Service Executive. We all know the reasons funding was cut substantially in recent years. A small amount of funding, up to €20,000, has been made available to each local drugs task force this year, €10,000 of which is to be used within the task force for the members to update their skills, with the other €10,000 to be used to plug some of the gaps in services. It is only a small amount of money but we wish to further fund the task forces in the coming year for specific actions in the national plan. The oversight forum has identified some new actions, particularly for those aged under 18 years and other community services.

I can only give the Senator the update the Minister provided as the matter falls within her remit. I responded on the issue of drugs because we strayed into that area. Deputy Rock is in the process of arranging a date with the Department of the Taoiseach for a visit by the Taoiseach to Ballymun. I will ask the Deputy to inform all the other public representatives in the area when that date becomes available. I do not know when that will be.

I understand the concerns of the community in Ballymun and communities throughout the

country about emerging drugs such as spice and other drugs that are coming into the market and affecting people at a very young age. Young men in particular are being used as runners and perform other significant duties in the criminal aspects of the drug trade. I will emphasise to the Minister the importance of this issue. As soon as the applications have been received and the budgets examined, decisions will be made on funding.

I understand it is not only community groups that can tackle this issue. It is a broader issue for many Departments and we need to target areas such as Ballymun and my home area with something similar to what has been done in the north inner city. I will relay that point to the Minister.

### **Mica Redress Scheme**

**Senator Pádraig Mac Lochlainn:** Thousands of families in the north Donegal area have been devastated by the issue of mica, a mineral in the concrete blocks in their homes. I have been in many of those homes and have spoken to the families, sometimes on a weekly and even a daily basis, in regard to what they have been enduring. It is heartbreaking. As the House knows, people's greatest ambition is to take out a mortgage and build or purchase their own home. They do that over 20, 30 or 40 years. It is a massive undertaking and probably the biggest thing they will do in their life. It is said that a person's home is their castle. No one wants to see that home crumbling around them.

I want to share a couple of stories with the Minister of State because we need to reinforce how important this is and why we urgently need timeframes for a redress scheme in 2019. I visited the home of a family where the man took us around all of the outside walls. It was a beautiful setting overlooking the Donegal countryside - a dream home. This man and his wife are hard workers. To see that man break down in tears in his kitchen, worried that the ceiling or the gable wall could fall down on his family, is something that never leaves me. There is also the story of a man in Inishowen who took his own life, no doubt because of the unbelievable financial stress of having to move out of the home and deal with all of that. I could tell the Minister of State many more stories if I had the time. What has happened is heartbreaking and devastating.

The Mica Action Group is a group of affected families who have campaigned long and hard. They are inspirational people. Their work led to the expert panel report which concluded its work in June 2017, one and a half years ago. It made firm recommendations and, having identified that as many as 5,000 homes in Donegal are affected, it stated that a protocol needs to be drawn up by the National Standards Authority of Ireland, NSAI. There was then the issue of Engineers Ireland putting together a panel of engineers who would inspect the homes and recommend the work that needs to be done. While it took too long, I understand all of that work is completed. The Government has said we will have a mica redress scheme and families can make their homes safe.

What I ask today, as we wrap up business for 2018, is to please provide me and the people of Donegal, in particular the campaigners, with a clear date as to when this scheme will be up and running, when families can apply for funding to bring in a qualified engineer to do the studies necessary and when contractors can be brought in to make their homes safe. It is vital, as we move towards Christmas, that the families affected will know this is the last Christmas they will spend in, frankly, devastation and heartbreak in what should be their happy family home. I need

timeframes and confirmation today as to when this is going to happen in 2019 and reassurance that the moneys have been provided for this to happen.

**Deputy Catherine Byrne:** I thank the Senator. I am taking the matter on behalf of the Minister, Deputy Eoghan Murphy. I acknowledge the distressing circumstances experienced by the owners and residents of homes where defects have emerged in the blockwork. As the Senator will be aware, building defects are matters for resolution between the contracting parties involved - the homeowner, the builder, the developer and their respective insurers or structural guarantee or warranty scheme.

The Expert Panel on Concrete Blocks was established by the Department of Housing, Planning and Local Government in 2016 to investigate problems that had emerged in the concrete blockwork of certain dwellings in counties Donegal and Mayo. The report of the expert panel was published in 2017 and included eight recommendations. The Department is actively progressing these with the relevant stakeholders, including prioritising the implementation of recommendations Nos. 1 and 2. With regard to recommendation No. 1, the NSAI established a technical committee to scope and fast-track the development of a standardised protocol which would inform the course of action in regard to remedial works for all affected householders.

After publishing a draft protocol for consultation, a final standardised protocol was published by NSAI on 13 November 2018. The benefit of this is that it provides a standardised approach for assessing and categorising the damage in properties where the concrete blocks are suspected to contain the minerals mica or pyrite. Previously, there was no common way for engineers or homeowners to assess the damage caused by defective concrete blocks to help decide what, if any, remedial work could be carried out. This standard does the following: it establishes a protocol for assessing and determining whether a building has been damaged by concrete blocks containing certain excessive amounts of deleterious materials; it describes methods for establishing the extent of the problem; it describes the scope of any testing required; and it categorises buildings and provides competent persons with guidance on the appropriate measures to be taken.

With regard to recommendation No. 2, the Department has been in contact with Engineers Ireland regarding the establishment of a register of competent engineers for the reference of homeowners or affected parties. Engineers Ireland has provided assurance that it is in the process of finalising measures to establish such a register now that the standardised protocol is in place. Engineers Ireland recently issued a call for suitably qualified engineers to participate on the register.

In the past two years the Minister of State, Deputy Damien English, has visited Donegal and Mayo on a number of occasions and met key stakeholders, including affected homeowners, elected representatives and officials of the local authorities and other interested parties. The Government approved in principle the development of a grant scheme of financial assistance to support affected homeowners in the two counties to carry out the necessary remediation works to dwellings that have been damaged due to defective concrete blocks in budget 2019. The putting in place of such a scheme is a key priority for the Department of Housing, Planning and Local Government. Work in this regard is under way and it necessarily involves discussions with the Department of Public Expenditure and Reform in regard to the conditions that will apply to the scheme and the associated costs. The intention is to revert to the Government early in the new year with proposals for the scheme, after which details of it will be published as soon as possible. While I do not have a date for the Senator as to when that will be, it is clear the

proposed scheme will be identified early in the new year and details will be published as soon as possible.

**Senator Pádraig Mac Lochlainn:** I understood these proposals were to be brought to the Cabinet this week and that they were delayed until the new year; I assume, therefore, it will be mid-January before they are brought forward. I met the Minister of State, Deputy English, earlier this year. We had an extensive meeting and I believe him to be genuine in his efforts to resolve the issue. The members of the Mica Action Group are impressive people. They have made a significant impact on various Ministers, in particular on the Minister of State.

After that meeting, I did not play politics. I gave an honest assessment that I felt they were trying to progress matters, even though I was frustrated with how long it was taking. I am not going to play politics now because it is far too important for that. I ask the Minister of State to please understand families are posting videos on social media of their houses literally falling apart. Their hearts are broken. We need to say to those families, particularly those with houses in serious distress, that this is the last Christmas they will have to endure this. They need to know that, as early as possible in 2019, there will be a scheme under way whereby people can apply and get their homes examined and made safe. That has to be the priority.

I end 2018 speaking to the Minister of State and, no doubt, the officials in the various Departments who are listening to the debate. I ask them to please make sure 2018 is the last year when we have to appeal for this and that it will be in place in order that families can make their homes safe. I conclude 2018 by making that appeal.

**Deputy Catherine Byrne:** I reiterate that the Government has decided there will be a redress scheme, although I cannot confirm exactly when that will happen. I am a parent and have a home. I know a home is a person's castle. I saw the horrible television programme where people were devastated, with families torn apart and, unfortunately, people passed away because of it. There is nothing like having the keys of a first home and a person being able to turn the key in the door and know they are going to live there forever. To find it crumbling down around them is heartbreaking, as the Senator said. All people want is to be helped to rebuild the home they thought was going to be their castle for the rest of their lives.

There is a genuine concern on all sides of this House and in the Dáil that the people concerned should be helped as soon as possible. I will go back to the Minister, Deputy Murphy, and the Minister of State, Deputy English, to emphasise the fact this redress scheme needs to be put in place as soon as possible. I thank the Senator.

*Sitting suspended at 11 a.m. and resumed at 11.30 a.m.*

### **Order of Business**

**Senator Jerry Buttimer:** The Order of Business is No. 1, motion re arrangements for joint sitting of the Houses of the Oireachtas on 21 January 2019, to be taken without debate at the conclusion of the Order of Business; No. 2, motion re terms of reference of Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union, to be taken without debate at the conclusion of No. 1; No. 3, Public Service Superannuation (Age of Retirement) Bill 2018 [*Seanad Bill amended by the Dáil*] – Report and Final Stages, to be taken at the conclusion of No. 2; No. 4, Central Bank (National Claims Information Database) Bill

2018 - Committee and Remaining Stages, to be taken at the conclusion of No. 3; No. 5, Finance (African Development (Bank and Fund) and Miscellaneous Provisions) Bill 2018 - Committee and Remaining Stages, to be taken at the conclusion of No. 4; No. 6, Greyhound Racing Bill 2018 – Report Stage (resumed) and Final Stage, to be taken at the conclusion of No. 5 and adjourned not later than 3 p.m., if not previously concluded; and No. 7, Judicial Appointments Commission Bill 2017 – Committee Stage (resumed), to be taken at 3 p.m. and adjourned not later than 7 p.m., if not previously concluded.

**Senator Gerard P. Craughwell:** The Leader hopes.

**Senator Catherine Ardagh:** I would like to raise two matters. The first relates to the National Treatment Purchase Fund, NTPF. This is a fantastic scheme, but there are pitfalls. One of the pitfalls I would like to bring to the attention of the House is the lack of aftercare and convalescence care. I have a constituent, whom I will call Bob for these purposes, who was attending a hospital in Dublin on an ongoing basis for an issue with his knee. After many years on a waiting list, Bob was offered an appointment to get his knee fixed in a private hospital in Dublin and he did so. Bob is an elderly man on a medical card who does not have much means. After he had the operation in the private hospital, Bob was immediately discharged with no aftercare and he went back to his original treating general hospital where he was told that he was no longer its patient and he was not on the list. This has left Bob in a situation where he is not under the care of any consultant, he has received no aftercare and no convalescence care, and he is in limbo in terms of where he can go for further treatment. The NTPF is a fantastic model, but the Government needs to consider the provision of aftercare. The HSE seems only to be moving a list. Once a person is off a list in a general hospital, the HSE is happy because it can report on that. No one goes back on a list but this leaves patients in limbo without the proper care and treatment they need.

The second issue I would like to raise is the homeless figures, an issue I have raised many times. Christmas is approaching and 4,000 children are living in emergency accommodation for the homeless. It is a damning indictment, not only on the Government but on all of us in this House, that we preside over a system where 4,000 children this Christmas have nowhere to call a home. These children will rightly become angry adults in the future. Much of the accommodation that we are making these children live in is substandard. It does not provide for them at all. The Government is doing a considerable disservice to the children of this country by not addressing this issue seriously. The Government has stated the country is booming and unemployment is at an all-time low, but yet, since I became a Member almost three years ago, the homeless figures have only increased. It is a damning indictment, not only on the Government but on all of us, that we sit here and keep saying it, but nothing happens. Coming up to Christmas, we should all think about this and bear in mind what lovely childhoods we all had and what safe, secure homes we all came from, but there are 4,000 children in the State who do not have that luxury.

I thank the staff of the House, as this is our final sitting day before Christmas. I thank the Leader of the House, the Cathaoirleach and the Seanad office and all my colleagues for a fantastic year in which we got a lot done. I am looking forward to next year and working with the Senators to get good legislation over the line.

**An Leas-Chathaoirleach:** Please God, there will be another year plus.

**Senator Niall Ó Donnghaile:** So say all of us.

**Senator Gerard P. Craughwell:** I thank the staff of the Seanad and the staff of the Oireachtas for their work throughout the year and the efforts they go to, particularly in the Seanad Office, to facilitate our every request. I wish them and theirs a happy Christmas and a prosperous new year.

I thank the Leader for the courtesy he has shown throughout the year. We have not always agreed but the Leader has always been courteous and facilitated as best he could issues that have come before the House. I thank the various cathaoirleach who have shown their independence despite Senator Lawlor's view of my independence in the Chair. I thank all those Senators who have been in the Chair and who have been fair to everyone. I wish-----

**Senator Anthony Lawlor:** On a point of order, that is a very personal attack on a new, incoming Senator who has only just arrived and does not know the rules.

**An Leas-Chathaoirleach:** I ask Senator Lawlor to resume his seat. That is not a point of order.

**Senator Anthony Lawlor:** I wish the Senator would withdraw those comments because I am very hurt and upset.

**An Leas-Chathaoirleach:** Order, please. I want to hear Senator Craughwell without interruption.

**Senator Gerard P. Craughwell:** I wish everybody-----

**Senator Anthony Lawlor:** I appreciate that he voted for me in the Seanad elections.

**Senator Jerry Buttimer:** I would not believe that. This is the man who promised he would consult us on all his votes.

**Senator Gerard P. Craughwell:** I was about to withdraw my happy Christmas and prosperous new year, but I will not.

**An Leas-Chathaoirleach:** The Senator will run out of time.

**Senator Gerard P. Craughwell:** I know that the Leader cares deeply about legislation and ensuring that it has a safe passage through the House.

**Senator Jerry Buttimer:** I was accused of many things last night but that was not one of them.

**Senator Gerard P. Craughwell:** It is for this reason that I ask the Leader to withdraw No. 7 from the Order of Business today. I will put forward an amendment to that effect. The Judicial Appointments Commission Bill is important.

**An Leas-Chathaoirleach:** Is the Senator proposing an amendment to the Order of Business, to delete No. 7?

**Senator Gerard P. Craughwell:** Yes, I propose that No. 7 be deleted.

**Senator Jerry Buttimer:** The Chair should not be prompting a Member.

**An Leas-Chathaoirleach:** The Chair has to get this clear for the sake of everybody. Is Senator Craughwell proposing an amendment that No. 7 be deleted from today's agenda?

**Senator Gerard P. Craughwell:** I am.

**An Leas-Chathaoirleach:** Is everybody clear on that?

**Senator Jerry Buttimer:** The Chair should not be leading the Member.

**An Leas-Chathaoirleach:** The Chair has to be helpful to all Members.

**Senator Gerard P. Craughwell:** If I may, the Judicial Appointments Commission Bill is extremely important, albeit severely flawed, and I am totally opposed to it.

**Senator Jerry Buttimer:** That is why it is important that we pass the Bill.

**Senator Gerard P. Craughwell:** I think the Leader will agree that nobody is stopping the traffic on Kildare Street and demanding that this Bill is pushed through the House. Not even the Minister for Transport, Tourism and Sport is out screaming that it be passed today.

**Senator Jerry Buttimer:** He is in Stepside, at the Garda station.

**Senator Gerard P. Craughwell:** I ask that this Bill be deferred until January in order that we might devote sufficient time to it. There has been an extensive amount of debate on the Bill.

**Senator Jerry Buttimer:** We call it filibustering.

**Senator Gerard P. Craughwell:** The Leader may call it that.

**Senator Kevin Humphreys:** Everybody wants to be nice, today. The Leader should calm down.

**Senator Gerard P. Craughwell:** I would call it scrutinising the legislation, which is what we are paid to do. I ask that the Bill be withdrawn from the Order of Business. I hope I will have a seconder and support. I thank the Leas-Cathaoirleach for his time and for even-handed management of this morning's sitting.

**Senator Rose Conway-Walsh:** We will support that amendment to the-----

**An Leas-Chathaoirleach:** Is the Senator seconding it?

**Senator Rose Conway-Walsh:** No, I am supporting the amendment to the Order of Business.

**Senator Jerry Buttimer:** Is Sinn Féin back in bed with the Progressive Democrats?

**Senator Rose Conway-Walsh:** The Progressive Democrats, thanks be to God-----

**Senator Kevin Humphreys:** They were in Fine Gael originally. Know the history.

**Senator Jerry Buttimer:** I remember that.

**Senator Rose Conway-Walsh:** Thanks be to God the Progressive Democrats have gone to Progressive Democrats heaven. We wish them well for Christmas.

**Senator Kevin Humphreys:** The Senator should not be like that. There are more "progressive democrats" in the House than ever.

20 December 2018

**Senator Rose Conway-Walsh:** I was very pleased to learn that Fine Gael had its joint Christmas party with its confidence and supply partners. I hope they enjoyed it. That is the one advantage-----

**Senator Jerry Buttimer:** The Senator is just jealous that she was not invited. It is the best party in town.

**An Leas-Chathaoirleach:** Senator Conway-Walsh to continue, without interruption.

**Senator Rose Conway-Walsh:** They are very noisy and giddy today.

**An Leas-Chathaoirleach:** I do not know what it is.

**Senator Rose Conway-Walsh:** Looking back, I think 2018 will be regarded as the year of the four Bs - bankers, bondholders-----

**Senator Niall Ó Donnghaile:** Brats.

**Senator Rose Conway-Walsh:** -----Brexit and bailiffs. Brats as well. That is the only way to describe it.

**Senator Jerry Buttimer:** Other than the bondholders, to whom did the Senator refer?

**Senator Rose Conway-Walsh:** We have had lots of confidence and very little supply. That sums up what I have to say. There has been consistent support throughout the year for the bankers and bondholders with tax holidays and such. I am mindful, as Christmas approaches, of how many people are struggling to get by and pay their mortgages. There are no write-downs for them and they fear the bailiffs coming in January. We have to be mindful of those people. That is why I would have liked to see an end to this confidence and supply agreement so that people could have their say and these people, who are often voiceless in our communities, could say exactly what they want and see that there is a real alternative to what they are being put through.

I am distraught about the decisions being made in respect of planning permission. I just got notice that yet another planning permission has been refused by Mayo County Council. This is connected to the homeless and housing crisis. A couple I know are working in five jobs; they have two children and were trying to build on their land. They have been refused permission repeatedly. Games of power and control are being played out and not only in local authorities that will not allow people to build houses on their land. We are not talking about big mansions but modest homes for people's children on their land. We have to look seriously at this matter in the new year.

I want to finish on a good note. I wish everybody a happy Christmas and new year. I thank all of the staff of the House for the wonderful work they have done throughout the year and the Leas-Cathaoirleach and Cathaoirleach for the fairness they show in how they go about their business every day. I know that the Leader gets agitated at times but we will allow for that. This will be his first Christmas as a married man. He has mellowed a little-----

**An Leas-Chathaoirleach:** The Senator is hoping for more.

**Senator Rose Conway-Walsh:** -----and we have to be grateful for the small mercies. I wish everybody a happy and peaceful holiday. Enjoy the break. I look forward to the new year.

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

**Senator Rose Conway-Walsh:** We have the challenge of Brexit, with the nonsense of the public schoolboys and the Eton mess, and other serious business to deal with in 2019.

**An Leas-Chathaoirleach:** Indeed.

**Senator Lynn Ruane:** I propose an amendment to the Order of Business that No. 10 be taken before No. 1. I am introducing my second Private Member's Bill today, the Criminal Justice (Rehabilitative Periods) Bill 2018, which will provide for broader and fairer access to spent convictions and ensure that people with criminal convictions are given a fair chance to be rehabilitated and to move on with their lives. I will bring it forward for debate on Second Stage early in the new year. I hope it will receive cross-party support. I would be happy to go over any provisions of the Bill with interested colleagues in the meantime.

I want to talk about the homelessness crisis and the signal that we, as politicians, send to young people as we try to resolve it. I have received an incredible letter from the justice and peace committee of Loreto College Wexford. These young women have collected over 500 signatures from fellow students on the letter which addresses homelessness. It states:

We are the Justice & Peace group from Loreto Secondary School Wexford. We are writing this letter to express our frustration at the current homelessness crisis in Ireland and the lack of action our government are taking to help end this crisis. Homelessness is a word I'm sure you have heard in Irish Media recently, as it is something so prominent in our nation today. However, little action has been taken by our government to combat this national emergency.

Imagine it was your own child or family without the security of a house. Imagine having no choice but to endure Ireland's harsh winter on the streets. Imagine moving from one care centre to the next without a home to call your own. But imagining it is one thing. We can conjure up this image in our mind and feel sorry for those who must suffer through it, but it isn't until we experience it ourselves, that we are faced with the harsh reality of the issue. We have the power to change this.

We can raise money, we can build shelters or homes and even utilise the unoccupied buildings we already have. We can do so many things to help this crisis, yet we don't. Why is this? Our government is paid to run our country, but they are pushing some of their people to the side. Our government is supposed to be here for all of its people, but where is it now when 9,572 of its people are homeless and are in desperate need of help? Where is it now when 3,800 of its children are without a home, this is excluding the hidden homeless? This is the same amount of people that are in the five main secondary schools in Wexford. As busy and hardworking students in a stressful time of our lives, we cannot possibly begin to imagine what it would be like to be without the comfort of a home to go to after school.

By failing to help these students, you are damaging Ireland's future. They simply cannot study in cramped, uncomfortable conditions such as tiny hotel rooms. These students have so much to offer and you are denying them their chance to make Ireland a better place. Toddlers are experiencing delays in reaching development milestones, such as walking, because they are living in such inadequate conditions where infections such as chicken pox, ear infections and head lice are common.

20 December 2018

**An Leas-Chathaoirleach:** Is there much more in the letter?

**Senator Lynn Ruane:** No, only a few lines. It continues:

In a recent report on homelessness, three families surveyed said that they are waking their children up at half past five in the morning just to ensure access to a communal bathroom and allow enough time to get to school. This means that children are being sleep deprived and are unable to concentrate at school. In total, 2,245 new social homes were built last year which is 189 below the target of 2,434. Our nation is being misled by these false promises.

The issue of homelessness in Ireland in this day and age is disgraceful, and we will no longer tolerate it. Our government's lack of involvement is jeopardising the lives of the youth. Prosperity is not solely economical, but it lies in the happiness and wellbeing of the people. We are begging you to solve this crisis and show that homelessness is a problem all year round, not just at Christmas. We need action not just words, your people are calling.

Yours faithfully,

Justice & Peace, Loreto Secondary School Wexford.

**An Leas-Chathaoirleach:** I thank the Senator. They were two lengthy sentences.

**Senator Kevin Humphreys:** I join in expressing our thanks to the staff for the support they have given to all Senators in the House. I wish them a happy Christmas. I thank all the Senators who have chaired the Seanad over the year for their work. I thank the Leader for his courtesy during the year and wish him a happy Christmas. As Senator Rose Conway-Walsh said, this is his first Christmas as a married man. I hope he will have as many years of marriage as I have. I am coming up to my 39th year. Practice makes perfect. I wish the Leader the best of luck.

I raise a serious issue related to the Christmas period. Unfortunately, the number of deaths on the roads over the Christmas period is frightful. Many relate to alcohol. The Labour Party in the Seanad supported the Government's recent road safety legislation which was common sense and not anti-rural. Unfortunately, most of the lives lost on the roads are in rural Ireland. If the legislation saves one life, it will have been worthwhile. I hope to be in a position to support other proposals on road safety the Government may bring forward in the coming years. It is sad to note the number of people who die on the roads.

My only negative point relates to the Minister for Transport, Tourism and Sport, Deputy Ross. It is a case of "Do what I say, but not what I do". I was disappointed to see pictures in the *Irish Independent* this morning of a car with its roof decked out with a box and a Christmas tree. This creates road safety dangers. The Minister has to practise what he preaches. Everyone in the House wants the roads to be safer in order that they do not put lives in danger. What is the Minister doing in that regard? One motorist said he saw the car and pulled back further because he thought it was precarious and a danger to road safety. If he wants to be taken seriously on road safety, the Minister must lead from the front. He cannot simply preach but must live by example. I would be grateful if we could have a general debate on road safety in the new year and ask the Minister to come to the House to discuss practical measures to save lives on the roads in the coming year.

The Leader was not here for previous statements. I do not mean that in a negative sense.

I know that he was doing important business in Washington during the week in question. We heard statements on climate change. We had seven Ministers for five minutes, one after another. None stayed for the debate. One Minister of State replied to the debate for five minutes. Climate change will be one of the greatest challenges facing not only this country but the planet in the coming years. I thought that was a one-off or a reflection of how the Seanad was treated or, more important, how the issue was being treated. However, it was repeated the following week in the Dáil. We heard seven Ministers for five minutes and only one stayed for the debate and discussion. That was not the intention of the climate change legislation. I urge the Leader to arrange early in the new year for the seven Ministers to come back and be accountable for their targets and delivery as well as to properly engage.

We talk to young people about climate change but it is not only a matter for them. It is an issue for all those who are worried about the climate we will leave our children and grandchildren. The response was in no way sufficient on the part of the Ministers and Ministers of State who came into this House and the Lower House. It is almost as if they talk the talk but will not walk the walk. I hope that will change in 2019. Certainly, the public is leading and politicians are following. We need to catch up and take action. I hope the new Minister will not only talk the talk but will actually take action in 2019 by starting to hit our targets. They are so important not only for Ireland but for the planet as a whole.

I second the amendment proposed by Senator Craughwell.

**An Leas-Chathaoirleach:** Senator James Reilly is next. We have two Reillys. You will be next, Joe.

**Senator James Reilly:** We have one Reilly and one O'Reilly.

**An Leas-Chathaoirleach:** My apologies. Forgive me, Senator Reilly.

**Senator James Reilly:** Given the season that is in it, I wish all my fellow Members a happy Christmas. I wish all the staff well too. They work so hard to support us.

*(Interruptions).*

**Senator James Reilly:** As once again the acoustics in the House are not great, I did not hear what the Senator said, but I do not need to.

I welcome the application made to the greenways fund by Fingal County Council, Louth County Council and Meath County Council. My colleagues, Councillor O'Leary and Councillor Sharon Tolan, have been engaged with this. The application will link Newgrange, a magnificent 5,200 year old Neolithic passage tomb, with the Boyne Valley, including Knowth and Dowth and other passage tombs. It will continue through Oldbridge to the site of the Battle of the Boyne. It will continue on to Mornington over to Bremeore Castle in Balbriggan which has the capacity to accommodate six times the number of people accommodated in Bunratty Castle for banquets. As a total of 350,000 people pass through Bunratty Castle each year, the potential is extraordinary. All of this is linked by rail with Newbridge House in Donabate. The proposed greenway passes through Ardgillan Castle and on to Skerries with its windmills and restaurants.

This is a no-brainer. It is a magnificent opportunity to create an irresistible tourism offering. Given my role as spokesman for the Government on business and enterprise, I see this as a critical undertaking in terms of Brexit-proofing the tourism industry. We know that we are not

getting as many visitors from the UK. We know that the tourism industry will face challenges. This is a way of attracting an already established large group, namely, the substantial number of people aged between 60 and 80 years. They are healthy and have disposable wealth, are looking for offerings that can promote their health and want to enjoy safe walking and cycling. That is what this greenway would be. This proposed greenway is a wonderful opportunity for families from Dublin to engage. It is also a wonderful opportunity for the Dublin Airport Authority, which brought in 30 million visitors last year. The DAA could direct visitors to spend a half-day that is free before they head off down the country elsewhere. It is a no-brainer at many levels.

Will the Leader have the Minister for Transport, Tourism and Sport to the House come to the House as well as the Minister for Finance? I have called for this before and reiterate that call now. I am demanding that we put at least €200 million into a national greenway grid in the coming five years. This will allow us to release the potential of our fantastic historical sites, beaches and greenways throughout the country. It will serve for the betterment not only of the tourism industry but also the health and well-being of the people. Moreover, it will enable families to cycle in safety together.

**Senator Terry Leyden:** I have great pleasure in seconding the proposal made by my esteemed colleague, Senator Craughwell.

**An Leas-Chathaoirleach:** It has already been seconded by Senator Humphreys. The Senator can third the proposal. I am losing count.

**Senator Terry Leyden:** This follows on from the success last night of the Senators who supported the amendments on behalf of the people of Galway city and county. We are very proud of our achievements.

**Senator Jerry Buttimer:** We saw who Fianna Fáil had last night in the House.

**An Leas-Chathaoirleach:** I think that Senator might have been first on the radio in Galway this morning.

**Senator Terry Leyden:** The councillors in Galway are-----

**Senator Jerry Buttimer:** Busy backing Senator Mark Daly.

**Senator Terry Leyden:** I thank the Leader for that comment. I join the Leader of the Opposition, Senator Ardagh, in wishing everyone a peaceful Christmas and thanking them for their work. That has all been said already. I appeal for peace at Christmas and throughout the year. I appeal for peace in Strokestown in Roscommon, in particular, because violence begets violence. No issue will be resolved through violence. We are an advanced country and what happened in Strokestown goes back to a very dark period.

We have to live in accordance with the laws of the land and with due respect for An Garda Síochána and the gardaí who have sacrificed their lives in our protection. Gardaí have courage and fairness and we must endorse them in this House. We stand shoulder to shoulder with the members of An Garda Síochána. I appeal for a peaceful rally in Strokestown next Sunday, 23 December. I recognise the right of those participating in that rally to make their points known and to march on Sunday but I appeal for them to show respect for An Garda Síochána. The march should be peaceful and any case made should be made in accordance with the law of the

land.

**Senator Michael McDowell:** I join in the general expression of Christmas good wishes and thanks to the staff of the Seanad Office and all of the staff of the Houses of the Oireachtas Service for the wonderful work they do for us in this establishment. On the Order of Business yesterday, Senator Colm Burke referred to a nameless Deputy - he was being very careful - who, in a committee session, queried the status and legitimacy of Members of this House. To observe the decorum of this House, I am not going to name that Deputy.

The words “People Before Profit”, however, did come to mind. I used to think that People Before Profit was a secular party from Egypt and that “profit” was spelled “prophet”. In any event, on this occasion the case was made that somehow Senators lacked a mandate. In my innocence, therefore, I looked at the Internet last night and discovered that the Deputy who had made these remarks, who shall be nameless in the interests of observing decorum in this House, had received 4,379 first preferences or 10% of the vote in her constituency.

**Senator Gabrielle McFadden:** It was a she.

**Senator Michael McDowell:** I remind that Deputy who was criticising me on that occasion that I received 5,661 first preferences and 15% of the vote in my constituency.

**Senator Máire Devine:** Good for Senator McDowell.

**Senator Niall Ó Donnghaile:** Comhghairdeas.

*(Interruptions).*

**Senator Michael McDowell:** If we are going to compare first preferences, all I want to say is I look forward to the time when this House is reformed and many more of us will be in a position to dismiss remarks of that kind. On a more serious note, in respect of the person in question, there is a Grinch associated with Christmas but it is not necessary to be a Grinch the other 364 days of the year also.

*(Interruptions).*

**Senator Michael McDowell:** To echo what Senator Leyden said, and to be serious about this, I am hearing a report today that a member of the Judiciary is being held at gunpoint by a dissatisfied litigant. The courts of the country hand down orders on foot of the Constitution. They apply the law very fairly. We uphold the State and we must uphold the Judiciary. Nobody can dine *à la carte* in respect of loyalty to the Constitution.

**Senators:** Hear, hear.

**Senator Michael McDowell:** If possession orders are made, they are, invariably, executed with the greatest courtesy and understanding afforded to the people affected by them. Multiple appointments are made and letters delivered but, in the end, the law must be upheld and nobody, whether possessing a baseball bat or a gun or anything else, is entitled to take the law into his or her own hands. There is only one law for all of us and nobody is above the law or beneath the law. Those people ambivalent about upholding the rule of law must take the blame when people go into judges’ chambers, produce guns and take them captive.

We have to respect the Judiciary. We are surrounded here by gates, security, police, etc. The

Judiciary, in the main, are not. Judges operate with a presumption of respect from the people who come before them. There are not guards in every courtroom, nor are massive security cordons thrown around them. Judges, men and women, stand up to administer the law under the Constitution. It is a sad day if we as a society dilute respect for the rule of law and leave people in circumstances where they are bludgeoned by baseball bats, on the one hand, or taken captive at gunpoint, on the other. This is a sad day for our democracy.

**Senators:** Hear, hear.

**An Leas-Chathaoirleach:** Well said. I call Senator O'Reilly.

**Senator Joe O'Reilly:** I wish all of the staff of the House and all of my colleagues a very happy, peaceful and joyful Christmas. I endorse the words of Senators Leyden and McDowell about the events in Roscommon and the pending rally there at the weekend. I have more than a minor connection with County Roscommon in the form of strong family ties. It is important we call publicly for peace and restraint in that situation. I also endorse the broad points being made by Senator McDowell about the separation of powers and our responsibilities in that area. I was a witness to the events in that committee to which Senator McDowell referred. I will also not name the Deputy concerned. I support Senator McDowell's view that we do not need people to be a Grinch for 365 days of the year.

The substantive point I raise is pertinent to the season we are in. There is a real, active and live daily threat to rural towns and retailers. I know that the Leas-Chathaoirleach has a special interest in this issue. Small retailers in small towns are greatly threatened and damaged by online sales, the burden of rates and insurance and myriad other charges and regulations. It has become very difficult to sustain a small retail business in towns and villages. That is why I appeal publicly and genuinely, not in some bland sense because I am very serious about this, for people to make a real effort this year to support local retailers. I appeal to them to shop in those outlets and bear in mind that those retailers are the very people who sustain communities by supporting local good causes and whose rates payments keep services going in our counties.

If we, as a society, do not get actively involved in supporting small retailers, they will close. They are already closing every day in each rural town in the country. It is a very serious matter and I notice it in small towns throughout Cavan and Monaghan. Many of the small shops are having closing down sales. That is happening because of online sales and the burden of rates, insurance and all of the other charges. I ask, in the House and through the media, for people to shop in these small outlets. I also ask the Leader to organise a special debate on this topic when we come back from recess in the new year. It is an urgent matter. We cannot let our communities die before our eyes.

**Senator Niall Ó Donnghaile:** Ba mhaith liom cur le beannachtaí an tséasúir d'achan duine. Guím Nollaig shona agus bliain úr faoi mhaise d'achan duine de na Seanadóirí agus do na baill foirne chomh maith. Imeacht suntasach a bhí i mBliain na Gaeilge i mbliana. Bhí Conradh na Gaeilge 125 bliain ar an fhód. Idir an Oireachtas féin, baill áirithe de, agus grúpaí agus eagraíochtaí ar nós Chonradh na Gaeilge, bhí imeachtaí fíormhaith, suntasach, agus spráúil againn fud fad na tíre agus fud fad na cruinne. Bhí muid féin sa Seanad páirteach de sin nuair a bhí Mícheál Ó Muircheartaigh os ár gcomhair chun ráiteas a dhéanamh ar an nGaeilge. Gabhaim buíochas leis an Seanadóir Ó Céidigh, leis an Cheannaire, agus leis an Chathaoirleach agus an Leas-Chathaoirleach as an méid sin Gaeilge a chur chun tosaigh san áit seo. Mholfainn do mo chomhghleacaithe anseo sa Seanad iarracht a dhéanamh an bhliain seo chugainn bliain

Ghaeilge eile a bheith againn sa dóigh is go dtiocfadh linn cur le húsáid na Gaeilge sa Seanad agus san Oireachtas. Eadrainn féin is féidir linn smaoineamh ar dóigheanna inar féidir linn an dea-shampla a ghlacadh ó Chonradh na Gaeilge agus ó ghrúpaí Gaeilge fud fad na tíre agus cur le úsáid na Gaeilge anseo. Mar a dúirt achan duine eile, gabhaim buíochas leis an fhoireann ansin sa Seanad, leis an Cheannaire, agus le gach duine. Nollaig shona agus bliain úr faoi mhaise dúinn go léir.

**Senator Frances Black:** I wish all of the staff and everybody a very happy Christmas.

I want to highlight the homelessness issue. It is a disgrace that there are 4,000 homeless children. I cannot even imagine what it is like for those families this Christmas. We all know that Christmas is a festive and happy time but it is especially a time for children. There are 4,000 children this year waking up God only knows where and not in their own homes. I know that the Minister is a good man. I know that probably all of those in Government have good hearts and souls. I ask them to open their hearts and souls and really look at this issue and make it a priority in the new year. We are a wealthy country and it should not be happening in this day and age. This is not the Dark Ages.

I second Senator Ruane's amendment in respect of her Bill.

**Senator Gabrielle McFadden:** I am extremely upset about an article in today's edition of *The Irish Times*. Cancer patients are being hounded by debt collecting agencies if their treatment bills are not paid within 47 days. It is a policy of the HSE to pass the debt on to debt collecting agencies. These agencies are threatening cancer patients with legal action if they do not pay within 47 days. This is disgusting. It is a very difficult time for a patient battling cancer and it is very cruel of anybody to harass a patient dealing with cancer. The bills involve are often for as little as €80.

I ask the Leader to call on the Minister for Health to come to the House as early as possible in January in order that we can debate and discuss this and other issues like the services and supports that should be made available to cancer patients who have to travel to centres of excellence for treatment and may need support with childcare or financial support. It is vitally important to have that discussion. I also ask the Leader to ask the Minister to have words with the HSE and demand it stops doing this. What is happening is disgusting.

On a nicer note, I wish everybody a very happy Christmas. I thank the Seanad staff and the ushers for their support throughout the year. They are exceptionally good to us. I do not know how they put up with us half the time but they do.

I wish the Defence Forces, An Garda Síochána and the emergency services a happy and peaceful Christmas with their families. I hope there are no issues with which they have to deal. I thank them for their support and help throughout 2018. As Senator Leyden said, the members of An Garda Síochána and the Defence Forces need our support. They have always been there for us and we should be there for them. Nollaig shona daoibh go léir.

**Senator Gerry Horkan:** My party colleagues and I support Senator Craughwell's amendment to the Order of Business. Perhaps the Leader might not push the amendment to a vote, but if he does, so be it.

I thank all of my fellow Members and the staff. I wish everybody a happy Christmas and new year. I hope everybody will get the time to have a break, slow down a little and enjoy time

with friends and family. I thank the Cathaoirleach and Leas-Cathaoirleach and everyone who has chaired sessions here. I thank all of the Seanad office team, particularly Mr. Martin Groves and Ms Bridget Doody. I wish them a happy Christmas and hope they get a well deserved break. I look forward to working with everybody for the next year, at least, as we all try and do our best for the citizens of Ireland and pursue and progress valuable legislation through these Houses.

**Senator Kieran O'Donnell:** I join colleagues in wishing the Oireachtas staff and, more particularly, the Seanad staff all the best and thank them for all their assistance during the year. The Seanad staff have been exceptionally patient. I wish my colleagues and their families good tidings.

I note an update on the point that Senator McDowell raised about the man producing a fire-arm in a Smithfield courtroom. He has now been apprehended by An Garda Síochána and disarmed. This shows how important the members of An Garda Síochána are to us. They uphold law and order and provide stability. They are an unarmed force, which sends a strong statement that the people like to have a system which operates law and order. People cannot take the law into their own hands and that message has to go out loud and clear. I do not want to guess what would have happened in the family court if gardaí were not there today. The judge and the staff were going about their business. People in the family court are in trying circumstances because anything to do with family law is difficult for everyone involved. I am glad that situation has concluded and that the gardaí on the scene have apprehended the man. I pay tribute to An Garda Síochána and all those involved in upholding the rule of law and order which makes this a very good country in which to live.

I support Senator Humphreys' comments on climate change, but wish to elaborate. Brexit is happening. I note that Ms Amber Rudd, a UK Minister, has called for a second referendum. I support that call. When I brought up that point a year ago, I was laughed at. It is the only common-sense solution. We do not need Britain to leave the EU. I hope common sense prevails.

I wish the Leader well. It has been an eventful year for him.

We need, as a Chamber, to set aside a day or two for a specific debate on climate change. We should bring in our own witnesses, Ministers included, and come up with a body of work on climate change. Climate change is now in the common lexicon and people are talking about it on a daily basis. That was not the case six months ago but it is now. Following on from what Senator McDowell stated, the Seanad has a specific role to play. I was a Member of the Lower House and each House has a distinct role to play. The Seanad can play a role in teasing out particular areas of national interest. Climate change is one of those areas. I would like to see the Environmental Protection Agency, EPA, the Ministers and perhaps international bodies appear before us. We could look at the body of work already done and emerge with something that adds to it. David Attenborough was interviewed on a programme recently and he was compelling. He has said the future of this planet is now in our hands. Ordinary people will take note of that. We, as a Chamber, can become exceptionally irrelevant in the context of a climate change debate. I ask that we take two or three days in the new year to do a serious piece of work on climate change. It is now, outside of Brexit, the single biggest issue facing mankind. To finish-----

**An Leas-Chathaoirleach:** The Senator is well over time.

**Senator Kieran O'Donnell:** As I do not often speak at length-----

**Senator Kevin Humphreys:** This is an important point.

**Senator Kieran O'Donnell:** -----I feel-----

**An Leas-Chathaoirleach:** Many Senators are making Second Stage speeches on the Order of Business today.

**Senator Kieran O'Donnell:** I come from the heart of the Golden Vale in Limerick. We are asking dairy farmers to increase their output, but at the same time we are asking them to reduce emissions. We have to assist them in squaring that circle. This issue puts everything in context.

**Senator Rónán Mullen:** I agree with what Senator Kieran O'Donnell has said. It should also be pointed out that Irish agriculture is extremely sustainable and clean by international standards, a point that is not highlighted regularly enough.

Like many Senators, I am contacted frequently by people who are in need of life saving drugs. I welcome the availability of the Pembro drug to women undergoing treatment for cervical cancer. While it is not likely to be effective for all patients, the limited results available are very promising. The news that it is to be made available generally is to be welcomed. Considering other steps that could be taken in this area, it would be good to hear from the Minister in the new year as to whether there will be an effort by the HSE and the relevant regulatory bodies to assess the potential benefit of the drug in treating other forms of cancer, as has been done in the United States. I believe the HSE has trials ongoing which are seeking to determine the effectiveness of Pembro. It would be good to get an update. In the UK the drug has been used successfully on apparently incurable prostate cancer where the standard treatments had shown no effect. This is all potentially good news and it is important that we are at our best on this issue. The drug is expensive; I believe it costs just under €145,000 a year for a recommended course of at least two years. However, as is the case with many drugs, we expect and hope the price will decrease over time as our pharmaceutical industry grows and adapts to patient needs. In that context, I am aware that MSD Biotech is planning to open a new facility in Swords by 2021 which will I hope be geared towards producing new lifesaving drugs such as these.

It is important that proper processes be followed to ensure these treatments are safe and can be used effectively. I was concerned by something I heard about the Pembro announcement.

**An Leas-Chathaoirleach:** It would make a good Commencement matter.

**Senator Rónán Mullen:** I will conclude shortly; this will not be a Second Stage speech. I believe I heard Professor Michael Barry, the head of the National Centre for Pharmacoeconomics, say on "Morning Ireland" yesterday that the decision was made at ministerial level in what he hoped was a one-off process. He said he would ideally like to see the drugs coming on-stream via the normal process. At the same time, I thought I heard the Taoiseach say, in response to a question in the Dáil yesterday, that Ministers did not have involvement in these things. I am open to correction, but I hope this is not the manifestation of a culture of spin, or an example of where the PR on these issues leads to ministerial responses. We cannot have Government by PR. While I appreciate and support the result in this case, it is important that we maintain consistency in the processes adopted for the review of these drugs and the decisions made about them. We have long experience of the taxpayer not getting value for money when projects are rushed and we also have safety concerns to consider. It is something on which we have to reflect on an ongoing basis.

**Senator Tim Lombard:** I wish everyone a happy Christmas and a peaceful New Year. It has been a very positive year so far and I hope we can end it on a positive note.

My colleague, Senator Kieran O'Donnell, made an interesting point about climate change and where we were going in that regard. I am a member of the Joint Committee on Climate Action which will publish a report on that issue by the end of January. On the publication of that report the Seanad should get involved, because there will be several recommendations. The report will be very interesting. An awful lot of work has been done on the report, but much more has to be done in the next four weeks. We are at a crossroads. We have to take society and the community with us. The industrial and agricultural communities and the transport sector, as well as the general public, must buy into this. This is an interesting time in our evolution towards a decarbonised society by 2050, which will involve a lot of work and the education of people to change their habits.

Some Members of this House were quite annoyed about the length of the debate last night on the Local Government Bill 2018. For those of us who are very active in that space it was a very important debate and I thank the House for its courtesy towards me and other Deputies from Cork who had to debate very important issues involving the largest boundary change seen in the history of the State. The outcome is a stepping stone towards where we have to go. Some people have different views on the issue; I have different views on it from the Leader, but that is the nature of politics. I again acknowledge the courtesy extended by the House. I hope the Bill will ensure Cork can drive forward and that, with this local government structure, it can deliver for the people.

**Senator Jennifer Murnane O'Connor:** I wish everyone a happy Christmas and new year. The festive season is often a time when those who live and work abroad come home for visits. I am hearing from families that they wish these visits could become permanent. These families are worried about the barriers that seem to be in place for returning emigrants. While industry and many business sectors are crying out about a serious skills shortage, those abroad see fairs in foreign countries which offer free flights home in order that they can take up work in Ireland. There are cars parked on the edge of motorways across the country, while people travel to the capital to work because there are few opportunities locally. On the early morning Carlow to Dublin train, people are standing. Further stops in Kildare mean that many have standing room only all the way. We do not have infrastructure that would entice people to come home. We need people to come home. We need their talents, experience and energy. While we are very good at rolling out the red carpet for tourists, I would welcome a debate on what we will do for our own people to bring them home, not just for Christmas but for good.

I read last week that Irish people returning home for Christmas had been warned to photograph their rental vehicles and scrutinise the terms and conditions of insurance cover because many were being charged for damage not caused by them, while others complained that basic items were not covered by the insurance policies on offer. The situation in the UK means that we face uncertain times and it is hard to know what 2019 will hold. While I welcome the recent legislation introduced which means that drivers returning to or entering Ireland with a full but non-exchangeable driver licence will be able to take driver tests after six instead of 12 EDT lessons, we need legislation to make getting a mortgage easier by allowing earnings abroad to be used as testimony of good credit, by introducing fairness for renters by allowing a good record of rent paid abroad to count and by streamlining pension entitlements, among many other changes.

This is the Christmas season, the season of goodwill. We also must address the issue of shopping locally. Shopping locally and supporting communities is so important. It is important to keep towns and villages alive. As rural Ireland has been massively affected by the recession, I am asking everyone to shop local, support their own communities and have a really good and happy Christmas and new year.

**Senator Frank Feighan:** I also wish all my colleagues in the Oireachtas a peaceful Christmas and a prosperous new year as well as the hard working staff of the service who have done so much great work in the last year. I have been a Member of the Seanad since 2002 and it has certainly changed. It is not the same type of divisional Seanad. Some six or seven years ago, Senator Craughwell was the first person in the history of a majority Government to have more Fine Gael people voting for him in a Seanad by-election than voting for their own candidate for certain reasons-----

**Senator Jerry Buttimer:** Senator Craughwell should be reminded of that every day.

**Senator Frank Feighan:** -----while Senators Lawlor and Marshall were elected on a cross-party basis. This is positive. We work together in the Seanad in a positive manner and they have brought their own views to this House, for which there is much to be said.

Roscommon has certainly been in the news in the last two weeks. I live in Castlerea at the weekends and two weeks ago there was an incident there. Last weekend, hundreds of people marched about that incident between a garda and members of the public. I understand the details are before the Garda Síochána Ombudsman Commission, GSOC, but I can say there is huge anger and worry about this incident. I hope GSOC will deal with it. On Strokestown, there is a protest march again next Sunday and I hope it will be peaceful. I believe it will be because the people in the area are peaceful. Sometimes people come from elsewhere in the country to marches such as this and may want to use them for their own purposes.

I agree with Senator McDowell that An Garda Síochána is the sole legitimate guardian of peace in the State and that it upholds the law. In the last few years since the recession, we had the water protests where people said “Shame on you” to An Garda Síochána but it is our force and it bore the brunt. I know that many gardaí were followed home and that people told them that they knew the address of their family. That is not good enough.

I thank Commissioner Drew Harris because he came to Roscommon yesterday and is looking at the two incidents. It is very positive that An Garda Síochána is taking time out to look at this issue because these two incidents need to be dealt with professionally and in a delicate way. The last two weeks in Roscommon have been difficult for the Garda, the people of Roscommon, the people who were evicted and the people who were attacked. At the end of the day, the rule of law has to hold and the Garda is the sole guardian of peace.

**Senator Lorraine Clifford-Lee:** I also want to speak about the incident that happened in Phoenix House earlier today. I am glad to hear that the situation has ended. That is where the Circuit Family Court sits and as a practitioner in family law, I regularly attended Phoenix House and Dolphin House where the District Family Court is located. I recall an incident three years ago when a judge was assaulted at around this time of year in Phoenix House. It really raises the question of the development of the combined new family law court at the Hammond Street site. We have been waiting for a number of years and every couple of months the Minister for Justice and Equality says he will give it the green light, but it never happens and we are stuck

here waiting for it to happen.

Family law is very different and tensions are raised particularly at this time of year. We are talking about families, people getting access and being denied access to their children. There are difficulties for grandparents and with different arrangements. This situation happened in Phoenix House which it is not fit for purpose, nor is Dolphin House. Childcare matters are heard in the Bridewell court house which is certainly not fit for purpose. We are waiting on this combined family law court in Hammond Street for many years and it needs to happen now for the judges, the people using the Courts Service and the legal practitioners because we will continue to see incidents such as the one that happened today and the one three years ago in Dolphin House. It is simply no longer acceptable for very important matters such as this which affect the outcome of children's lives to be decided in courtrooms that are not fit for purpose. All these proceedings happen *in camera* and because of that people forget about the practitioners and the users of the Courts Service and the staff of the Courts Service who have to operate in these extremely difficult situations.

I would like the Minister for Justice and Equality to come to the House at some stage to have a debate on the development of the Hammond Street site. Given the incident today and the one three years ago in Dolphin House, we should really prioritise it. I would like to see it happen in early January.

**Senator Paddy Burke:** I would like to be associated with what has been expressed by Members of the House in wishing the Leas-Chathaoirleach, the Cathaoirleach, the staff and the management of Leinster House a happy Christmas and a prosperous new year. I would also like to extend them to my colleagues in the House and wish them all a happy Christmas.

Not for the first time, I raise the issue of the Galway-Mayo Institute of Technology. There are serious problems with the institute that have serious ramifications for Galway, the whole region and the Mayo campus. I understand the Minister of State at the Department of Education and Skills, Deputy Mitchell O'Connor, is having a report carried out on what is happening at the Galway-Mayo Institute of Technology and hope it will be published as soon as she gets it. I ask the Leader that we have a debate early in the new year on the issues in Galway-Mayo Institute of Technology because it has serious ramifications for the proposed technological university for the west. It will put the timeframe for this technological university back. There are problems with staff, management and governance and I hope all those issues can be addressed. I appeal to the people involved to put their differences aside for the sake of the institute and the technological university that is proposed for the west.

I draw the attention of the Cathaoirleach to an issue that was reported on [www.independent.ie](http://www.independent.ie) of a Christmas sleigh that bears the name and the image of the Minister for Transport, Tourism and Sport, Deputy Ross, wishing his constituents a happy Christmas. Issues have been raised by the Road Safety Authority as to whether it is safe. The Garda states it is safe but we need a report on what is and is not safe in how Christmas sleighs are displayed. I appeal to the Minister because the sleigh displays the Mayo colours and hope he will not bring the Mayo colours into disrepute. The people of Mayo would not wish for those colours to be used on the Christmas sleigh.

**Senator Martin Conway:** Well said.

**Senator Alice-Mary Higgins:** On behalf of the Civil Engagement group, I join in thanking

all of the staff in the Seanad who have accommodated us in having many late night sittings. We have had moments of contestation and co-operation in the Houses this year. I thank all those who supported my motion last night on the situation in Yemen. All sides in the Seanad making the conflict in Yemen an issue was important. For me, one of the most positive aspects of that co-operation has been the co-operation with others, including Senators McFadden and Bacik, in the Vótáil 100 committee to mark the centenary of women's suffrage. This year we have seen forward steps for women's equality in Ireland. What was important about Vótáil 100 and the commemoration year was that we did not only look a century back but that we also looked at our ambitions for the future.

In that regard, I note that I have some regret about the motion that will be taken today without debate on a joint sitting to mark the centenary of the First Dáil on 21 January. I am glad to see that we will mark the declaration of independence, the message to the free nations and the democratic programme of the First Dáil. I am disappointed to see that Seanad groups, including the Civil Engagement group and the Independent group, will not, as in some other joint sittings we have had, have an opportunity to contribute. Of course we will support the sitting. We will not seek to block it in any way.

I emphasise that responsibility for deepening democracy, particularly at this moment, rests with both Houses and on all of us as Members of the Oireachtas. I hope we will deliver Seanad reform next year in order that we might deepen the democracy of this House. It is important that during the joint sitting, we recognise, as we did when we marked the centenary of women's suffrage, the challenges of the future and the threats to democracy. We should recognise that all parts of the Oireachtas have a significant role to play in addressing the challenges relating to democracy and in fulfilling the programme of the First Dáil which outlined that the first duty of the State is to children. My colleague has spoken about homelessness. We have heard from others across the House about the justice system. Many of the issues that have been raised on the Order of Business speak to the fact that we have unfinished work in terms of the programme of the First Dáil and in the context of our duty as legislators.

I look forward to working with everybody next year. I thank others for their co-operation this year. We will need to broaden our ambition for democracy and the citizens of Ireland next year.

**Senator Aidan Davitt:** I extend season's greetings to the staff and all Members. Senators Conway-Walsh, O'Reilly and Murnane O'Connor have all touched on issues relating to the development of rural Ireland, including the way rural villages and towns are being treated. It would be appropriate for the Leader to consider inviting the Minister to the House to discuss the National Development Plan 2018-2027 and the national planning framework. A date early in the new year would be ideal to talk to the Minister about Project Ireland 2040 and discover the areas he intends to prioritise. I am sure the Senators who have spoken on the Order of Business would be keen to impress on the Minister the importance of investment in rural Ireland.

**Senator Martin Conway:** I join other Senators in wishing everybody who is associated with us, who works on our behalf or who assists or supports us all the very best for Christmas. We should reach our hearts out to those who will be having a difficult Christmas for any reason. Christmas can be a very difficult time for people who are under pressure. I wish everyone safety and as much happiness as they can possibly enjoy. I look forward to meeting everyone again in the new year.

**Senator Jerry Buttimer:** I thank the 23 Senators who contributed in the final Order of Business of 2018.

Senator Ardagh spoke about the National Treatment Purchase Fund, primary care and step-down facilities. It is important to recognise that issues relating to the treatment of patients are of absolute importance. The Senator made some valid points, particularly with regard to waiting lists, which need to be validated in case people are applying to multiple facilities. It is important that there be timely and expeditious contact and engagement with GPs. It is important that we get lists right. The National Treatment Purchase Fund has been a huge addition. As part of the Sláintecare reforms, the Government is committed to increasing capacity. Putting in place a health system that is fit for purpose and that has the patient at its centre is a priority for the Government. The winter plan announced by the HSE is about increasing capacity and identifying how we can have step-down facilities and access to care. We want elderly people to be looked after in their communities and their homes. I make the point that a hospital is not the place for an elderly patient. The place for an him or her is at home or in a step-down facility.

Senators Ardagh, Ruane and Black mentioned the homelessness figures. Senator Ruane read a powerful piece by young students from Loreto secondary school in Wexford. While it must be recognised that we face a challenge in the area of housing - we are not where we want to be - it is important on the final day of this session to recognise that in budget 2019, the Government announced its intention to invest €2 billion in housing programmes. It is not about spending money for its own sake; it is about spending money on behalf of the citizens of the Republic and ensuring 26,000 families and individuals will be housed. Some of the remarks that have been made here and elsewhere need to be challenged. The State is investing money and supporting families. This is a priority for the Government. Those of us who work in the constituencies in which we live recognise the pain, trauma, suffering and unease of many families and young children, especially at this time of year. When one listens to some commentary, one does not hear that the Government has spent an additional €30 million on services for the homeless this year - bringing the total to €146 million - that it has provided an extra €60 million in capital funding for additional emergency accommodation or that last year 4,700 people exited homelessness and moved into homes and 2,000 families exited hotels.

I understand the frustration and the heartache, but work is being done. I am not being political this morning because this matter is far too serious. There is work being done. We should give some credit to the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, and the officials in the Department and the city and county councils. The director of services in my city of Cork, Mr. Brian Geaney, is very passionate about and committed to delivering for people who require housing. It is clear from the statistics that planning permissions have increased. This has not been mentioned. There have been increases in commencement notices and employment levels in the construction sector. Progress is being made with social housing.

**Senator Terry Leyden:** All things bright and beautiful.

**Senator Jerry Buttimer:** No. As I stated, I accept that we are not where we want to be and where we should be. I understand that. One would think from listening to some of the commentary that the Government was doing nothing, but that is not the case. That is the point I am making. We are working to ensure affordable housing is made available and that social housing is built. That is why €2.4 billion has been spent in the area of housing this year.

I will not be accepting Senator Craughwell's amendment to the Order of Business to the effect that No. 7 be withdrawn from the schedule for today. There is one reason for my reluctance to accept it. I do not want to be the Christmas Grinch this afternoon. I do not want to spoil people's plans to go home early. The Upper House has an obligation to pass legislation. I know that the Senator and some of the members of his technical group have vehemently opposed the very important Bill that we are due to consider again today. It is important for us to make progress with legislation. Compared with any other Bill, we have spent way more time-----

**Senator Kevin Humphreys:** Can the Leader not remember?

**Senator Jerry Buttimer:** I am trying to tabulate in my head how much time we have spent on it

**Senator Kevin Humphreys:** Can I assist the Leader?

**Senator Jerry Buttimer:** The Senator can if he wants.

**Senator Kevin Humphreys:** It is a little more than 70 hours.

**Senator Jerry Buttimer:** I think we have spent just over 70 hours on Committee Stage.

**Senator Gerard P. Craughwell:** That should give an idea of how rubbish it is.

**Senator Niall Ó Donnghaile:** Some of us have been in here for most of it.

**Senator Jerry Buttimer:** I appreciate that. I do not want to strike a discordant note on our final sitting day of the year.

**Senator Aodhán Ó Riordáin:** The Leader has said that three times now.

**Senator Jerry Buttimer:** I know. I am about to do it.

**Senator Kevin Humphreys:** The Leader would not let us down on the final day.

**Senator Aodhán Ó Riordáin:** Throw in a grenade - go on.

**Senator Gerard P. Craughwell:** Go on.

**An Leas-Chathaoirleach:** Order, please.

**Senator Michael McDowell:** As the Leader is being monitored in offices, he had better keep going.

**Senator Jerry Buttimer:** Last night, a number of Members on the benches opposite-----

**Senator Niall Ó Donnghaile:** The Leader has had his water now.

**Senator Jerry Buttimer:** We are very indignant. A number of us on this side who are very passionate about the city and county of Cork took the opportunity during the debate on a Bill seeking to reform local government structures in Cork to speak passionately about it.

**Senator Gerard P. Craughwell:** The Leader was not too passionate about Galway when it came to it.

**Senator Jerry Buttimer:** We know who is in charge of Fianna Fáil now. We saw that last

night. Deputy Éamon Ó Cuív and Senator Mark Daly are back in charge again. They have been resurrected.

**Senator Niall Ó Donnghaile:** It is a party of the Thirty-two Counties.

**Senator Jerry Buttimer:** Senator Conway-Walsh came in with her list of “B”s. Can I say to her, in the spirit of Christmas, that, for me, the “B” refers to better living standards for people under this Government? “B” is for building a better economy.

**Senator Aodhán Ó Ríordáin:** “B” is for boo.

**Senator Jerry Buttimer:** “B” is for-----

**Senator Gerard P. Craughwell:** Somebody is after texting that to the Leader.

**An Leas-Chathaoirleach:** Please allow the Leader to continue, without interruption.

**Senator Kevin Humphreys:** The Leader is getting as good as the Shinnars - good man.

**Senator Jerry Buttimer:** “B” is for a better economy for all of the people.

**Senator Gerard P. Craughwell:** Does the Leader want to go through all the “B”s?

**An Leas-Chathaoirleach:** Now, now. Everybody had his or her opportunity.

**Senator Niall Ó Donnghaile:** “B” is for bah humbug.

*(Interruptions).*

**An Leas-Chathaoirleach:** Please. We can only hear one speaker at a time. Please allow the Leader to continue, without interruption.

**Senator Niall Ó Donnghaile:** He is encouraging us.

**Senator Aodhán Ó Ríordáin:** Some of us have Christmas shopping to do.

**An Leas-Chathaoirleach:** The Senator is out of order.

**Senator Jerry Buttimer:** Some of us have been here since 11.30 a.m., whereas Senator Ó Ríordáin walked in at 12.45 p.m.

**Senator Aodhán Ó Ríordáin:** I was watching proceedings in my office.

**An Leas-Chathaoirleach:** Will the Leader please speak through the Chair and avoid encouraging others?

**Senator Jerry Buttimer:** Senator Conway-Walsh started the contributions on Bs, and I shall continue them. B is for Brexit and the Government getting a wonderful deal in solidarity with our EU partners.

**Senator Jennifer Murnane O’Connor:** A deal that will not be used.

*(Interruptions).*

**Senator A:** “B” is for plan B.

**Senator Gerard P. Craughwell:** There is no plan B.

*(Interruptions).*

**Senator Niall Ó Donnghaile:** Is that a cast iron deal?

**Senator A:** Is that to “B” or not to “B”?

**An Leas-Chathaoirleach:** Please Senators, we will not get through the business. I ask the Leader to, please, ignore everyone.

**Senator Jerry Buttimer:** I am not responding to the interruptions.

**Senator Niall Ó Donnghaile:** He is getting fed up with us now.

**Senator Jerry Buttimer:** “B” is for the brilliant leadership of An Taoiseach.

*(Interruptions).*

**Senator Jerry Buttimer:** “B” is for the blunders of the new leader of Sinn Féin, and we know what they are. “B” is for the balaclavas and baseball bats of last weekend.

**Senator Niall Ó Donnghaile:** Of An Garda Síochána.

**Senator Kevin Humphreys:** Did Leo send that down?

**An Leas-Chathaoirleach:** We are trying to get through the Order of Business.

**Senator Rose Conway-Walsh:** The Leader needs to take that back. I can take a joke as much as anyone else.

**Senator Jerry Buttimer:** I did not mention the Senator.

**Senator Rose Conway-Walsh:** I hope there is no inference in anything the Leader said. There is stuff being bandied about-----

**Senator Jerry Buttimer:** What kind of inference?

**Senator Niall Ó Donnghaile:** The Leader directed his “B”s at Senator Conway-Walsh.

**Senator Jerry Buttimer:** I did not say that at all.

**Senator Rose Conway-Walsh:** Stuff is being bandied about what happened in Roscommon. It is far from being a joke.

**Senator Jerry Buttimer:** I was not joking.

**Senator Rose Conway-Walsh:** Statements are being made in the Houses that it is this, that or the other.

**An Leas-Chathaoirleach:** I thank the Senator but the remarks were not to be directed at any Member of the Seanad.

**Senator Kevin Humphreys:** That is not true.

**Senator Jerry Buttimer:** Senator Conway-Walsh knows that full well.

20 December 2018

**An Leas-Chathaoirleach:** The Leader has made that clear.

**Senator Rose Conway-Walsh:** Let us not-----

**Senator Jerry Buttimer:** Senator Conway-Walsh knows full well that I am not in any way directing that her way. She should not try to insinuate otherwise.

**Senator Rose Conway-Walsh:** No, but-----

**An Leas-Chathaoirleach:** We will continue.

**Senator Jerry Buttimer:** I am not going to take that now.

**An Leas-Chathaoirleach:** We will have calm now.

**Senator Jerry Buttimer:** I am happy to accept Senator Ruane's amendment to the Order of Business. We can take her Bill.

**An Leas-Chathaoirleach:** Good.

**Senator Jerry Buttimer:** Senators Humphreys, Lombard and Kieran O'Donnell raised the important issue of climate change. I am happy to review and reflect on the remarks made about the recent statements in the House on climate change. I would be happy to meet Senator Humphreys and the group leaders in the new year to discuss that issue.

I join Senator Humphreys in appealing to all motorists on the road this year not to drink and drive. I ask that we ensure we have safe passage on the roads for motorists, pedestrians and cyclists. I appeal to everybody during the course of this Christmas season to drive with care and consideration and not to engage in drink driving.

With regard to the other transport matters, I am sure our fine Minister for Transport, Tourism and Sport, Deputy Ross, will take notice of the Senator's remarks on his car going around a particular part of the Minister's constituency.

**Senator Kevin Humphreys:** We need to introduce penalty points for bad stunts.

**An Leas-Chathaoirleach:** The Senator has made his contribution.

**Senator Jerry Buttimer:** There were enough bad stunts here this morning and last night to earn people a lot of penalty points.

To respond to Senator James Reilly and with regard to the greenway, we commend all those involved. We will have a debate on greenway tourism.

Senators Leyden, Feighan and other Members raised the issue of the events in Roscommon last weekend-----

**Senator Terry Leyden:** Senator McDowell raised the issue also.

**Senator Jerry Buttimer:** As did Senator McDowell, gabh mo leithscéal. I do not want people to draw any inference or insinuate anything from my comments. On the Order of Business yesterday and on Tuesday, I made the point in respect of the events in Roscommon that we must always ensure the rule of law was upheld. We heard this morning about an incident at the family court where a judge was imprisoned in his chambers. We must always ensure this

behaviour is never supported and that we protect and preserve the integrity of the institutions of the State, whether it is the courts or the-----

**Senator Rose Conway-Walsh:** The judge involved is a woman.

**Senator Lorraine Clifford-Lee:** Incidentally, it was a female judge who was also assaulted in Dolphin House family law court.

**Senator Jerry Buttimer:** I am sorry but I was not aware. That makes it even more alarming. On behalf of the Government and as the Leader of the House, I support the independence of the Judiciary and Garda. There can only be one An Garda Síochána, one Army and one courts system. We should always remember that. Irrespective of whether we like it, thuggery happened in the Roscommon incident. I reiterate my point that nobody wants people to be evicted or lose their family property or home. There must be engagement by all sides. All of us condemn violence and thuggery and, as Senator Leyden has said, gardaí are placed in unhelpful and dangerous situations because of the work they do. We must always support them. I welcome the visit of the Garda Commissioner to Roscommon and thank him for what he has done.

**Senator Gerard P. Craughwell:** The Leader might add to that the officers of the court such as the county sheriffs.

**Senator Jerry Buttimer:** Absolutely, also the officers of the court.

I agree with Senator McDowell that it is important to recognise that we are Members of the Upper House and democratically elected. Under the Constitution and rules of engagement, Members of the Seanad are required to be available to sit on the joint committees of the Houses. Senator McDowell secured 5,661 votes. I can tell the Deputy who mentioned it that I received 6,419, which is 11.5% of the vote in my constituency in the last election. Many Members here got more than I did.

**Senator Aodhán Ó Riordáin:** I got 18,000.

**Senator Jerry Buttimer:** My point is that we are entitled to be here.

**Senator Terry Leyden:** I got double the Leader's vote once.

**Senator Jerry Buttimer:** Senator Joe O'Reilly raised the issue of small towns and businesses. He has been the champion of small towns. I will have the Minister for Rural and Community Development, Deputy Michael Ring, come to the House in the new year to discuss the issue.

Cloisim an méid a bhí le rá ag an Seanadóir Ó Donnghaile mar gheall ar chúrsaí Gaeilge, go mórmhór Bliain na Gaeilge atá críochnaithe againn ach beidh sí ar ais arís le cúnamh Dé. Beidh díospóireacht faoin Ghaeilge leis an Aire Stáit nua sa bhliain úr.

Senator McFadden raised the issue of the HSE pursuing cancer patients. It is absolutely wrong that the HSE would chase and go after people at this time of the year, especially cancer patients who are in the course of treatment. I call on the HSE to desist from this practice. I am aware that it has this service outsourced to a debt collection agency, but for those with family members who have undergone cancer treatment, the last thing they want to do is engage with debt collectors. It is bad enough to have an illness and go through treatment without being chased and harassed in this manner. I hope the HSE will listen to what we have said today.

Senator Mullen raised the issue of the pembrolizumab drug. The Minister has made a decision on it and Professor Michael Barry has had a very successful role in national pharmacoeconomics. The processes involved are being fulfilled.

We will not go back over the Local Government Bill. Senator Murnane O'Connor spoke about the barriers faced by returning emigrants. The Government has made changes and will make more. It is important to welcome people back home too.

Senator Clifford-Lee also referred to the Courts Service. To be fair, under the Government we have seen 31 courtrooms refurbished at a cost of €2.2 billion, with more to come.

Senator Paddy Burke raised the issue of the Galway-Mayo Institute of Technology. It is an important issue, on which we will have a debate in the new year.

**Senator A:** And the colours.

**Senator Jerry Buttimer:** The colours are a different matter.

We had raised Senator Alice-Mary Higgins' matter yesterday and I supported her, she may remember, at the Committee on Procedure and Privileges. I believe the events of 31 January were once-off. Members will know that it is to commemorate the sitting of the First Dáil. It is important to allow it to go ahead. The point made by the Senator on the role of the Seanad is well made and it is one on which we can reflect.

As the Leader of the Seanad and on behalf of all Senators, I extend our best wishes to a very popular member of staff, Keith Langan, in the Dáil bar who is to marry his bride to be, Collette, next week. I wish them both well and hope they will have many years of happiness. We all agree that Keith is one of the most popular members of staff. He is a very courteous and professional young man and we wish him and his new wife every success in their years together.

I extend seasonal felicitations to everyone.

I wish all my colleagues a very happy and peaceful Christmas and thank them and their staff for their courtesy to me. I offer the group leaders and Whips in the House my thanks for their co-operation. Go mór mór, I thank the Government Whip for her patience and diligence.

*1 o'clock* I thank the Office of the Cathaoirleach and the Cathaoirleach himself for their wonderful assistance. I thank the staff of the Seanad Office who do a tremendous job on our behalf and wish them well. I thank the men and women who serve us in the Oireachtas, the ushers, catering staff and people who work in all parts of the House, especially the sound technicians and parliamentary reporters, and Jeremy who counts our votes. I thank them all for their good work during the year. It is my intention at the end of today's business, whether we adjourn at 3 p.m. or 7 p.m., to propose that we come back on Tuesday, 22 January 2019. Mar fhocal scoir, guím Nollaig shona agus athbhlian faoi mhaise ar chách.

**An Leas-Chathaoirleach:** I thank the Leader for his good wishes. Senator Craughwell has proposed an amendment to the Order of Business: "That No. 7 be deleted from the Order of Business." Is the amendment being pressed?

**Senator Gerard P. Craughwell:** Yes. In pressing the amendment I would like to say this is not some cheap shot at getting a Christmas break early. This is important.

Amendment put:

*Seanad Éireann*

The Seanad divided: Tá, 25; Níl, 16.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Bacik, Ivana.	Burke, Paddy.
Black, Frances.	Buttimer, Jerry.
Clifford-Lee, Lorraine.	Byrne, Maria.
Conway-Walsh, Rose.	Conway, Martin.
Craughwell, Gerard P.	Feighan, Frank.
Daly, Mark.	Higgins, Alice-Mary.
Daly, Paul.	Lawlor, Anthony.
Davitt, Aidan.	Lombard, Tim.
Devine, Máire.	McFadden, Gabrielle.
Freeman, Joan.	Mulherin, Michelle.
Gavan, Paul.	Mullen, Rónán.
Horkan, Gerry.	O'Donnell, Kieran.
Humphreys, Kevin.	O'Mahony, John.
Leyden, Terry.	O'Reilly, Joe.
Mac Lochlainn, Pádraig.	Reilly, James.
McDowell, Michael.	
Murnane O'Connor, Jennifer.	
Nash, Gerald.	
O'Donnell, Marie-Louise.	
Ó Donnghaile, Niall.	
Ó Ríordáin, Aodhán.	
Ruane, Lynn.	
Warfield, Fintan.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Gerard P Craughwell and Joan Freeman; Níl, Senators Gabrielle McFadden and John O'Mahony..

Amendment declared carried.

**An Leas-Chathaoirleach:** Senator Lynne Ruane has proposed an amendment to the Order of Business: "That No. 19 be taken before No. 1." The Leader has indicated that he is prepared to accept the amendment. Is it agreed? to Agreed.

Order of Business, as amended, agreed to.

**Senator Lynn Ruane:** I move:

That leave be granted to introduce a Bill entitled an Act to amend and extend the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 to provide for broadening the range of convictions which may be regarded as spent convictions, to provide for proportionality in determining the period before a conviction becomes spent, and to provide for related matters.

**Senator Alice-Mary Higgins:** I second the proposal.

Question put and agreed to.

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

**Senator Lynn Ruane:** On Tuesday.

**An Leas-Chathaoirleach:** I presume the Senator does not mean next Tuesday.

**Senator Lynn Ruane:** No, Tuesday, 22 January.

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

Second Stage ordered for Tuesday, 22 January 2019.

### **Business of Seanad**

**An Leas-Chathaoirleach:** The Leader wishes to make a brief statement.

**Senator Jerry Buttimer:** I neglected in my remarks to commend Orla Murray in my office on her professionalism during the course of the year.

**Senator Jerry Buttimer:** Hear, hear.

**An Leas-Chathaoirleach:** Absolutely.

### **Joint Sitting of the Houses of the Oireachtas: Motion**

**Senator Jerry Buttimer:** I move:

That Seanad Éireann shall be enjoined with Dáil Éireann to constitute a Joint Sitting of the Houses of the Oireachtas on Monday, 21st January 2019, in order to commemorate the centenary of the first meeting of the first Dáil Éireann, and the following arrangements shall apply:

- (1) the Joint Sitting shall be held at 4.15 p.m. in the Round Room of the Mansion House;
- (2) the Ceann Comhairle shall be the Chairman of the Joint Sitting, shall make opening remarks and shall adjourn the Sitting at the conclusion of the proceedings;
- (3) the Cathaoirleach of the Seanad shall make closing remarks prior to the adjournment of the Joint Sitting;

(4) the proceedings at the Joint Sitting shall otherwise consist of:

(a) a Centenary Declaration which the Ceann Comhairle is hereby empowered to make on behalf of both Houses of the Oireachtas, and

(b) a statement by a representative from each party or group in the Dáil on the Centenary Declaration, in accordance with the following arrangements:

- Government – 10 minutes,

- Fianna Fáil – 8 minutes,

- Sinn Féin – 6 minutes,

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

and

(5) the overall programme and protocols for the day shall be agreed by the Committee on Procedure and Privileges.

Question put and agreed to.

### **Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union: Motion**

**Senator Jerry Buttimer:** I move:

That the Order of the Seanad of 4th July 2018, relating to the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union, be amended by the deletion, in paragraph (7), of ‘31st December 2018’ and the substitution thereof of ‘30th June 2019’.

Question put and agreed to.

### **Public Service Superannuation (Age of Retirement) Bill 2018: [Seanad Bill amended by the Dáil] Report and Final Stages**

**Acting Chairman (Senator Gerry Horkan):** The Minister of State, Deputy O’Donovan, has been waiting for quite a while. I welcome him to the House. This is a Seanad Bill which has been amended by the Dáil. In accordance with Standing Order 118, it is deemed to have passed its First, Second and Third Stages in the Seanad and is placed on the Order Paper for Report Stage. On the question “That the Bill be received for final consideration”, the Minister of State may explain the purpose of the amendments made by the Dáil. This is looked on as the report of the Dáil amendments to the Seanad. For Senators’ convenience, I have arranged for the printing and circulation of the amendments and their proposed grouping. The Minister of State will deal separately with each related group of amendments. Senators may contribute once on each grouping. I remind them that the only matters which may be discussed are the

amendments made by the Dáil.

Question proposed: "That the Bill be received for final consideration."

**Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan):** I thank the Seanad for facilitating the taking of the Bill. It will allow, I hope by the end of the year, the enactment of very important legislation.

The first group includes amendments Nos. 1 and 7. Amendment No. 1 is a technical amendment which is necessary in order to reflect the insertion of a new section into the Bill, the subject matter of which was not previously reflected in the Long Title. Amendment No. 7 excludes amounts forgone under a Revenue approved salary sacrifice scheme from the definition of pensionable pay in section 29 of the Public Service Pay and Pensions Act of 2017. The effect is that the amounts will not be liable for additional superannuation contribution, ASC, the salary sacrifice arrangements which are in operation currently, the cycle to work scheme or the TaxSaver ticket scheme. In general, these are technical amendments.

**Senator Alice-Mary Higgins:** Are these the amendments in respect of the three-month report?

**Acting Chairman (Senator Gerry Horkan):** No. We are dealing with amendments Nos. 1 and 7 which are in group 1.

**Senator Alice-Mary Higgins:** I just wanted to check. I will wait.

**Acting Chairman (Senator Gerry Horkan):** As no other Member is offering on group 1, I will ask the Minister of State to speak on the subject matter of the amendments in group 2.

**Deputy Patrick O'Donovan:** The purpose of ministerial amendment No. 2 is to exempt the staff of the Central Bank from the provisions of the Bill. The Government has agreed that the creation of a compulsory retirement age under primary legislation for the staff of the Central Bank is not appropriate in the light of the bank's autonomy in setting pay and conditions for its staff as set down in the Central Bank Act 1942. This is also a technical amendment.

**Senator Paddy Burke:** Does this mean that Central Bank staff can retire earlier or continue until they are aged 70 years?

**Deputy Patrick O'Donovan:** The intention of the Central Bank has been communicated to the Government because it works in conjunction with rules set out by the European banks. Its intention is to bring in its own rules to reflect the Government's wish to allow for staff to continue until aged 70 years.

**Senator John O'Mahony:** About which group are we speaking?

**Acting Chairman (Senator Gerry Horkan):** It is an amendment relating to the application of the Act to Central Bank employees. We have dealt with group 2. I now ask the Minister of State to speak to the amendments in group 3.

**Deputy Patrick O'Donovan:** Amendment No. 3 was tabled by Deputy Jonathan O'Brien on Committee Stage in the Dáil. The amendment which I accepted relates to the Minister's power to increase the compulsory retirement again in the future, by order, in certain circumstances. Section 3A(2) of the Bill provides a power for the Minister to increase the compulsory

retirement age further in the future, up to a maximum age of 75 years. Subject to certain conditions, Deputy Jonathan O'Brien's amendment removes the upper age limit of 75 years, although it is difficult to see where the proposed cap of 75 years will prove to be problematic. In the interests of facilitating the passage of the legislation, the removal of the cap and the discretionary power made available to the Minister were agreed to in the Dáil.

**Senator Rose Conway-Walsh:** My party has made it clear that we support the full abolition of mandatory retirement, believing the duration of somebody's working life should be their decision and that any judgment on their work should be based on quality, not age. If a worker wishes to work beyond the age of 65 years, it is his or her right to do so and the age given is not up to anyone but that worker. The Bill offers tentative steps in the direction of removing age as a determinant of quality of work or the right to work. Age is not an indicator of good performance in the workplace and removing mandatory retirement does not reduce the number of positions available to younger workers as populations, economies and labour markets grow. The amendment removes the upper age limit at which public servants can work and it is consistent with the Employment Equality (Abolition of Mandatory Retirement Age) Bill 2016 of Sinn Féin, which is on Committee Stage in the Dáil. Last year, the Citizens' Assembly overwhelmingly voted in favour of abolishing mandatory retirement on the basis of age, with a vote of 86%. This amendment will ensure the public sector respects this vote and refuses to allow forced retirement on the basis of age.

**Senator John O'Mahony:** I am not aware of whether I am on the right section. Can somebody tell me if this is about people working until they are 70 years?

**Deputy Patrick O'Donovan:** It is.

**Senator John O'Mahony:** There seems to be an anomaly in the case of some people working in the Oireachtas who have secured an extension.

**Acting Chairman (Senator Gerry Horkan):** That is group 4. The amendments relate to workers who retire before the commencement of the Bill.

**Senator Paddy Burke:** Senator Conway-Walsh seems to be saying the retirement age will not be 65 years. I agree with the upper age limit of 75 years but many people will retire on a mandatory basis after age 65.

**Senator Rose Conway-Walsh:** It will depend on the individual.

**Senator Alice-Mary Higgins:** I agree with the sentiments of Senator Conway-Walsh on the changes to the compulsory retirement age but the pension age in Ireland is moving towards being one of the highest. Some people may have started very early in their life such as at 20 or 15 years. It is important to note that they are different.

**Acting Chairman (Senator Gerry Horkan):** This is the Public Service Superannuation (Age of Retirement) Bill.

**Senator Alice-Mary Higgins:** I know that. It is important that the decision is an issue of choice, not a question of whether the contributory State pension is available, in which cases an escalation is not necessarily positive.

**Deputy Patrick O'Donovan:** The name of the Bill is the Public Service Superannuation (Age of Retirement) Bill and it refers to pensions. The Government has to have an age set in

order that we can forecast how much public service pension will cost. Section 3A(2) states that subject to subsection (3), the Minister may, by order, prescribe an age being higher than 70 years but not higher than 75. The amendment takes out the phrase “not higher than 75”. The Minister can change the age in the future. The Bill is about the public service pension draw-down and is not about telling people that they must retire. Many leave the public service on a pension and continue to work in a private or self-employed capacity.

**Acting Chairman (Senator Gerry Horkan):** That concludes group 3. I call on the Minister of State to speak on the subject matter of the amendments in group 4.

**Deputy Patrick O’Donovan:** Amendment No. 4, from Deputy Barry Cowen, was accepted in the Dáil. I pointed out that any potential remedies that related to the cohort of workers to which he referred would be likely to require further legislative change, which would be a matter for the Minister for Public Expenditure and Reform. The amendment inserts a new section 3A(6) and requires a report to be prepared by the Minister within three months of the enactment of the Bill. The report will address the issue of public servants who were required to retire at the age of 65 years in the period between the Minister’s announcement of the policy change, which was 6 December 2017, and the commencement date of the necessary legislation, including potential remedies, as referred to by Deputy Cowen, to assist the group in question. Many of the group availed of the interim arrangements which enabled them to retire and be rehired for one additional year on a fixed-term basis up to the age of eligibility for the contributory State pension, which is 66 years. Many did not avail of it, because of the clarity given at the time by the Government, but they will cease work on reaching the age of 66 years and are not covered by the legislation.

**Senator John O’Mahony:** The last point made by the Minister covers the anomaly of which I spoke, where somebody who availed of the additional year cannot, it seems, work until they are aged 70 years. It seems very unfair to me.

**Senator Alice-Mary Higgins:** There is a concern which the Minister of State has heard in both Houses because it affects people in these buildings, although it also affects many outside. The overall policy intent of the Bill is effectively a recognition of the fact that persons are able to work, contribute and add value up to the age of 70 years. I feel passionately about this. About eight years ago, in 2010, I was working with Older and Bolder. We produced a report on the demographic dividend, creativity in later life and the extraordinary contribution made in the workplace in many cases by older workers. We know that in every sphere of life people are contributing at a later age. This is the policy intent of the Bill and is something which I think is commended and supported across the Houses and across all parties.

There is, however, something of an anomaly. The Minister of State will say this relates to the drawdown of a pension but, effectively, changing the date facilitates the idea that people would work longer. As was said, there is a cohort of people who accepted the interim arrangement between 6 December 2017 and the commencement of the Bill. An interim arrangement was offered, which was an extension of a year. In our previous discussions, the Minister of State has indicated his concern about the position if those who have taken the interim arrangement of the year’s extension were to be offered, as I believe they should be, the opportunity of an extension and to continue working until the age of 70 years. There are a number of ways to do this. If they were to be offered the extension, it might also need to be offered to those who chose not to avail of the interim arrangement. I put it to the Minister of State, however, that taken together, this cohort of persons is quite small. It should be strongly considered in the

three-month review proposed, if the Government is concerned about not offering a solution to one group of people who are still working and contributing and who face this cut-off point at the age of 66 years, despite having not only indicated but proved that they are willing and keen to continue working. If in order to offer them a solution the Government must also offer it to others who made a different choice on 6 December 2017 or since, that should not be a barrier. We are still talking about a very small cohort of persons who either opted or did not opt for the interim scheme. It is important that they be able to avail of this scheme and continue.

There are a number of solutions. The Government can offer solutions simply to those who took the interim arrangement. It can offer an extension to those who took the interim arrangement or did not take it. New contracts could be devised and made as a new offer of work to those who are finishing work at the age of 66 years. This can be a new set of offers. There are policy solutions to this issue. It should be considered that it is an anomaly that really affects people and that when we look across the public service, we do not have the workers we need in areas such as health and education. We know this. Anyone who has sat in on health, housing or education committee debates will know that there are shortages of qualified workers with experience in many areas.

The Minister of State has accepted the three-month review, which is something. I would prefer if we had tried to find the policy solutions in this legislation. I worry about the people who will time out, as it were, within the three-month period between now and the review. I urge the Minister of State to find solutions. If this Bill recognises the huge contribution that persons can make and are making, we should not be afraid of a policy solution that recognises the contributions of those who have faced retirement in the past year. Those who have faced this period of limbo constitute a cohort that should be accommodated. I think this is felt across the House. I, therefore, urge the Minister of State not to let down people needlessly and lose the talent, skills and experience of workers needlessly.

**Senator Gerry Horkan:** This is an amendment tabled by Deputy Cowen of my party. I am glad that it was accepted and is incorporated. I will not labour the point we made earlier in this House which was presumably made in the Dáil and which was equally eloquently addressed by Senator Alice Mary Higgins just now, but it is a very small cohort of people who are affected by this. The intention of the Bill was announced a year ago. I hope the Bill will now pass. We are talking about some people who through being victims of the timing will not be covered by the intentions of the Government's Bill, which is to do exactly what we are trying to do. I, therefore, ask the Minister of State to carry out the review but also to do the best he can to try to improve the situation of the people affected. What if the Bill had been passed the day it was announced a year ago? Obviously, legislation does not happen that way. We are not asking the Minister of State to go back to 1975, 1995, 2005 or 2015. This is purely to examine the people who saw this anomaly a year ago, thought that if the Bill were passed a little more quickly than it has been they would not be affected or would be covered by the Bill, yet have not been covered by the Bill. I ask the Minister of State to do whatever he can. I know that he has spoken about this in the past and that it may be difficult to do, but it is a small cohort of people. Not everyone will want to exercise the option, but for the small number of people who may be interested in doing so, I urge him to try to facilitate them as best he can.

**Senator Paddy Burke:** I welcome the amendment tabled by Deputy Cowen in the other House. How many people is it envisaged would be caught in this trap and how much would it cost the Exchequer? Furthermore, is it the case that if this legislation, when it was brought forward first, were rushed through the House, no one would be caught in this trap? If so, could

the date not be the date on which the Bill was initiated? Then I do not think anyone would lose out from the Bill.

**Acting Chairman (Senator Gerry Horkan):** As I do not think any other Senator wishes to contribute, I call the Minister of State to reply.

**Deputy Patrick O'Donovan:** A number of points have been raised. I concur with a lot of what has been said, but we have a legal bind. The Bill has gone through a fairly arduous process. Senator Horkan is right that if this had been done more quickly, we would not be in the situation we are in with a lot of people. We have people even in the interim arrangements who availed of this and who have fallen out of it recently while the Bill has worked its way through the Oireachtas. We do not order the business of either House as a Government; we rely on the Business Committee to do so. It is a pity that it has taken so long - I accept that - but I had no control over it. I have listened to all the contributions made in the select committee, the Dáil and the Seanad. Even if we were able to look at this cohort of people which we cannot - we have sought advice from the Attorney General in that regard - which date would one take? Would one take the date of the policy announcement, the date of the Government's decision in the Cabinet, the date on which the Bill was published, or the date on which it was initiated? There are a lot of problems.

Then there is a cohort of people who did not avail of the interim arrangements and we must be equitable. We are very conscious that many people left the public service at the age of 65 years in the full knowledge that there was an interim arrangement and they did not avail of it for a variety of reasons; therefore, their pensions were drawn down. Then people entered the interim arrangement in the full knowledge that it was to last for another year, until they were 66 years. A question was raised in the Dáil about whether there had been an interim arrangement at all. Should we have just said we would make 65 the new 70 when the Bill was enacted? We decided not to do this because we wanted to give people an opportunity in the interim arrangements, knowing that they were drawing down their pensions such that their pensions would be offset against their salaries and that in some cases they would continue to make a very significant contribution.

To respond to a question Senator Paddy Burke asked, this affects about 450-odd people, I think. I will not guesstimate the amount involved because people are on different scales across the public sector. I acknowledge that they have made a significant contribution. I am waiving the commencement order required in the hope the Bill can be signed into law five days after it is presented to the President. Every day that passes, another person is either falling out of or entering the interim arrangement. I understand the concerns which have been raised. I am not immune to them but there are implications if we were to start unwinding this. The interim arrangement would then go on well into the new year. I would then have to withdraw the Bill. There are tax, social welfare and pension implications that would accrue to people who have entered the interim arrangement. The advice I have been given is that this is not possible.

I accept that there has been much cross-party support for the Bill, which I welcome. However, we could wind up in a situation where I would have to withdraw the Bill. I do not want to do that because it would make a bad situation worse. There are people affected who are concerned that they will enter the interim situation in the full knowledge that they will not come out of it. There are others who are getting closer to the age of 65 years. That is why I accepted Deputy Cowen's amendment.

I did so, however, making it clear in the other House that there may not be legislative remedies available without unwinding the whole structure. I do not want to be disingenuous. When we published this policy statement and the Bill, we made it clear at the time that an interim arrangement was available which would work along these lines. Many people decided not to enter that interim arrangement. I have to be equitable and fair to those people also.

**Senator Alice-Mary Higgins:** On that-----

**Acting Chairman (Senator Gerry Horkan):** I am afraid the Senator cannot come back in. Members are only allowed to speak once on a grouping.

**Senator Alice-Mary Higgins:** I know but I am just seeking clarification from the Minister of State.

Will the Minister of State be engaging with others across the Oireachtas in identifying potential policy or legislative solutions for the report?

**Deputy Patrick O'Donovan:** I have already engaged with many Members.

**Senator Alice-Mary Higgins:** What about post the Bill?

**Deputy Patrick O'Donovan:** Yes, if somebody wishes to bring forward another Bill which takes into account everything I said about the legality of the public service pension scheme. The advice I have been given is that for many people who are currently drawing down pensions and who are in the interim situation, we would have to start looking for pension contributions back. At what scale would they re-enter? What superannuation would they have to start paying? What would the tax implications be? The net result is that I would have to withdraw the Bill. I cannot do that because there are public servants waiting to have it enacted. I do not have a magic formula. I do not want to withdraw the Bill and come back in three months' time with the same legislation, stating 65 continues to be 65 rather than being able to say 65 is now going to 70.

**Acting Chairman (Senator Gerry Horkan):** That concludes group 4. I call the Minister of State to speak to the subject matter of the amendments in group 5.

**Deputy Patrick O'Donovan:** Certain staff in the education sector such as teaching and lecturing staff are not required to retire until the end of the school or academic year in which they reach the compulsory retirement age. This is to ensure continuity of the teaching provision throughout the year and limit class disruption. I am sure Senators will appreciate this, in particular for examination students.

On the recommendation of the Minister for Education and Skills, the Government agreed that this arrangement should be maintained in the context of the new compulsory retirement age of 70 years. The amendment to section 4 is required in order that any service rendered by affected staff in the period between their 70th birthday and their retirement to the end of school and academic year, will be reckonable for pension purposes. The amendment to section 5 is required to ensure that where a statutory instrument or public service pension scheme provides for a compulsory retirement age, it will be read as 70 years for the relevant public servants or, in the case of certain relevant public servants in the education sector, the end of the school or academic year in which they reach that age.

Both provisions are limited to the public service pension scheme made or approved by the

Minister for Education and Skills with the consent of the Minister for Public Expenditure and Reform. Senators will appreciate that if a teacher reaches 70 years in March but is getting their students ready for the leaving certificate or third level examinations in the summer, one does not want the students put out at a vulnerable point in their academic progress.

**Senator Alice-Mary Higgins:** I will be supporting the amendment. However, as identified earlier, education is one of those areas in which we have extremely qualified persons who it is a pity to lose. We did not have an opportunity to discuss this matter, as we would were this a Committee Stage debate.

To clarify, Members are not asking the Minister of State to withdraw the Bill in respect of the last grouping. We were asking for clarity on after when the Bill passes and the three-month period. It will be complex but there is a will to work with the Minister of State to identify and tease out each issue, be it pension returns or social welfare issues for that cohort of 450 or 500 persons who might be affected.

**Acting Chairman (Senator Gerry Horkan):** Is the Senator talking to amendments Nos. 5 and 6 and the education sector?

**Senator Alice-Mary Higgins:** I am talking about the education sector, as some of those who will be affected are in interim arrangements.

The Minister of State spoke about the urgency of passing the Bill. That is accepted by all Members. However, we must use that time after this Bill is passed to work to find solutions to this issue.

**Deputy Patrick O'Donovan:** At the risk of repeating myself, I am anxious to engage with anybody who would be able to provide a solution to this issue. In hindsight, one could ask whether there should have been any interim arrangement. Should we have just waited until the Bill was enacted? We did that in the full knowledge that this was always going to be a difficulty. Once the interim arrangement was opened, the people who went into it have to come out of it. Every Member would prefer not to see that happening.

Senator Paddy Burke made a pertinent point in his contribution. It is a pity it has taken so long to get this legislation through. Every day that passes, another person enters or leaves the interim arrangement or comes closer to 65 years.

As I said at the start, I do not order the House's business. I would prefer to have seen this done faster but it is outside my control. I will have any interaction I can with anybody in the next three months in advance of the reports that the Minister will bring forward on foot of Deputy Cowen's amendment. I will engage with the Attorney General's office to see what remedies, if any, are available.

We have looked at this issue in great detail and have listened to all the contributions made in both Houses. I do not want to build up false expectations for people who would have preferred if this had been dealt with a lot quicker.

**Acting Chairman (Senator Gerry Horkan):** I made the same point myself with Senator Paddy Burke. We accept that it was not the Minister of State who ordered the business.

I now call on the Minister of State to speak on the subject matter of the amendments in group 6.

**Deputy Patrick O'Donovan:** Amendment No. 8 which I proposed on Report Stage removed the requirement for a commencement order to bring the provisions of the Bill into effect. It waives the Department's requirement for a commencement order. This will ensure the maximum number of public servants can avail of the new compulsory retirement age of 70 years as soon as possible. The Bill will now become effective as soon as it is signed by the President. Under the Constitution, the President can sign a Bill on the fifth, sixth or seventh day after it is presented to him for signature. It is likely, therefore, that the Bill will come into effect over the holiday period.

Once it comes into effect, any public servant covered by the legislation who has not already reached the compulsory retirement age, will have a new compulsory retirement age of 70 years and will have the choice to work to that age if he or she wishes. The Bill, as drafted, contains a commencement provision which I propose to waive with the support of the House.

**Senator Alice-Mary Higgins:** I support the amendment and commend the Minister of State on waiving the commencement provision to ensure the Bill is enacted early.

I am concerned at the reference to the question of whether we should or should not have had an interim arrangement. The key point for me is the point at which we realised and accepted the policy intent that we wanted to ensure persons could work until the age of 70 years. I am not suggesting we change this legislation to address this matter. In the solutions that have been sought I have noticed that the focus has been on the interim arrangement. The key question is whether those who went over the threshold of 65 years during that period opted for the interim arrangement. I know that the Minister of State does not want to create division or inequity, but the way to solve this may be to widen the frame to include all those who turned 65 years during the period in which the policy intent was there and to offer them a route back. That may well mean returning pension contributions. As Senator Horkan said, not everyone will take that option but I accept that an option may need to be offered to all of those affected during the one-year period. Again, it is not a large number. We should change the frame and be less concerned about the interim arrangement and about who did or did not take it. We should look to the collective policy intent and to finding a solution that will address the issue for everybody who turned 65 years. That is how we might find our solution.

Question put and agreed to.

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

**Senator Paddy Burke:** I wish the Minister of State well with the Bill. I have no doubt that, when the President gets the Bill, he will take the very first opportunity to sign it into law.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan):** I thank everybody who contributed on the Bill in the Seanad and the Dáil. This is historic legislation which should be noted. I thank everybody for his or her contribution because what we have done today will allow people in the public service who have a contribution to make to continue to make that contribution, notwithstanding other issues. On Committee Stage, reference was made to 70 being the new 65. I wish everybody who will avail of this measure well. It is reforming legislation in respect of how Ireland now views people who are working until 65 years and beyond. I thank the staff in my Department who put it together and the Members of the House who contributed. I look forward to further engagement.

I have been in the Seanad on a number of occasions in the past 12 months, both to initiate

and conclude legislation. We have had robust and very informative discussions and a lot of very good engagement both when I was representing the Department of Finance and the Department of Public Expenditure and Reform. As I have said here before, if the level of engagement and legislative scrutiny that takes place here took place in the other House, we might have far better legislation. By the way, I am not saying the other House produces bad legislation.

**Acting Chairman (Senator Gerry Horkan):** We clean it up.

**Deputy Patrick O'Donovan:** I wish Members the very best for Christmas and the new year and thank the staff of the Houses. We can all be very proud of this legislation. Today, we are sending a signal to people across Ireland, to public servants in particular, that if they want to continue to make a contribution beyond the age of 65 years, the Government will welcome that and encourage them to do so. I thank the Members of both Houses for giving people that opportunity.

**Acting Chairman (Senator Gerry Horkan):** I thank all Members. If I was not in the Chair, I would probably say something but we have had a robust debate both during the earlier Stages and today. I thank the Minister of State and wish him a happy Christmas.

Question put and agreed to.

#### **Central Bank (National Claims Information Database) Bill 2018: Committee and Remaining Stages**

**Acting Chairman (Senator Gerry Horkan):** I welcome the Minister of State, Deputy D'Arcy, back to the House.

Sections 1 to 15, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** I thank Senators for the constructive approach they have taken to considering this Bill. A number of relevant issues were raised in the House during the discussion of the Bill. I note that there is broad support for the essential purpose of the Bill which is to enhance transparency and facilitate the use of data sharing and collection to the level we see in other jurisdictions. The national claims information database is the cornerstone of this data transparency agenda. Today's approval will put us in a position to have the Bill enacted by the end of the year. It is my intention that the relevant provisions of the Bill be commenced early in 2019. This commencement process is necessary in order for the Central Bank to make its own regulations, which will be required for it to collect the relevant information for the database from insurers. In that regard, it should be noted that the Central Bank has laid the groundwork for the collection of these data by carrying out a parallel technical supervision specification exercise with insurers to ensure the database can be in operation quickly following the enactment of the legislation. The Central Bank has indicated that, subject to the timeframes for enactment and commencement of the Bill, it plans to collect the relevant data from insurance undertakings in the first half of 2019 and publish the

first report based on the collected data in the second half.

The reforms we have been implementing since January 2017 are already showing positive results. The cost of motor insurance, as measured monthly by the Central Statistics Office, CSO, has fallen 22.7% since premiums peaked in July 2016. While I appreciate this figure is a broad average, we must recognise that the figures showing large increases in premiums, which many commentators referenced regularly, were also produced by the CSO. Clearly, therefore, the overall trend is downward, which is welcome. I am hopeful the continuing implementation of the recommendations of the working group will have a further positive impact on pricing in the next 12 months or so.

I met the Garda Commissioner, Drew Harris, since I last spoke to the Seanad. The matter regarding the funding of an insurance section in An Garda Síochána is now concluded. The Commissioner will not consider the principle of An Garda Síochána being funded by any source other than the Exchequer.

Question put and agreed to.

### **Finance (African Development (Bank and Fund) and Miscellaneous Provisions) Bill 2018: Committee and Remaining Stages**

Sections 1 to 8, inclusive, agreed to.

NEW SECTION **Senator Alice-Mary Higgins:** I move amendment No. 1:

In page 7, after line 33, to insert the following:

#### **“Report on fossil fuel divestment**

**9.** The Minister shall, within 12 months of the passing of this Act, lay a report before both Houses of the Oireachtas on Ireland’s participation in the African Development Bank and Fund and its compatibility with Ireland’s commitment to fossil fuel divestment, including a consideration of measures being taken to support divestment.”.

This amendment is simply seeking consistency between the policies we pass in this House. I support our investment in the African Development Bank but, given that it is a significant investment as Ireland will be contributing €62 million, it is important we apply proper scrutiny and ensure large investment is complementary to our other commitments. I specifically reference the Fossil Fuel Divestment Act which states, “[the NTMA] shall endeavour to ensure that the assets of the Fund are not invested in an indirect investment at any time after the commencement of this section, unless it is satisfied on reasonable grounds that such indirect investment is unlikely to have in excess of 15 per cent of its assets, or such lower percentage as the Minister may prescribe by order made under this section, invested in a fossil fuel undertaking”. My amendment is simply asking that the Minister should, within the first year of the passing of this Act, lay a report before the Houses of the Oireachtas on Ireland’s participation in the African Development Bank and Fund and the extent to which it is compatible with Ireland’s commitment to fossil fuel divestment, including a consideration of any measure as may be taken by the bank to support divestment.

We have heard about the measures being taken within the governance of the African Devel-

opment Bank and Fund which I appreciate. There is a further responsibility for Ireland, separate from the measures being taken internally in the fund, in its responsibility to these Houses. What I am asking for can be brought into the Bill by way of amendment or perhaps the Minister of State will commit to doing it otherwise. We need to see a consideration of the African National Bank and Fund and the percentage of investment with which Ireland is involved. Is there investment that has in excess of 15% of its assets invested in fossil fuel undertakings? That is an important issue. What other considerations are there in terms of fossil fuel divestment or a widening of investment within the African National Bank and Fund?

I am asking for a report to show that compatibility. The Minister of State might indicate other ways or measures in which we can be assured of that because the Fossil Fuel Divestment Act specifically sets out rules for both direct and indirect investment from Ireland. I am trying to ensure we follow through on it. I hope the Minister of State can offer me information on the issue.

**Minister of State at the Department of Finance (Deputy Michael D’Arcy):** I propose to discuss amendments Nos. 1 and 2 as a group.

**Acting Chairman (Senator Gerry Horkan):** We are dealing with amendment No. 1. The amendments were not grouped.

**Deputy Michael D’Arcy:** The concerns which are reflected in the amendment proposed by the Senator are relevant in the context of our membership and engagement with the bank and fund. Human rights and climate action issues are fundamental drivers of our international development policy which underpins, informs and shapes our engagement with all international institutions. However, as a general principle, it is not appropriate to embed in legislation specific, once-off measures in the way suggested, especially when there is already a 12-month post-enactment reporting obligation.

As the Senator may be aware, under Standing Order 164A of the Oireachtas, there is an obligation after 12 months of the enactment of a Bill to review and make a report on the function of the Act. This report shall be laid in the Oireachtas Library. On the current Bill and complying with Standing Order 164A, I am sure the Minister will give full consideration to the concerns reflected and expressed in the Senator’s amendments and those expressed by other Members during the passage of the Bill. I do not propose to accept the amendments proposed by the Senator.

**Senator Alice-Mary Higgins:** I appreciate that the Act will be fully analysed but I would like to see an escalation of the seriousness with which we speak on the climate issue. There was significant concern expressed across the House at what was felt by many to be the inadequacy of the statements process on climate change. We had a situation this year where, rather than each Minister engaging with the House, we simply had very short statements from each Minister and a very-----

**Acting Chairman (Senator Gerry Horkan):** Is this relevant? I take the point.

**Senator Alice-Mary Higgins:** It is relevant. It is relevant that we have specific and tailored scrutiny of these issues and an opportunity to engage on them.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 2:

In page 7, after line 33, to insert the following:

**“Report on National Plan on Business and Human Rights**

9. The Minister shall, within 12 months of the passing of this Act, lay a report before both Houses of the Oireachtas on Ireland’s participation in the African Development Bank and Fund and its compatibility with Ireland’s National Plan on Business and Human Rights, including a consideration of the investments of corporations based in Ireland.”.

This amendment relates to Ireland’s national plan on business and human rights which the Minister of State has referenced. Ireland has a national plan on business and human rights and there is a concern that we need to follow that through into our indirect investment and into what we are doing in the African Development Bank.

This is all about policy consistency. Ireland rightly has a reputation within the UN and elsewhere for supporting civil society. It is important to note that civil society in both the issues of development and human rights has raised concerns about the African Development Bank and Fund. I want to ensure Ireland, as an investor in this fund, is exercising a force and pressure for responsiveness within the fund. I am referencing the 2018 civil society forum of the African Development Bank at which, after an extensive debate by civil society across a number of African countries, a concern was raised that the development strategy was based largely about private sector led industrialisation that risked failing to build equitable, inclusive transformation that would be responsive to the desires and aspirations of African people and their human rights rather than the interests of transnational corporations. These are concerns from African civil society. If we are engaging as investors, we also need to engage in the full discussion.

The message from the civil society forum at the time was to urge the African Development Bank to give priority to small and medium enterprises, SMEs, an issue with which we are familiar in Ireland. The message was to ensure social and environmental protections were not sacrificed at the cost of high-scale investment in private investment in the industrialise Africa agenda and involve civil society in the civil society organisation engagement framework and ensure implementation under it. There is also a need to consider the bank’s gender policies. It is worth noting that social science research has highlighted concerns with the African Development Bank and women’s health and the impact of structural adjustment on measures through the bank on maternal mortality.

We are small investors in the bigger picture of this fund, but the fund is a huge player in charting the development paths and options in many African counties. The same issues that we debate in these Houses are the issues being debated by citizens in every country. Like us, they want to know that there is accountability on human rights and social and environmental considerations. Investment in Africa is not simply a matter of moving figures around. It is not simply a matter of quarterly returns, or the percentage increase, or what return there is on investments. If we are investors, let us be ethical investors.

My amendment simply suggests, in the light of the national plan on business and human rights, that the Minister would lay a report before both Houses of the Oireachtas around Ireland’s participation in the African Development Bank, its compatibility with Ireland’s national plan on business and human rights and particularly the investments of corporations based in

Ireland. I raised in the last debate concerns about, for example, San Leon Energy which is operating in an inappropriate way in terms of UN business and human rights measures in the Western Sahara. My concerns were not addressed in the last debate. We have a responsibility. We do not want this money routed to companies and corporations, possibly Irish ones, without proper scrutiny.

I hope the Minister will accept the amendment. If he cannot, I hope he will indicate how the African Development Bank and other indirect investments in which Ireland is participating relate to the national plan on business and human rights.

**Deputy Michael D’Arcy:** Central to our engagement with the banking fund is the importance Ireland places on ensuring its operations are held to account against robust standards in terms of human rights, social, environmental, gender and governance matters. In that regard, I note that the bank has in place a strong operational framework and standards, with the bank’s integrated safeguard systems being the cornerstone. I note that the bank views economic and social rights as an integral part of human rights. Accordingly, the principles and values of human rights as set out in the UN and African charters of human and people’s rights are firmly embedded in the bank’s integrated safeguard system.

The system is a clear and integrated package of policies and procedures to address and safeguard issues that arise in development. Of note, it provides for transparency and accountability by providing a structured, systematic and managed way of allowing the concerns and voices of affected people, in particular vulnerable populations, to be heard and addressed during project planning and implementation. I understand these independent review mechanisms cover adverse impacts in respect of environmental and social impacts, as well as labour conditions, health and safety, involuntary settlement, biodiversity, ecosystem impacts, pollution prevention and control, hazardous materials and resource efficiency.

In terms of climate and sustainability more broadly, the banking fund, with other multilateral development banks, has committed to scaling up significantly investment in climate adaptation and climate mitigation. In that regard, the bank has pledged by 2020 to triple its climate financing spend to 40% of investments and to mainstream climate change and green growth initiatives into all investments. In 2017, the bank reported that 28% of all new bank approvals were allocated as climate finance and all the bank’s new energy portfolio approvals were for renewables. These results are indicative of the bank and fund’s commitment and ambition in the climate change area. Given its global importance, on joining we shall push for further ambition in that regard.

**Senator Alice-Mary Higgins:** I appreciate that information on the bank. I am looking to ensure we can process or scrutinise it and not just at a single point of investment. Will we expect those issues also to be reflected in Ireland’s reporting on the business and human rights plan? This is in regard to the reviews of Ireland’s business and human rights strategy. Will there be a section on our indirect investment in the next report under our business and human rights strategy?

**Deputy Michael D’Arcy:** That report is laid before the Houses.

**Senator Alice-Mary Higgins:** Yes. Will the comments made by the Minister be reflected in the business and human rights strategy documents and reviews?

**Deputy Michael D’Arcy:** Yes.

**Senator Alice-Mary Higgins:** I thank the Minister of State.

Amendment put and declared lost.

Schedules 1 and 2 agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

**Senator Gerry Horkan:** We had a Second Stage debate on this Bill on Tuesday. I thank the Minister of State and all his officials. It is a positive step for Ireland to be involved in this work and I hope it will benefit the African continent and Ireland's involvement there. It is a two-way relationship and Ireland has a very strong history in helping and being involved with the African continent. I hope this Bill will support the relationship over time. I commend the Minister of State and his Department on their work. I hope it will proceed successfully in the coming years.

**Senator Alice-Mary Higgins:** Like others, I am happy to see Ireland taking part in this bank investment and it is another strand of Ireland's relationship with a continent of young people, of new, different and innovative approaches to development that we will need in the period ahead. I urge that we look to this new strand of engagement not in any way replacing but as being complimentary to the commitments we have in respect of overseas development aid and the work we do in that regard. I urge that we might add another strand to our bow of engagement by looking to the issues of taxation and transfer pricing, for example. We should look to ensure further positive financial engagement with Africa and African governments in that regard. We must ensure accountability in international finance. I look forward to hearing what our investment contributes to over a period.

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** I thank everybody for his or her helpfulness, not just with this Bill. I have brought seven pieces of legislation through Dáil Éireann and Seanad Éireann, on which I thank everybody for his or her frank comments, support and strong contributions. I also wish Members and the staff attached to the Houses a very happy Christmas. We will see them back here next year for more fun and games.

**Acting Chairman (Senator Catherine Noone):** No doubt. Happy Christmas to you too.

Question put and agreed to.

### **Business of Seanad**

**Senator Jerry Buttimer:** Given that we started late because the Order of Business went over time, I ask for the indulgence of the House to allow us to have the Greyhound Racing Bill 2018 finished this afternoon. I propose, notwithstanding the order of the House today, that we conclude the Greyhound Racing Bill 2018 this afternoon. I am sure the Clerk could give me the formula of words we would need to use to do that. It is important to ensure the Greyhound Racing Bill 2018 is concluded this evening. We set 3 p.m. as the time for the end of the debate but I ask the House for its support in ensuring we can get the Bill finished.

20 December 2018

**Acting Chairman (Senator Catherine Noone):** Is the Leader proposing an end time?

**Senator Jerry Buttimer:** I am not because I do not know how long it will take.

**Acting Chairman (Senator Catherine Noone):** In fairness, as we have said it is 3 p.m., are we going to extend it?

**Senator Jerry Buttimer:** As Leader, I am obliged to ensure we get legislation finished. I accept that debate on the other Bill will not happen because of the vote on the Order of Business. We need to get the Greyhound Racing Bill 2018 finished this evening. We have started late.

**Acting Chairman (Senator Catherine Noone):** We can see how we progress. We hope to get it done by then.

**Senator Gerry Horkan:** To be fair, it was the Leader's objection to the amendment to the Order of Business that caused most of the-----

**Senator Jerry Buttimer:** That is not correct.

**Senator Gerry Horkan:** It is correct to say the voting on the Order of Business required because of the objection to the amendment proposed to the Order of Business caused a significant chunk of the delay that meant we did not finish the Order of Business by 12.45 p.m. We only started business at 1.15 p.m., meaning that we were delayed by half an hour.

**Senator Jerry Buttimer:** One could contend that Fianna Fáil's playing politics with the Bill in question also delayed us.

**Senator Gerry Horkan:** We did not.

**Acting Chairman (Senator Catherine Noone):** This is also eating into the time for the Greyhound Racing Bill 2018. I suggest we get going on it as soon possible and get the Minister of State in here.

**Senator Gerry Horkan:** Will we be adjourning at 3 p.m.?

**Acting Chairman (Senator Catherine Noone):** We will conclude it by 3 p.m. if we can. If the time needs to be extended, the Leader will do it close to the time.

### **Greyhound Racing Bill 2018: Report Stage (Resumed)**

Debate resumed on amendment No. 23:

In page 27, to delete lines 4 to 6 and substitute the following:

“(e) stringent prohibition, in line with best international practices, class A substances (drugs) that may be found in samples taken from a racing greyhound by reference to the substance and the nature of the sample taken from the greyhound;”.

- (Senator Brian Ó Domhnaill)

**Senator Brian Ó Domhnaill:** This relates to section 27 which deals with the administra-

tion of substances in greyhounds. Section 27(1) sets out a number of obligations on the board but uses the word “may”. It states “The Board may, after consultation with the Minister, make regulations for the control, restriction, prohibition or administration of substances to a greyhound in relation to the following”. It goes on to set out the specific measures the board may take, including “specifying substances or classes of substances to be prohibited or controlled” and the “testing of a greyhound for the presence of performance affecting substances”. I argue it should state “the board shall” test rather than “the board may” test. It also includes “listing substances or classes of substances that may not be administered to a racing greyhound.” It goes on to refer to “listing substances” and “setting residue limits.” I have tabled another amendment that deals with that. The section also refers to “providing for the periods following the administration of a substance”. They are all discretionary tools that the board may undertake. They are outlined in the legislation. Many of the issues that have been raised with me about the administration of drugs to greyhounds are with regard to animal welfare and around the very unfair situation that exists from an economic standpoint. It is causing the industry to fall into serious disrepute. It raises questions about the ethics of the industry and the manner in which dogs are treated. On Committee Stage I referred to substances such as beta blockers, cocaine, morphine and Ritalin, which are being administered to greyhounds. They are also being administered anti-malaria drugs and caffeine, as well as all sorts of other human drugs such as those used for the treatment of human hair loss. All of these substances are being fed to racing greyhounds to either make them go faster or slow them down. We have an opportunity in the legislation to deal with the issue from a racing and animal welfare perspective. We should be instructing the board it shall and must undertake a vigilant overview of the area, rather than providing it with discretion. We know what history has taught us. To date, the board has not fulfilled its obligations on this issue. It has allowed the issue of drugs in the greyhound sector to reach the point it has. It is causing regular owners and breeders in the sector to lose all hope. The industry is in a depressed state. This is one of the things causing it. That is why I tabled amendment No. 22. I hope the Minister of State will be amenable to it.

**Acting Chairman (Senator Catherine Noone):** We are on amendment No. 23.

**Senator Brian Ó Domhnaill:** I apologise. It is my mistake. Amendments Nos. 22 and 23 are linked and both relevant to the same section. Amendment No. 23 is grouped with amendments Nos. 24 and 25. They all deal with section 27. Amendment No. 23 proposes to replace section 27(1)(e). In section 27(1)(e), the Bill states the board “may, after consultation with the Minister” make regulations for “setting residue limits for substances or metabolites of substances that may be found in samples taken from a racing greyhound by reference to the substance and the nature of the sample taken from the greyhound”. I propose that is changed to “stringent prohibition, in line with best international practices, class A substances (drugs) that may be found in samples taken from a racing greyhound by reference to the substance and the nature of the sample taken from the greyhound”. It should be prohibited. We should outlaw the misuse of drugs and the absolute destruction it is causing to greyhounds which are animals we all care for. We would not feed our pet dogs cocaine, steroids or beta blockers. One does not treat animals that way but people in the industry are using animals. They are treating them in that way. It is absolutely wrong. That is the purpose of amendment No. 23.

I will proceed to speak to amendment No. 24. It deals with the same section and proposes there would be a minimum period. If a dog was found with a positive sample today, it should not be allowed to race next Saturday night. It should be outlawed. There should be a minimum period introduced for greyhounds found with a positive sample. That is the purpose of amend-

ment No. 24.

Amendment No. 25 is in the name of Senator Alice-Mary Higgins. She will deal with it. I support that amendment. It is important to have minimum standards where a dog and trainer are disqualified for a minimum period. It is very wrong, as has happened, that a dog would race on a Tuesday night, test positive for drugs and be allowed to race again on the Saturday night. It is wrong. That is what is happening. It does not matter which amendment is accepted because they are very similar.

**Senator Alice-Mary Higgins:** I have already spoken to this group.

**Acting Chairman (Senator Catherine Noone):** The Senator has already spoken to this group. Does the Minister of State wish to respond?

**Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle):** Yes. I thank the Senators. I will speak to amendment No. 23 which is in the names of Senators Ó Domhnaill and Norris regarding the stringent prohibition in line with best international practice. To insert the words being proposed instead of the words “residue limits” would be to remove Rásaíocht Con Éireann’s powers to set limits for ordinary animal remedies. Second, class A drugs are a UK disqualification, not an Irish one. I would go as far as to say that the term “stringent prohibition, in line with best international practices” is a contradiction. Given the advances in technology, residue limits must be provided for. There are a number of reasons for doing so, including the necessary medication of greyhounds for welfare purposes and, as I stated on Committee Stage, for reasons of environmental contamination. Studies have shown that drugs are considered an environmental contaminant with residues being found on bank notes, for example. Greyhounds will require medication for welfare purposes but at levels lower than those affecting performance. The key test when a substance is found is whether it is appropriate, performance enhancing or what level it is present at. They are standard measures in sports where doping is a consideration.

Amendments Nos. 24 and 25 regarding a mandatory 120-day or four-month disqualification period following an adverse analytical finding is effectively a repeat of an earlier Committee Stage amendment through which Senator Ó Domhnaill sought an automatic disqualification for a period of four months for the use of a class A substance. As I stated on Committee Stage, the Bill already automatically disqualifies a dog from racing until it tests negative. It also allows the board to set down further periods based on the recommendations of the scientific advisory committee during which a greyhound may not race as it is deemed to still be affected by a residual performance effect following the negative test. This is a fair and balanced approach based on scientific advice. In addition, the Bill places strong emphasis on fair procedures with regard to the conduct of the investigation by the board into possible breaches of racing regulations and with regard to the conduct of hearings by the control committee into suspected breaches. The purpose of the statutory independent sanctioning regime is to conduct hearings into alleged breaches of the racing code to make a decision on whether there has been a sanction breach and apply the appropriate administrative sanction. There can be an innocent explanation for the presence of prohibited and controlled substances in a greyhound, for example, due to the necessary medication of greyhounds for welfare purposes. The automatic disqualification of a greyhound for a fixed period assumes guilt. To act outside the statutory independent sanction regime of the independent control committee, the appeals committee and the District Court would be to dispense with due process and would be wholly inappropriate.

*Seanad Éireann*

The Bill sets down the administrative sanctions that may be applied by the independent control committee and appeals committee. The control committee has the ability to impose a lifetime disqualification order on an individual greyhound or on all greyhounds kept, owned or managed by an individual. It could impose a lengthy exclusion order on an individual from being at a racetrack or public sale of greyhounds and could revoke or suspend a licence for breaches of the racing code, including doping. Additionally, a person may be required to pay a sum of €12,500 to the board. I believe this is a far greater deterrent than a minimum ban of three or four months.

Senator Ó Domhnaill, the other Senators and I are on the same page with regard to strong sanctions for breaches of the racing code, but I can only reiterate that the amendments being proposed to set down in primary legislation a mandatory disqualification period with no scientific basis would not reflect best practice, would dispense with due process and would not act as a sufficient deterrent.

Amendment put:

The Seanad divided: Tá, 13; Níl, 17.	
Tá	Níl
Bacik, Ivana.	Burke, Colm.
Black, Frances.	Burke, Paddy.
Conway-Walsh, Rose.	Buttimer, Jerry.
Craughwell, Gerard P.	Byrne, Maria.
Devine, Máire.	Coffey, Paudie.
Gavan, Paul.	Conway, Martin.
Higgins, Alice-Mary.	Daly, Paul.
Lombard, Tim.	Feighan, Frank.
Ó Domhnaill, Brian.	Lawlor, Anthony.
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.
	Reilly, James.
	Richmond, Neale.

Tellers: Tá, Senators Brian Ó Domhnaill and Lynn Ruane; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

**Senator Brian Ó Domhnaill:** I move amendment No. 24:

In page 28, line 17, to delete “until” and substitute “for a minimum period of 120 days and until”.

**Senator Lynn Ruane:** I second the amendment.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 25:

In page 28, between lines 22 and 23, to insert the following:

“(4) In the case of *subsection (3)(a)*, the period of disqualification shall not be less than four months.”.

**Senator Lynn Ruane:** I second the amendment.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 26:

In page 29, line 20, to delete “may” and substitute “shall”.

**Senator Lynn Ruane:** I second the amendment.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 27:

In page 29, line 20, after “make” to insert “appropriate”.

**Senator Lynn Ruane:** I second the amendment.

Amendment put and declared lost.

Government amendment No. 28:

In page 29, line 29, after “greyhounds” to insert the following:

“including to make provision for the rehoming of greyhounds at the end of their racing or breeding careers”.

Amendment put and declared carried.

**Senator Alice-Mary Higgins:** I move amendment No. 29:

In page 29, line in line 34 to delete “injury.” and substitute the following:

“injury;

“(f) making provision for the health and welfare of a racing greyhound that has been retired by its owner, breeder or trainer.”.

In the light of the Government amendment that has made provision for rehoming of greyhounds, we will withdraw our amendment.

Amendment, by leave, withdrawn.

**Senator Brian Ó Domhnaill:** I move amendment No. 30:

In page 30, line 25, after “approval.” to insert the following:

“Where the compliance issue relates to use of class A prohibited substances, the board shall suspend the licence, permit or approval for a minimum period of not less than 3 months.”.

I am interested in hearing what the Minister of State has to say about this amendment. I have already spoken at length about the drugs issue and do not want to detain the House further on the matter.

**Senator Lynn Ruane:** I second the amendment.

**Deputy Andrew Doyle:** This amendment is a breach of racing regulations specific to the use of prohibited substances. Breaches of sanctions are the domain of the control committee and the appeal committee, rather than the board. Revocations and suspensions by the board relate to administrative matters like the non-payment of licence fees or similar breaches of licence conditions. Appeals of these board decisions are made directly to the appeal committee. However, as set out in section 51 of the Bill, racing sanctions are specifically excluded from this direct appeal process. Therefore, the amendment suggested by the Senator is not relevant to this section.

Amendment, by leave, withdrawn.

**An Leas-Chathaoirleach:** As amendments Nos. 31 to 35, inclusive, are related, and amendment No. 35 is a physical alternative to amendment No. 34, they may be discussed together.

**Senator Brian Ó Domhnaill:** I move amendment No. 31:

In page 38, line 22, to delete “4 years” and substitute “3 years”.

These amendments relate to the tenure of the board. Amendment No. 31 seeks to reduce the board’s term of office from four years to three. Amendment No. 32 seeks to amend section 44(9) of the Bill in order that instead of providing that a member of the board “may not serve more than 2 consecutive terms”, it will provide that a member of the board “may not serve consecutive terms”. Amendment No. 34 seeks to provide that any vacancy which arises “will be immediately filled” without any overlap where a member would be allowed to continue on the board indefinitely without being replaced, which is something that has happened with the Irish Greyhound Board in the past. If such structures are allowed to be in place, it makes for poor corporate governance. I ask the Minister of State to consider amendment No. 33 in particular.

If the Minister does not intervene after a vacancy arises, board members who have served a greater length of time than that set out in the legislation will remain in their position. That was one of the contentions addressed by the Joint Committee on Agriculture, Food and the Marine, which made this recommendation to deal with that issue.

**Deputy Andrew Doyle:** What about the other amendments?

**An Leas-Chathaoirleach:** Senator Norris is not here.

**Deputy Andrew Doyle:** The Leas-Chathaoirleach is happy that amendment No. 34 has been addressed.

**An Leas-Chathaoirleach:** Yes. We are dealing with amendments Nos. 31 to 35, inclusive.

**Deputy Andrew Doyle:** Amendments Nos. 31 and 32 relate to the length of each term and the maximum number of terms a member of the control committee may serve. As I stated on Committee Stage, the standard practice and in compliance with codes of governance is for committee members to serve two terms. During pre-legislative scrutiny, the joint committee recognised that it might be difficult to find sufficient people with the right skill set who were willing to serve on the control committee and, for that reason, did not question the fact that they would serve two terms. It additionally advised that the three-year term proposed at the time of the general scheme of the Bill should be revised upwards to a four-year term. In these circumstances, I do not intend to accept the Senators' amendment.

On amendment No. 33 and the suggestion control committee members be required to step down immediately, the argument is the same as that which pertains to the main board of Rásaíocht Con Éireann. The provision is a safeguarding one and a standard one in modern law. In the case of the new statutory control committee, having the ability to stagger the stepping down of committee members will be very important as the eight members of the panel will have been appointed at the same time. Under Senator Ó Domhnaill's proposal, all eight would be required to step down on the same day without any regard to continuity. If the amendment was to be passed, the eight control committee members would be replaced *en masse* on the third anniversary of their appointment. The three amendments are unworkable and I do not intend to accept them. A panel is recruited through the Public Appointments Service and it is expected that although technically the members' time will expire simultaneously, the appointments would in practice be staggered such that it would not be a matter of all eight members leaving at once and certainly not of all eight staying.

Amendments Nos. 34 and 35 relate to conflict of interest which is dealt with comprehensively in section 12 of the Bill. Although section 12 regarding a disclosure of interest already makes clear that it applies to all members of the board, its committees and subsidiaries, as well as the control committee and the appeal committee, I propose the insertion of the wording in my amendment to address the concerns of Senator Ó Domhnaill. If the amendment is accepted, section 44(15) would include a specific reference to members of the control committee being subject to the requirements set down in section 12 which is all-embracing in regard to disclosure of interests. Appointments to the central control committee will be made by the Minister and managed through the Public Appointments Service selection process.

**Senator Brian Ó Domhnaill:** I thank the Minister for bringing forward his amendment which addresses part of my argument on this issue. It does not address it all. There is far more I could say but we are under time pressure and I want to be respectful to the other Members.

Amendment put and declared lost.

**Senator Brian Ó Domhnaill:** I move amendment No. 32:

In page 38, line 24, to delete "serve not more than 2" and substitute "not serve".

**Senator Lynn Ruane:** I second the amendment.

Amendment, by leave, withdrawn.

**Senator Brian Ó Domhnaill:** I move amendment No. 33:

In page 38, lines 27 and 28, to delete all words from and including “continue” down to including line 28 and substitute the following:

“, with immediate effect, vacate their Board position which will be immediately filled by the appointment of another person so that no vacancy arises.”.

**Senator Lynn Ruane:** I second the amendment.

Amendment put and declared lost.

Amendment No. 34 not moved.

Government amendment No. 35:

In page 39, line 3, after “interest” to insert “in accordance with *section 12*”.

Amendment agreed to.

**An Leas-Chathaoirleach:** Amendments Nos. 36 to 38, inclusive, are related and may be discussed together. Amendment No. 38 is a logical alternative to amendment No. 37.

**Senator Lynn Ruane:** I move amendment No. 36:

In page 48, between lines 25 and 26, to insert the following:

**“Export of greyhounds**

**56.** (1) It shall be an offence for a person within the State to export a greyhound to a country which is not included in the white list published by the Minister in accordance with subsection (2).

(2) The Minister shall annually publish a white list of countries outside the European Union which meet minimum standards with regard to the health and welfare of greyhounds and to which the licensed export of greyhounds from the State shall be lawful.

(3) When preparing the white list under *subsection (2)*, the Minister shall have regard to the following:

(a) the past record of the relevant country in relation to the welfare protections for greyhounds and the welfare of animals more generally;

(b) the existence in the relevant country of enforceable welfare protections for greyhounds which are equivalent to the protections available in the State;

(c) the monitoring and enforcement in the relevant country of the welfare protections in *paragraph (b)*;

(d) the standards of care and management to which the greyhounds are likely to be subjected to in the relevant country; and

(e) information relating to subsections a-d received during the public consulta-

tion in accordance with *subsection (6)*.

(4) Where the information specified in *subsection (3)* is not readily available after reasonable efforts have been made in relation to a specific country, the Minister shall have discretion to include or exclude the relevant country from the white list based on the information that is available.

(5) The Minister shall hold an annual public consultation while preparing the white list in accordance with *subsection (3)*.

(6) A person who is guilty of an offence under *subsection (1)* is liable on summary conviction to a class A fine.”.

**Senator Alice-Mary Higgins:** I second the amendment.

**Senator Lynn Ruane:** Amendments Nos. 36 to 38, inclusive, are variations of similar amendments tabled on Committee Stage and relate to a ban on the export of greyhounds to countries outside the European Union which have horrific animal welfare standards and a statutory requirement to produce a report to provide more data on the export of greyhounds, where they are going and how they are treated when they get there. I again thank Senator Black and her office for their help in drafting these proposals.

This issue was extensively discussed on Committee Stage and I do not propose to go over all the details again. However, groups such as Dogs Trust have reported that Irish greyhounds are being exported to countries in which they are subjected to cruel treatment likely to result in a lengthy jail sentence in Ireland. We have a moral obligation to ensure our exported greyhounds are protected to the same extent as those in Ireland.

Amendment No. 36 would allow for the Minister to take an active role in monitoring and regulating the export of greyhounds and ensure greyhounds are treated with care, dignity and fairness in any country to which they are exported. We have made a couple of changes to the amendment as tabled on Committee Stage to incorporate feedback we received. We have allowed the Minister discretion in circumstances where information on a particular country is not available. We have allowed for a public consultation such that if information on relevant countries comes in through an open submission process those data can be used and the research burden is taken off the Minister and the Department. We are trying to make this amendment even more workable and I hope the Minister of State can see that and factor it into his considerations.

I know that the Minister of State will point out that under Articles 34 and 35 of the EU treaties, trade is an exclusive EU competence and member states have no latitude to unilaterally restrict trade, while advice from the Attorney General means that the Minister of State cannot accept this amendment. However, as I stated on Committee Stage, neither the Attorney General nor any other national level legal official can definitively say this amendment is incompatible with EU law as the only body with the authority to make a definitive judgment in that regard is the European Court of Justice. In the absence of a ruling from that body, we make the argument that Article 36 of the treaty specifically provides that exemptions may be sought on the basis of public policy in order to protect the lives and welfare of animals. What we are proposing is explicitly allowed under Article 36. The only barrier to the Minister of State accepting this amendment is political, not legal. All he would have to do is decide that this is a legislative move on which he was willing to expend political capital on and allow Ireland to lead the way on animal welfare on the European and international stage. That is a decision that he can make

here today.

Amendment No. 37 would collate and standardise the data that are already available and give the Minister a role in monitoring export of greyhounds. It would allow for the publication of an annual report from the Minister and his Department to an appropriate Oireachtas committee regarding the number of greyhounds exported in a year, where they are going and how they are treated on arrival. On Committee Stage we tabled a similar amendment and in response the Minister of State claimed that the information being requested cannot be retrieved. After carrying out subsequent research, I do not share his view. He has stated the trade control and expert system, TRACES, cannot be used to differentiate greyhounds and other canines, but I am reliably informed that a simple technical change to the system is all that would be required and that such change is likely to be easily made at the request of an Irish Minister. I understand data are also gathered by the Greyhound Board of Great Britain for UK exports, which would provide data for that large trading partner. The Irish Coursing Club holds data relating to microchipping, the Department of Rural and Community Development holds data relating to dog control and the Department of Agriculture, Food and the Marine collects data as a Department vet is required to sign off on the export of a greyhound through the pet passport system. In addition, information will be available under section 28 of the Bill which sets out exhaustive regulatory subsections on the tracing of greyhounds.

With all these data sources and the new traceability section of this Bill, it is simply not plausible that it would not be possible for the Minister of the day to produce a very straightforward annual report to an Oireachtas committee in this area. This amendment is much shorter than the one I tabled on Committee Stage. I am trying to make it easier for the Minister of State to accept it and really hope he will not let the Bill leave the Seanad without making at least small changes in this area. I have even tabled amendment No. 38 which drops the animal welfare research requirement and only requires a report to register export, country of destination and reason for export. This really is a basic ask and I hope the Minister of State can accept it.

**An Leas-Chathaoirleach:** I am sorry to interrupt. It is time to adjourn the debate.

**Senator Catherine Noone:** I propose an extension for 15 minutes. The Minister of State is very keen for this to-----

**An Leas-Chathaoirleach:** I appreciate that. If the Deputy Leader is agreeable we could get this finished in a few minutes.

**Senator Catherine Noone:** If the House is agreeable, I propose that we try to get the Bill through. The Minister of State is very anxious to get it through and for the sake of 15 minutes-----

**An Leas-Chathaoirleach:** Is the House agreeable to sitting for a further quarter of an hour? The Deputy Leader has proposed it. She has not proposed a time.

**Senator Catherine Noone:** I propose sitting for a further 20 minutes.

**An Leas-Chathaoirleach:** It is proposed to sit until 3.20 p.m. Is that agreed? Agreed.

**Senator Alice-Mary Higgins:** I urge an approach which will facilitate us in moving quickly. My colleague has put forward three versions of this amendment. She has listened with great care and given clear arguments in respect of all of them. We would love Ireland to take the lead

by passing amendment No. 36 which would be a mark of leadership on the part of this country. The Senator has shown that amendment No. 37 is feasible. Amendment No. 38 is so reasonable that it is perhaps reasonable in excess. It simply requires the monitoring of exports in the basic sense. Even the animal welfare monitoring provisions which are of great concern to all of us have been removed. I urge the Minister of State to accept one of these amendments and recognise that they are three very valid approaches and attempts to engage with his concerns and the issues he has raised throughout this debate. It is important to take some step. There must be some requirement for reporting on the export of greyhounds in a Bill that purports to regulate this industry.

**Deputy Andrew Doyle:** I thank the Senators. I appreciate that this is a sincerely held concern on the part of most Senators in this House. I have been charged with minding animals since the day I was born and I am as acutely aware of animal welfare as anybody else here. To be honest, the only accurate data available are based on the Irish greyhounds registered with the database of the Greyhound Board of Great Britain, GBGB, which indicates that 86% of greyhounds registered with the GBGB to date in 2018 were Irish-bred. Bord na gCon informs me that this equates to approximately 7,000 greyhounds annually. The other information concerns retired greyhounds that are rehomed in Ireland, the USA, Canada, France, Italy, the Czech Republic, Belgium, Holland, Sweden and Slovenia. As I stated in the last debate, 853 greyhounds were rehomed by the Irish Retired Greyhound Trust and other charities between January and October this year. A further 58 greyhounds are on the current rehoming list, to be rehomed by the end of 2018. Approximately a quarter of those are rehomed by the Irish Retired Greyhound Trust here in Ireland, with Italy being the biggest rehoming destination, accounting for 30% of the total.

Regarding the proposal in amendment No. 36 for a “white list”, I note that any legislation banning the exports of greyhounds to certain countries would face very significant legal difficulties. Placing restrictions on trade with a third country would no doubt need the approval of the EU. The advice from the Office of the Attorney General regarding Deputy Broughan’s Private Members’ Bill is that it is incompatible with domestic and European law. Given what I have said regarding the UK’s position as the principal export destination for greyhounds, the proposed restriction on exports would be impossible to enforce. I am not saying this figuratively. Officers of my Department would have no power to compel a UK purchaser to release details of any onward sale. If the Department tried to police a restriction on greyhounds that are sent abroad being subsequently sent to another country, it would only create a burden of bureaucracy for responsible greyhound exporters and owners. We would fail to stop an unscrupulous exporter who had exported to a country with a problematic welfare record. Such an exporter could refuse to give details of such a sale and as the UK or any other country is outside our jurisdiction we would have no power to either compel it to comply or punish it. Similarly, it would be impossible to prove in a court that an Irish exporter sold a greyhound knowing it would be sold to a country not on the white list. It is for these reasons that our legal advice is that this is unworkable and, therefore, should not be put in legislation.

The Welfare of Greyhounds Act 2011 obliges Bord na gCon to publish a code of practice for the welfare of greyhounds. The primary objective of the code is to set standards and clearly define what is expected of all individuals engaged in the care and management of registered greyhounds. Currently, the code gives guidance on a range of areas, including general welfare principles, animal husbandry, animal health and use of animal remedies. Bord na gCon proposes to expand the existing code to include provisions for best practice when exporting grey-

hounds. This will include information and guidance on preparation for export, transportation arrangements and advising the exporter on the need to research the proposed export destination to establish the prevailing animal welfare code and legislation. Bord na gCon encourages and promotes the export of greyhounds to countries that have established a positive animal welfare code and practices.

Based on the information I have provided on amendment No. 36, the Senators should appreciate the great difficulties the production of an annual report on the export of greyhounds would present. It is not currently possible to retrieve the information being requested by the Senator and, therefore, it is not possible for any Minister to stand over an annual report which could be presented to a joint Oireachtas committee setting out the details in the Senators' amendments. TRACES which is used to record the export of canines does not differentiate between greyhounds and other dogs. Breed is not a category used in TRACES for categorising animals within the same species. This applies to all species, not just dogs. As such, it is not possible to report on greyhounds exported to other countries. For the reasons stated, amendments Nos. 36 to 38, inclusive, cannot be accepted.

**An Leas-Chathaoirleach:** Does Senator Ruane wish to respond briefly?

**Senator Lynn Ruane:** I covered everything in my contribution. I disagree with many parts of the Minister of State's contribution.

Amendment put:

The Seanad divided: Tá, 11; Níl, 19.	
Tá	Níl
Bacik, Ivana.	Burke, Colm.
Black, Frances.	Burke, Paddy.
Conway-Walsh, Rose.	Buttimer, Jerry.
Devine, Máire.	Byrne, Maria.
Gavan, Paul.	Coffey, Paudie.
Higgins, Alice-Mary.	Conway, Martin.
Humphreys, Kevin.	Daly, Paul.
Ó Domhnaill, Brian.	Feighan, Frank.
Ó Donnghaile, Niall.	Horkan, Gerry.
Ruane, Lynn.	Lawlor, Anthony.
Warfield, Fintan.	Lombard, Tim.
	McFadden, Gabrielle.
	Mulherin, Michelle.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Mahony, John.
	O'Reilly, Joe.
	Reilly, James.
	Richmond, Neale.

20 December 2018

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

Amendment declared lost.

**An Leas-Chathaoirleach:** As the time has expired, I must call on the Leader to adjourn the debate.

Debate adjourned.

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

**Senator Jerry Buttimer:** It is proposed to meet at 4.15 p.m. on Monday, 21 January 2019 for the joint sitting of the Houses of the Oireachtas in the Mansion House to commemorate the first meeting of the First Dáil. At the conclusion of the joint sitting, the House will adjourn until 2.30 p.m. on Tuesday, 22 January 2019.

**An Leas-Chathaoirleach:** Is that agreed? Agreed. I thank Senators and wish them a happy Christmas.

The Seanad adjourned at 3.20 p.m. until 4.30 p.m. on Monday, 21 January 2019.