



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 6 Márta 2019

Wednesday, 6 March 2019

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

*Machnamh agus Paidir.
Reflection and Prayer.*

Gnó an tSeanaid - Business of Seanad

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

The need for the Minister for Communications, Climate Action and Environment to provide an update on the introduction of legislation to support a reduction in the broadcasting levy on independent radio stations.

I have also received notice from Senator Paul Gavan of the following matter:

The need for the Minister for Foreign Affairs and Trade to make a statement on the continuing EU support for the Libyan coastguard.

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

The need for the Minister for Health to outline the steps being taken to bring the ambulance service dispute to a speedy resolution.

The matters raised by the Senators are suitable for discussion and will be taken now.

Nithe i dtosach suíonna - Commencement Matters

Radio Broadcasting

Senator Colm Burke: Community and local radio stations play an important role in this country by providing information, giving local news and dealing with issues as they arise in the community. They give opportunities to people to express views and while Members may not agree with them, there is freedom of expression in this country. It is important that there should

be a fair and balanced approach to how local radio stations are funded and to the levies imposed on them. There is a need to ensure they continue to provide a service and that radio stations are not on such tight budgets that they do not have the opportunity to do research on issues in their own areas or come forward with positive ways of progressing the issues that arise.

A report of the Joint Committee on Communications, Climate Action and Environment in November 2017, concerning the future funding of public service broadcasting, was debated in the Dáil on 29 March 2018. I need some clarification as to how the Government sees this matter progressing and how it proposes to deal with the issue independent broadcasters have raised.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee): I was asked by the Minister for Communications, Climate Action and Environment, Deputy Richard Bruton, to address the House to clarify the current position regarding the proposed amendments to the broadcasting levy.

I thank the Senator for raising this matter. It is understood throughout this House that local and national radio contribute an enormous amount to our society, not only by creating jobs and supporting businesses but by being an invaluable cog in the wheel of our democracy. My own local radio station, Louth Meath Radio or LMFm, is listened to and enjoyed by thousands of people every day, provides an invaluable service and holds us accountable. We have all had lively debates on our local radio stations and they are part of the democratic system.

The Government recognises that independent journalism, pursuing truth in the public interest, is an essential component of democratic accountability and any threat to the viability of the independent radio sector, where many prominent journalists are located or began their careers, has the potential to cause serious damage to our democratic processes. Commercial radio revenues have significantly declined in recent years and the Government notes that the ability of independent radio broadcasters to invest in uniquely Irish content is dependent on their ability to generate sustainable revenue in an environment where online social media and search engine platforms are taking a larger percentage of such revenue.

Regarding the broadcasting levy, it is the Government's intention to allocate funding to the Broadcasting Authority of Ireland, BAI, from television licence receipts. The current proposal is that this would provide up to a maximum of 50% of the annual cost of the BAI levy, in turn reducing the levy burden on broadcasters by up to 50%. It also proposes to give the BAI greater flexibility to grant exemptions, deferrals or reductions in the levy for individual broadcasters or classes of broadcaster. This cannot, however, take place until the broadcasting (amendment) Bill containing these amendments is enacted. While I appreciate that this Bill is highly anticipated by the independent broadcasting sector, as well as many in this House and elsewhere, due to the complex nature of matters contained in this Bill, it is also of the utmost importance that proper due diligence is done and that it is robust. It is for this reason that it is currently still in the advanced drafting stage with the Parliamentary Counsel. I would also like to take this opportunity to caution that the BAI will still be required to make a revised levy order after the enactment of this Bill and, as such, any reduction will not be immediate.

It is expected that the Bill will be finalised and published in quarter 2 of this year, at which point it will then be brought through the legislative process in these Houses. In addition, to support local and community radio the Bill contains proposed amendments to the provisions of section 154 to allow for the creation of a new funding scheme that provides for the granting of bursaries to journalists in local or community radio stations. Independent radio stations have

benefitted from the BAI sound and vision scheme. Funded from the licence fee, the scheme provided more than €494,000 to 77 different radio projects for broadcast on independent commercial stations in 2018.

I thank the Senators for the opportunity to discuss this issue. It is in the best interests of the State and our democracy that independent national and local radio is facilitated to invest and to continue to represent the interests of communities. That is why the Government has committed to the reduction of the current levy on independent broadcasters. The reduction in the levy will allow the independent broadcasting sector to continue its work informing the citizens of our nation, holding the institutions of State to account and creating a forum for healthy debate. Local radio, in particular, ensures that individuals and communities in isolated areas are catered for with tailored public service content. The onset of Storm Emma last year was an obvious example of when these stations came to the fore in providing local weather updates and keeping communities informed of road closures and service provision. The Department is engaging with the Parliamentary Counsel to ensure that the changes being made to the legislation are progressed and that the necessary assistance is provided to this vitally important sector.

Senator Colm Burke: I thank the Minister of State for a comprehensive reply. I hope this matter will be dealt with at an early date and that the issues which local and community radio stations have raised will be dealt with as soon as possible.

Deputy Helen McEntee: The Minister is very much aware of the urgency of this and we hope the legislation will be moved through the Houses and enacted as soon as possible.

EU Migration Crisis

Senator Paul Gavan: The EU's deal with Libya is "sentencing refugees to death". They are not my words, but those of Irish journalist, Sally Hayden, who has been reporting for al-Jazeera on the situation in Libya for several months now. The Minister and the Government are part of that deal. With the support of the EU, in February 2017 Italy and Libya signed a deal to stem the flow of migrants from north Africa to Italy. According to the deal, costing tens of millions of euro, Italy and the EU were to provide support for the Libyan coastguard while authorities in Tripoli would stop people from leaving its shores for Europe. The EU, presumably including Ireland, pays large sums to Libya to take care of the problems so that we do not have to see these people or worry about them. In turn, they are imprisoned, sold, tortured, raped, mutilated and killed. They are imprisoned in conditions where they speak of going days without food and drinking toilet water to survive. Some have stopped speaking. They have forgotten their families. According to witnesses, they sit crouched in a corner and wet themselves from trauma. It is estimated that 640 children are suffering in these conditions. In one centre, Triq al Sikka, infected detainees are locked with others in a dark room and have been repeatedly left without tuberculosis medication, in one case for more than a month. Last October, a 28-year-old Somali set himself on fire and burned to death after saying he saw no other way out.

On Monday of last week, Channel 4 News led with a story of horrific torture meted out to migrants who had been sold by smugglers to the Libyan coastguard. The film showed Eritreans being tortured, having hot molten plastic applied to their backs and having concrete blocks placed on their backs while they lay in chains on the floor, screaming in pain. The reason this is happening is the criminals that have taken these men and women hope to extort large sums from their families in Eritrea. Earlier this week, as many as 30 refugees and migrants in Libya,

including minors, are believed to have been brought to an underground cell and tortured for breaking out and holding a protest. An estimated 150 male detainees escaped on Tuesday from the main cell in Tripoli's Triq al Sikka detention centre where some have been held for more than a year.

Last month, more than 50 human rights organisations, including Oxfam and Médecins sans Frontières, wrote an open letter stating, "EU leaders have allowed themselves to become complicit in the tragedy unfolding before their eyes". I have a number of questions for the Minister of State. I appreciate that she will have a scripted response, but I ask her to address them. Is our Government making a financial contribution under permanent structured co-operation, PESCO, to the funding of this disgusting abuse of human rights? As a supporter of PESCO, does the Government accept any responsibility for this shameful EU deal? Have ships of the Irish Naval Service provided support to the discredited Libyan coast guard? Have Irish Naval Service ships handed migrants over to the Libyan coastguard? Will the Minister of State condemn this shameful EU deal and the ongoing funding of the totally discredited Libyan authorities? Will she call for an end to the EU's financial support for the Libyan coastguard? How many migrants trapped in these death camps has the Government offered asylum to? Will the Minister of State call for and take a lead on a policy of active placement of these migrants in the European Union and ensure that the death camps are closed? Finally, when will the Minister of State and her EU colleagues heed the call of humanitarian agencies such as Médecins sans Frontières for these refugees and migrants to be released and moved to safety?

Deputy Helen McEntee: I thank the Senator for raising what he has rightly described as a serious and important issue. We are all troubled by the persistent and ongoing human rights abominations taking place not only in Libya but in many other places as well. I have a script but I will answer the questions. Some of the answers are contained in my prepared response, but it is important to highlight a number of important issues. First and foremost, the instability at both national and regional level in Libya has meant that for many years the country has been a destination for migrants. It has become a major transit country. Adding to the complication for us and for the European Union as a whole is that no single government has had control over Libya since the fall of Colonel Gaddafi. Currently, there are a number of competing governments in Libya, none of which has control of more than one portion of the territory. It is the main point of embarkment for irregular migration along the central Mediterranean route from north Africa to Europe, with people smugglers exploiting the unstable situation to ply their trade for their own gains, as the Senator has identified. The precariousness of the humanitarian, economic and security situation complicates the EU's engagements with the Libyan authorities. This includes the issue of migration. The conditions in detention centres, as the Senator outlined, are appalling.

EU support for Libya is primarily provided through the EU emergency trust fund for Africa. Support to the Libyan coastguard is included in the €91.3 million programme of support to the integrated border and migration management programme. The programme provides training, including in human rights and in equipment, especially communications and rescue equipment, as well as the development of institutional capacity. The programme also aims to ensure that the Libyan authorities themselves comply with human rights standards in the search and rescue operations. Through the trust fund, country-level funding totalling €282 million has been approved for Libya to date. The EU is actively working to provide protection, assistance and alternatives to migrants, refugees, internally displaced people and host communities in different locations inside Libya, in particular inside detention centres, at disembarkation points and

in urban settings.

At the same time, the EU recognises that conditions in these detention centres are a matter of great concern and this informs the approach taken in designing programmes funded through the trust fund. Funded actions in detention centres run by the Libyan Department for Combating Illegal Migration have a twofold focus. These actions aim to improve conditions for detainees, which the Senator outlined, and to assist detainees with voluntary humanitarian repatriation to their countries of origin. Key partners are the International Organisation for Migration, IOM, with which we work closely, and the UN High Commissioner for Refugees, UNHCR. The trust fund supports the provision of emergency medical care and life-saving services to detained migrants. This includes psycho-social support. Support is provided for improving sanitary and hygiene conditions, including the provision of toilets, showers, storage facilities and distribution capacity for drinking water, sewerage systems and the distribution of essential non-food items to detainees.

While many inhumane actions are taking place, the funding we provide and much of the work we do through these organisations aims to ensure this money gets to the people that need it. The trust fund also supports the provision of human rights and protection training for detention centre personnel. These people are given a clear mandate to support and work with those who need their help. Regarding voluntary humanitarian repatriation, the trust fund works in close cooperation with the IOM in helping migrants both inside and outside detention centres to return to their countries of origin.

Regarding Ireland's position in all of this, we have committed to paying €15 million between 2016 and 2020. That increased from €3 million to 15 million last year. This supports initiatives across the Horn of Africa, the Sahel, the Lake Chad region and north Africa. To date, funding of more than €530 million has been approved through the north of Africa window, of which Libya accounts for approximately 53%.

Irish participation in Operation Sophia was approved in by the Government and by both Houses of the Oireachtas. The participation of *LE Niamh* in Operation Sophia between October and December 2017 represented the first involvement by the Naval Service in a multilateral security operation under a UN mandate. In February 2018, the Government approved a further Naval Service contribution to Operation Sophia. This involved a total of two naval vessels deployed consecutively from 15 April to 27 October 2018. In addition, a total of five members of the Defence Forces were deployed in the operation's headquarters during 2018 and to date in 2019. Operation Sophia is mandated to counter human trafficking and smuggling in the southern central Mediterranean by taking action against the criminal networks and disrupting the smugglers' business model, which the Senator has referred to. I must be clear in pointing out that at no point in these rescue missions or during the work undertaken under Operation Sophia have any of the migrants rescued by Naval Service vessels been returned to Libya. They are disembarked at an Italian port.

A number of articles outline the structure of PESCO and our connection with it. Article 42 of the treaty clearly outlines that it shall not affect the provisions of Article 43, which is the basis on which Operation Sophia is taking place. When we joined PESCO, we were clear in outlining our own mandate as a neutral country and, most important, where we wanted to focus our priorities. To date, we have taken part in two programmes under PESCO. One concerns maritime surveillance and the other is a training mission competence centre in Mali where we have 20 troops. Our involvement in PESCO is separate to, and independent of, Operation So-

phia.

11 o'clock

However, as outlined, none of the migrants who have been rescued and taken on board the Naval Service vessels has been returned to Libya. They have been returned to the Italian coastguard. We are working with the International Organization for Migration and the UNCHR and co-operating with the High Representative, Ms Federica Mogherini. The purpose of all of the funding we are providing is to ensure that those who are most in need of support receive it. I acknowledge that there is still a great deal of work to do and that serious human rights violations are taking place. All we can do is to continue working with these organisations and those on the ground, as well as with journalists who are giving us this information. I greatly respect the work of the journalists on the ground in ensuring these difficult cases are highlighted. However, we must ensure we provide financial support and assistance and do everything we can to support the people who need it.

Senator Paul Gavan: I thank the Minister of State for her response. I welcome her confirmation that our naval forces are not handing people over to the heinous regime in Libya. I heard first-hand testimony from Sea-Watch in the Council of Europe about just how appalling the Libyan coastguard is. However, the fundamental problem remains. We are funding organisations such as the Libyan authorities and its coastguard, which are nothing less than gangsters carrying out the most horrendous of human rights abuses. The clear solution to the Libyan crisis, which is not simple, is to evacuate the camps and place the 6,000 people who are in them. Done across 27 countries, that would only amount to 200 people per country. The Government should take a lead on this. To be honest, we have not done enough. I will conclude by quoting the words of Dr. Martin Luther King: “Our lives begin to end the day we become silent about things that matter.” This issue matters enormously and the Government has not yet called for an ending of funding to the Libyan coastguard. Surely, as a matter of urgency, our Government must do that.

Deputy Helen McEntee: As the Senator rightly said, this is an extremely complex issue. Libya needs a functioning coastguard to protect its coasts and rescue people in danger at sea. It is absolutely unacceptable that those who are supposed to be working with and supporting these migrants might not be doing so. I call on the Libyan coastguard and authorities to ensure they adhere to international law at all times and where there are violations of human rights that these are addressed. We must ensure that there is oversight of the detention centres. There is some oversight at present but it needs to be greatly expanded and significant improvements are required given the financial supports and assistance we are providing. All parties, including those with *de facto* control of the territory, also have responsibility to ensure we adhere to international laws at all times. We need to ensure they take responsibility for trying to eliminate the ill treatment of migrants at all times and to facilitate access by the United Nations and other humanitarian organisations to the detention centres in order that we can reach the people who need support. I assure the Senator again that we are doing everything to ensure the financial support we provide gets to the people who need it. Our naval vessels and missions are operating in the most humane manner. They are protecting and rescuing people at sea, not returning them to the Libyan coastguard.

Ireland has always opted in when it comes to taking in migrants. We have not been mandated to do so but where there have been issues with particular vessels not being allowed to dock or migrants not being allowed to disembark, we have taken in many of the migrants af-

fect. We have always worked with other member states and will continue to do so, whether it is specifically with navy vessels or otherwise.

Ambulance Service Provision

Senator Robbie Gallagher: I welcome the Minister of State and thank him for taking time out of his busy schedule to be here. We all know and appreciate the great work the ambulance service does on behalf of all of us, sometimes in very trying and difficult circumstances. It is disappointing that 500 ambulance service personnel who belong to the National Ambulance Service Representative Association, NASRA, branch of the Psychiatric Nurses Association, PNA, are currently in industrial dispute with the Health Service Executive, HSE. Last week saw two days of strike action where the stations were picketed. The trade union is looking for something quite simple, on the face of it. All it seeks is the right for workers to join a union of their choice, rather than have one imposed upon them by the HSE. The HSE's position is difficult to understand as it has recognised the Psychiatric Nurses Association as a licensed trade union since 2010. However, it has now decided no longer to do so. This is one of the reasons for the dispute. Mr. Peter Hughes of the PNA has written to the Minister for Health, Deputy Harris, asking him to personally intervene. The PNA has been in contact with the HSE on a number of occasions but the HSE has refused to engage with the Workplace Relations Commission. I wait to hear from the Minister of State whether the Minister will personally intervene in this case so that the dispute can be resolved. It does not appear to be a serious dispute which would be difficult to resolve. I implore the Minister to intervene.

The other issue relates to ambulance personnel on duty, particularly in the north-east region. Last week, for example, in the nine ambulance stations across the north east, 22 staff were rostered for duty. Unfortunately, only 12 staff, in most cases on a single basis, were rostered on. That meant that in Castleblayney, for example, where there should have been two staff on duty for an ambulance, only one was rostered. One person alone cannot take out an ambulance with the exception of cases of cardiac arrest. However, for all other call-outs, they cannot move alone. This is a serious problem. People in County Monaghan have experienced cases where ambulance response times had devastating consequences for the families involved. People fear that the chronic shortage of ambulance personnel means that a serious accident would see such a delay that it would have serious consequences for those involved. Part of the problem is the introduction of a new system of rostering by the HSE. The six new staff members that were promised to fill the gaps have not materialised and this has caused great angst among the general public. When the hospital was removed off call, County Monaghan was promised a top class ambulance service as a means of replacing the lost services. Unfortunately that has not proved to be the case. Based on the statistics I read this morning, Monaghan has a serious problem with ambulance cover. I hope the Minister of State will give some solace to the people of Monaghan and the north east generally that this problem will be alleviated sooner rather than later.

Minister of State at the Department of Health (Deputy Jim Daly): I thank Senator Gallagher for the opportunity to address this matter today. Industrial action was taken last Thursday, 28 February, and Friday, 1 March, between 7 a.m. and 5 p.m. by a branch of the Psychiatric Nurses Association called the National Ambulance Service Representative Association, NASRA. The HSE has not been advised of any further days of action.

By way of background, NASRA represents approximately 350 front-line ambulance per-

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sonnel out of a total National Ambulance Service workforce of 1,800. I understand that most are mainly based in Cork, the south east and Tullamore. The HSE and the National Ambulance Service have confirmed that robust contingency planning was again in place last week to ensure there was no risk to the health and safety of health service users despite this escalation in action. This escalation by the union to two consecutive days of industrial dispute was an increased challenge. The HSE has confirmed that full emergency cover was provided during the action. This means that all emergency calls were responded to. The Department of Defence made crewed ambulances available and a number of these were deployed. National Ambulance Service management closely monitored service demand and delivery on the days of the industrial action. The service has confirmed that there was no negative impact on the ability of the service to provide patient care and service delivery.

It is important to restate the factual position in respect of this dispute. NASRA, which is affiliated with the PNA, is a group which is not recognised by the HSE and which, therefore, does not have negotiating rights. In addition, the PNA does not have negotiating rights for ambulance personnel. The legal position is very clear. The HSE and the National Ambulance Service have no obligation to recognise NASRA or the PNA in the context of ambulance personnel. The PNA, which is not affiliated to ICTU, does have negotiating rights for nurses working in psychiatry and intellectual disability sectors. The main union that is recognised by the HSE for ambulance front-line grades is SIPTU. Fórsa and Unite also represent ambulance grades. The HSE deducts subscriptions at source for those ambulance staff who are members of SIPTU, Fórsa and Unite. This is consistent with the fact that these are the unions that are recognised as representing ambulance grades. The HSE does not carry out deductions for subscriptions to NASRA because it is not recognised.

It should be noted that facilitating deductions at source is not a legal right; rather, it is a concession granted to recognised unions. Of course, individuals have a right to membership of any trade union. They do not, however, have a right that such membership is facilitated or recognised by their employer. The Minister stated in the Dáil on 13 February that he would ask his officials to engage with HSE management to explore ways forward and to see if a resolution to this dispute can be progressed. These discussions are still ongoing. Any recognition of the PNA in respect of ambulance personnel could have a serious and detrimental effect on the current state of industrial relations in the health sector. This is a complicated situation which must be managed very delicately.

Senator Robbie Gallagher: I thank the Minister of State for his reply. I note the comment to the effect that “The Minister stated in the Dáil on 13 February that he would ask his officials to engage.” I understand that this has not happened yet. Perhaps the Minister of State might chase that up for me today in order to ensure that it does happen.

The other issue is ambulance cover in the north east generally and the lack of manpower there. I would be grateful if the Minister of State could perhaps assist in organising a meeting with the ambulance personnel responsible for that area in order that we might give some comfort to the people of the north east, particularly County Monaghan, that there is adequate and sufficient ambulance cover there to cater for all needs and eventualities.

Deputy Jim Daly: I will be happy to pass on both of the Senator’s requests to the Minister.

Sitting suspended at 11.15 a.m. and resumed at 11.30 a.m.

An tOrd Gnó - Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, statements on the diaspora, to be taken at 12.45 p.m. and to conclude at 2.15 p.m., with the contributions of group spokespersons not to exceed eight minutes each and those of all other Senators not to exceed five minutes each, time can be shared, and the Minister to be given not less than six minutes to reply to the debate; No. 2, statements on Traveller accommodation, to be taken at 2.15 p.m. and to conclude at 3.45 p.m., with the contributions of group spokespersons not to exceed eight minutes each and those of all other Senators not to exceed five minutes each, time can be shared, and the Minister to be given not less than eight minutes to reply to the debate; No. 3, European Parliament Elections (Amendment) Bill 2019 - all Stages, to be taken at 3.45 p.m. and to adjourn at 5.45 p.m., with the contributions of group spokespersons not to exceed seven minutes at Second Stage and those of all other Senators not to exceed five minutes, and the Minister to be given not less than six minutes to reply, and Committee and Remaining Stages to be taken immediately after, this item of business to be resumed at 7.45 p.m. if not previously concluded; and No. 4, Private Members' business, Registration of Wills Bill 2016 - Committee Stage, to be taken at 5.45 p.m., with the time allocated to this debate not to exceed two hours.

With the Cathaoirleach's indulgence, I welcome to the Gallery the students and teachers of Divine Word national school, Marley Grange. The students are here as part of their student council and are very welcome.

An Cathaoirleach: Cuirim fáilte roimh na daltaí.

Senator Terry Leyden: We agree to Nos. 1 to 3, inclusive. With regard to No. 4, the Registration of Wills Bill 2016, a Private Members' Bill in the names of myself, Senator Ardagh and Senator Clifford-Lee, I propose an amendment to the Order of Business to the effect that Committee and Remaining Stages of this Bill be taken. This Bill has gone through the Seanad on a number of occasions, starting 14 years ago. It has gone through Committee Stage and been finalised but unfortunately, on many occasions, the Dáil was dissolved before the Bill came before it. It is important legislation. It is most significant because the Law Society is not overly enthusiastic about. The society is, to its mind, protecting the interests of its members in this regard. I would totally disagree with the society. It is not representing its members because those members of the Law Society whom I know in County Roscommon are very supportive of the Bill. The late Brian Lenihan Jnr was of tremendous assistance to me in initially drafting this Bill. He helped in every possible way in guiding it through the Seanad before. He was an eminent senior counsel and could see the merits of the Bill. There are no amendments on Committee Stage - we will go into this later on - because it was amended so often in 2005 and 2011. In the circumstances, I appeal to all Members of this House to allow this Bill to pass through the House and on to the Dáil. I would be delighted if the Government would adopt the Bill.

One can register one's dog, one's sheep and one's cattle, but there is no registration available for the most important and significant document people make, which is a will. In a sophisticated society, such as ours which registers land, deaths, births and marriages with our tremendous Civil Service, there is resistance to this for some unknown reason. On that point, there are only two countries in the European Union and Council of Europe which have not implemented such registration. They are Malta and Ireland. They are the only two countries out of the 47 members of the Council of Europe and the 28 members of the EU. It is extraordinary that we have been so slow in this particular regard.

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The Leader has already requested an amendment in respect of No. 3. The Order Paper said that Second Stage would be taken but the Leader said that it would be all Stages. The Leader is proposing an amendment to the Order of Business himself.

Senator Jerry Buttimer: I am not. I am proposing the Order of Business. I am not proposing any amendment to it.

Senator Terry Leyden: I am outlining what is on the Order Paper.

Senator Jerry Buttimer: Senator Leyden said that I am proposing an amendment to the Order of Business. I am not.

Senator Terry Leyden: I am sorry.

Senator Jerry Buttimer: I am proposing the Order of Business.

Senator Terry Leyden: The Order Paper said that Second Stage of No. 3, the European Parliament Elections (Amendment) Bill 2019, would be taken. The Leader said that we will take all Stages. I am proposing the same for No. 4. I also want to take all Stages.

An Cathaoirleach: The Senator has made his point.

Senator Terry Leyden: I beg the Cathaoirleach's indulgence; I have one other point.

An Cathaoirleach: The Senator is well over the limit.

Senator Terry Leyden: I beg the Cathaoirleach's indulgence in this regard.

An Cathaoirleach: I have been very indulgent as it is.

Senator Terry Leyden: This is a significant point on the history of County Roscommon. Mr. Liam Gilmartin died on 2 March. I offer our sympathies to his family. He was from Ballymurray, Knockcrokery, and was the last remaining member of the last Roscommon football team to win an All-Ireland title in 1944. He won All-Ireland medals in 1943 and 1944, 74 years ago. All that team which brought great honour to County Roscommon has died. It is significant that I am one of the longest serving Oireachtas Members from Roscommon. I visited Mr. Gilmartin's home in Dalkey yesterday to pay my respects and express my sympathies to his family. It marks the passing of a great Rossy. The team was captained by Jimmy Murray and included two others who later became Members of the Oireachtas, former Deputy Hugh Gibbons and former Senator Jack McQuillan. May Mr. Gilmartin rest in peace.

An Cathaoirleach: I was afraid Senator Leyden was going to do a Mícheál Ó Muircheartaigh and name the whole team for us.

Senator Victor Boyhan: I second Senator Leyden's proposal to amend the Order of Business. I acknowledge the enormous amount of work he has done and he will have my full support with this work. He has stuck at this for a long time and I am happy to second his proposal to amend today's Order of Business.

I discussed the Rebuilding Ireland home loan scheme with the Leader yesterday and tried to impress on him the importance of the Minister for Housing, Planning and Local Government coming to this House as soon as practicable because this is an important scheme. We have again heard in the media today of people who are barely over the threshold. These people are

up early in the morning to do a day's work and want to take this opportunity to avail of the loan scheme to purchase a house. That is an admirable thing for anyone to do. It should be encouraged and supported. I have just come from a committee meeting and I spoke to the Minister on the fringes of that meeting. We should ask the Minister, if at all possible and if it fits in with his timetable, to come to the House.

The Minister said this morning that he is anxious to get the Residential Tenancies (Amendment) (No. 2) Bill 2018 through both Houses of the Oireachtas. I attempted to impress on him that it is open to any Minister to initiate legislation in this House. It has not happened very often this term but it is open to the Minister. I ask the Leader to engage with the Department of Housing, Planning and Local Government to find out and track when we can expect the Residential Tenancies (Amendment) (No. 2) Bill 2018 to come through either House of the Oireachtas because it is important.

I would also like the Leader to come back as early possible, perhaps in the next week, to outline the possibility of bringing the Judicial Council Bill to Seanad Éireann. It is important legislation and many Members are keen for it to progress. I see no reason it should not. We have time on our hands and this is a legislative House. It is our function and job to scrutinise legislation so let us take the Judicial Council Bill in both hands, give it a good airing, debate it and see how it can be progressed.

Senator Rose Conway-Walsh: I commend the work of Kathy Wolff from the community relations forum in Newtownabbey. She visited Leinster House yesterday with Mr. Brian Lennon and the women from Ballymun to engage in a dialogue for diversity. The community relations forum promotes good working relationships by encouraging honest and open dialogue to enable people to have a better understanding of respect for each other's views. We all have much to learn from the manner in which these women work together. Their Looking Back: Moving Forward project is particularly interesting. They outline stories from the Easter Rising, the First and Second World Wars and their personal and differing experiences in the most recent conflict. The Ligoniel, Wolfhill women's group piece on the suffragette movement gives prominence to Mayo woman Dr. Kathleen Lynn who went on to establish St. Ultan's Hospital. I wish the community relations forum well in its future endeavours and look forward to working with it in the future. It is important that groups like that come to Leinster House so we hear what they have to say about their experiences. I look forward to more such groups visiting Leinster House in the future.

I raise the issue of pyrite and mica. This week the High Court has ordered Roadstone to permit inspections in some of its quarries. Hundreds of homes in Mayo and thousands of homes in Donegal and other counties have waited far too long for a redress scheme to be put in place. I am asking today that the Minister for Housing, Planning and Local Government puts his proposal for the redress scheme and gets approval from Cabinet so that the work can start on these houses which continue to crumble. The failure of the State to regulate to protect these homeowners by the implementation of regulations is scandalous. Can the Leader request the Minister of State, Deputy English, or the Minister, Deputy Eoghan Murphy, to come before this House to resolve this issue once and for all? We have had input from the expert working group and all the inspections and all that. We really need the redress scheme to be put in place. To add insult to injury, many of these homeowners are being asked to pay property tax. Others have had their mortgages taken over by vulture funds and are in a precarious and insecure situation. The only thing that will fix it is to have a proper redress scheme in place.

Senator Ivana Bacik: I support Senator Boyhan's comments about the Judicial Council Bill. I agree with him that it would be good to see that Bill come to the Seanad. There is no reason it should not. There is plenty of space on the schedule in the coming weeks. Next week will not be suitable because we will have the Brexit legislation. This week's schedule has been dominated by statements on different issues and it would be timely for us to have the Judicial Council Bill in as soon as possible after the Brexit Bill and the recess.

Interruptions.

Senator Ivana Bacik: I will disregard the comments that have been made.

More pertinently for the week that is in it, given that International Women's Day is this Friday and its theme is balance for better, can I ask the Leader to ascertain when the Government is likely to publish its Bill on gender pay gap reporting? My colleagues are aware that the Labour Party Bill on gender pay gap reporting passed this House last November without opposition from anyone and passed Second Stage in the Dáil at the end of November, yet the Government still has not moved beyond simply the heads and scheme of a Bill, published last year, and on which the Joint Committee on Justice and Equality has finished its pre-legislative scrutiny. The report from the committee points out the immense delay in bringing forward legislation on mandatory reporting about gender pay gap figures. Given it is almost International Women's Day, given how important this issue is and that legislation has been brought into force in our neighbouring jurisdiction and many other European and international jurisdictions, it is important that action is taken by the Government. It is a pity the Government did not do it last year when we were celebrating the centenary of women's suffrage but it would be dreadful to see the legislation delayed any further. I ask the Leader to make inquiries and that we have a debate in due course on how best to implement legislation on the gender pay gap. The quickest and most effective way would have been for the Government to have simply amended and adopted the Labour Party Bill as it had indicated it would when the Bill first came into the Seanad.

I also ask the Leader for an indication as to when the Government's amendments on parental leave will be ready. The Labour Party had time on the Parental Leave (Amendment) Bill 2017 on Committee Stage but is still has to go through Report Stage in this House. This is a matter of significance particularly to many women who are seeking to balance parenting and workplace responsibilities. It is also significant to men. Parental leave is, clearly, gender neutral. It is an important part of a whole package of measures which are necessary to ensure greater equality and diversity in the workplace. I ask the Leader to make urgent inquiries as to when the Parental Leave (Amendment) Bill will be back before this House with the Government amendments ready and to take Report Stage in Government time because that would be appropriate.

I thank the representatives from Trócaire, Concern and Goal who gave an update to the Joint Committee on Foreign Affairs and Trade, and Defence yesterday on the current situation in Syria ahead of an important conference on Syria which will be held in Brussels next week and at which Ireland will be represented. The committee heard urgent appeals for sustained commitment to multi-annual funding for humanitarian workers and the need to protect front-line humanitarian workers who are facing immense danger while working in various regions of Syria which are still conflict regions. The committee also heard about the need to secure the safe return of refugees to Syria and to ensure lasting peace there. I ask colleagues to join me in thanking the many front-line workers doing important work supporting the many civilians displaced as refugees during the Syrian conflict.

Senator Anthony Lawlor: I propose an amendment to the Order of Business. I ask the Leader to accept the Civil Liability (Capping of General Damages) Bill 2019, which I wish to introduce on First Stage this afternoon. I propose we take that before No. 1 on the Order of Business.

An Cathaoirleach: The Senator has proposed an amendment to the Order of Business: “That No. 19 be taken before No. 1.” I call Senator Wilson.

Senator Diarmuid Wilson: I join with Senators Boyhan and Bacik in calling on the Leader to bring the Judicial Council Bill into this House at an early date. It is important legislation that could move swiftly through this House because it seems to have all-party support.

I second Senator Lawlor’s amendment to the Order of Business. My main reason, however, for speaking is to acknowledge the 30th anniversary of the Youthreach training programme. It is a programme with which the Cathaoirleach is very familiar. It was launched by the then Minister for Labour, Bertie Ahern, and the then Minister for Education and Science, Mary O’Rourke, in 1988. The first pilot centres were established around the country 30 years ago this month.

I am glad that one of those pilot centres was in my county of Cavan and it happened that I was the first co-ordinator. Youthreach training centres have gone from strength to strength in those 30 years. There are now more than 130 centres in the Twenty-six Counties. More than 10,000 young people have benefitted from the education and training provided in those centres in the last three decades. I take this opportunity to congratulate all of the centres, including the initial 20 centres that are now 30 years old, as well as all of the other centres. They are doing marvellous work every day for our young people. I pay particular tribute to Ms Sabrina McEntee. She is the co-ordinator of the Cavan Youthreach centre which will celebrate 30 years of existence next Thursday. I congratulate Ms McEntee, all her staff, past and present, and their colleagues around the country.

An Cathaoirleach: Senator Wilson is still going strong 30 years later. I call Senator Humphreys.

Senator Kevin Humphreys: I commend Senator Wilson on the work done by Youthreach. I had the pleasure of chairing several Youthreach projects in Dublin and seeing the work carried out across the country. It has made a significant difference to young people in allowing them to access a career. I commend Senator Wilson on his pilot which has worked extremely well all around the country. I thank Senator Wilson for raising that issue today. I move on to the equally important matter of housing, which is increasingly becoming an issue for many different sectors of our society. The Minister of State, Deputy Jim Daly, recently launched his discussion document on downsizing, or rightsizing as I call it. This issue comes back to spin. Many people, especially in Dublin, wish to rightsize. They wish to move from larger properties, such as a three or four-bedroom family home, into more suitable smaller residential units. Older people, such as myself, are seeking to move back into a one or two-bed residence. There are no bridging loans available, however. A person wishing to rightsize has no access to a financial package allowing him or her to do that.

I spoke on this issue here briefly previously. It has been highlighted in the *Irish Independent* today in respect of the trend to build to rent. There is less and less accommodation available for people who want to rightsize. In quarter 3 of 2018, 80% of all apartments that came to the

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market were bought by investment funds for build to rent. Older and younger people have no access to the property ladder. That is a direct result of the policy of this Government. In 2018, €1 billion went into the build to rent sector. Many of the residential investment companies in Dublin are stating that there is €5 billion available in 2019 for the build to rent sector. Practically 100% of all the apartments that are going to be built in the Dublin area are build to rent. There is no access, therefore, for a young couple to get on the property ladder and purchase accommodation. An older person trying to rightsize also has no chance to purchase. These real estate investment trusts, REITs, have preferential tax advantages. They only pay 20% tax on their income. A wider debate is needed on issue. I ask the Leader to facilitate that debate as soon as possible.

Senator Gerry Horkan: I thank the Leader for scheduling an interesting and useful debate last night on the benefits and future of the European Union. It is a pity more speakers did not take part. I thank the Minister of State, Deputy McEntee, for being here.

I also support the comments of Senators Boyhan, Bacik, Wilson, and others, regarding the Judicial Council Bill 2017. The point I was making to Senator Bacik was that we have much experience here at this stage on that particular topic because of the Judicial Appointments Commission Bill 2017. Where better, therefore, to start that Bill than here?

I also want to query when the Parental Leave (Amendment) Bill 2017 will come back to the House. The Minister had said he would bring it back.

I also congratulate the Youthreach programme on its 30 years and Senator Wilson for all of his efforts in that regard.

I was going to talk about no smoking because it is Ash Wednesday but I will do that next week. I turn instead to the fact that we need a debate about the national planning system. I am not sure the way we do planning is working for people applying for or objecting to planning permission, or for interested parties generally. It is an antiquated system that has been built up over many years. Planning seems to be done more efficiently in other countries and for the benefit of everybody, much more so than here. I do not blame planners at all. They are often hamstrung by the rules and regulations in place. Local authorities and councillors also have a reserved function regarding development plans, which is correct. The development plan, however, is devised every six years and the planners are then bound by that, which is also correct. The process of applying and appealing, however, needs to be the subject of a debate. I am not just referring to critical infrastructure, such as the Apple data centre in Athenry, but on how we build, or do not build, generally. We have a crisis in residential supply in our major cities and throughout the country. We need to get building while also taking people's objections into account. I ask the Leader to schedule time for a debate with the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, to deal with this topic.

Senator Michelle Mulherin: I welcome the report recently published by the Western Development Commission, WDC. It analyses employment data in industry in the west region. As always, information from the commission, such as in this document, gives an independent perspective on how we are faring in job creation. We are all anxious to pursue that. The report contains much positive and revealing information. The west region is home to almost 46% of medical technology jobs in Ireland, while 53% of people working in the west region work in medical technology, chemicals and the agrifood industry.

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That is quite substantial. When we think of the west region, Galway stands out strongly as a major attraction for FDI but when one drills down on the figures, Mayo, which is a rural county, leads the way in medical-technology jobs and the percentage of people employed in industry there is higher than the national average. Equally, Sligo features and, therefore, there are many positives.

It is important that we analyse this data in light of the recent launch of the regional enterprise plan, which will bring us to 2020, and the need to identify how we will create more investment in jobs in the west region. One of the challenges identified by the chair, Mr. Gerard Kilcommins, at the launch was that we need to achieve more of a regional spread. We want FDI and industry. One of the key messages from a meeting I had with IDA Ireland on Monday last is that something we definitely offer in the west region is quality of life and a cheaper cost of living, which has to be attractive for young people who want to work and raise their families in the region. There is a job of work that needs to be done, not only for the west region but for all the regions where we are trying to shunt out growth from cities such as Galway, Limerick and Dublin, which we all know are under severe pressure in terms of infrastructure, schools, homes, etc., because of investment in their areas. We need to have a debate on how we take it to the next level. I welcome the job creation and that our unemployment rate is at an all-time low but we need to devise a tailor-made plan for specific regions as to how we get investment, which is choking the cities, out into rural areas. I ask for such a debate and that the Minister for Business, Enterprise and Innovation, Deputy Heather Humphreys, would come to the House so that we can all speak from our experiences in the different regions and make a difference in delivering jobs to these areas and keeping our young people in them.

Senator Máire Devine: First, I wish well Ms Joanne Hayes of the Kerry Babies case who is bringing the State to court following its actions in those awful days, particularly with reference to International Women's Day on Friday. I wish Ms Hayes the very best of luck. The women of Ireland, and the men, are behind her.

Two years ago, I brought up at the Joint Committee on Children and Youth Affairs the damning report on fostering services in the Dublin South-Central area. In that committee, we held a good six-month investigation involving foster carers of Ireland, HIQA, Tusla and the Garda. Everybody came in to present to the committee. A decent report was launched following that and the Minister, Deputy Zappone, promised to oversee its recommendations and implementation. Unfortunately, today, HIQA has again expressed grave concerns about Dublin South-Central. The area includes Lucan, Ballyfermot, Ringsend and Clondalkin, some of which are disadvantaged. HIQA's concern is that foster carers there have not been trained or informed adequately of their need to report child protection issues. HIQA again has condemned Tusla's education of foster carers in this area. I do not know how many times we must ask the Minister to come in but I again ask her to do so and to explain to Members what is going on in Dublin South-Central and at what risk we are putting children in need of foster care and in need of the care of the State. Repeatedly, it is just not happening.

Senator Keith Swanick: I also congratulate the Youthreach programme on its 30th anniversary and Ms Sabrina McEntee, who is the Cavan co-ordinator. I was glad that Ms McEntee was a member of my task force on loneliness. She played an important role in that regard.

Today, I would like to highlight the Life Saving Equipment Bill 2017 which I drafted. This

Bill passed Second Stage in this House in January 2018. It is vital legislation, which proposes to introduce specific penalties, including hefty fines and custodial sentences, for those who engage in this reckless, careless and thuggish behaviour of destroying lifebuoys and defibrillators around the country. I remind the House that this is not the same as defacing a park bench, pulling a bin off a pole or using graffiti. Destroying defibrillators and lifebuoys directly leads to unnecessary deaths and the penalties need to reflect this. We also need to bear in mind that many of these defibrillators are put in place through volunteerism in communities and they are not State funded. Volunteers in GAA clubs and community groups put defibrillators in place in their towns and at their GAA and soccer pitches and sports facilities. We heard last year of a young boy in Athlone who drowned sadly in the River Shannon. When his friends attempted to save him and went to the nearest lifebuoy station, there was no lifebuoy there. Recently, the Leader will be interested to hear, the *Cork Evening Echo* reported that 20 lifebuoys alone go missing every week in Cork city at a cost of €50 per lifebuoy. That is a significant financial burden, but what is the human burden associated with this? I would also like the Leader to know that Cork city missing persons search and rescue unit supports this legislation.

Finally, in advance of the second anniversary of the tragic loss of R116 which went down at Blackrock on 14 March, I pay tribute to our lost heroes - Paul Ormsby, Ciarán Smith, Dara Fitzpatrick, Mark Duffy. I look forward to the publication of the air accident investigation report, which I understand is imminent. This may give a certain amount of closure to the families and to all those affected, including the community, as a whole, in the Erris region, where the sense of volunteerism was unbelievable at that time. I have spoken about it previously.

Senator Jennifer Murnane O'Connor: I would like to raise the issue of the provision of public transport in circumstances where the nearest hospital is 40 minutes away because it is important, but also because last weekend unexpected heavy snowfall delayed traffic on a major route in Leinster and the first responders could not access collisions on the road due to the infrastructure and the snow. As usual, it is about infrastructure. Our infrastructure seems unfit for such occasions. In a recent survey, it was revealed that the residents in County Carlow must travel on average 40 km to their nearest emergency department, a car journey of approximately 37 minutes, because we do not have an adequate public transport system. While there are several rail lines and some bus offerings, by and large, these are at awkward times for anyone using them for outpatient appointments or visiting loved ones. They are in no way suitable for any kind of urgent travel. On the Internet, there are lift-sharing offerings and car-pooling. We need to promote all this, particularly as we are always trying to reduce Ireland's carbon footprint, allowing a situation where it is acceptable that everyone would try and work together. We need to help to ensure that the population is better provided for in terms of services such as housing, healthcare protection, retail services and amenities. We do not look at public transport in the light we need to. The same survey revealed that the best served county is Dublin, with residents travelling on average ten minutes or 5 km to their nearest emergency department. The residents of rural areas are being penalised for living in the countryside. I am not asking for a hospital on every corner. We have identified that the road to better healthcare in Ireland is the strengthening of primary care facilities locally. I am asking what can be done to help rural areas when there is an emergency or when something happens like this. I am calling on the Minister for Transport, Tourism and Sport to come in here because infrastructure will be so important in the future to ensure that the people in rural areas are not left behind.

Senator Rónán Mullen: I support Senator Leyden's amendment to the Order of Business. I have known the Senator for a long time and the Registration of Wills Bill 2016 is something he

has brought forward steadfastly. It is time we looked at this area and that we made the process of searching for wills easier. Most solicitors support a register. We need to debate whether it should be voluntary or compulsory and we need to hear from the stakeholders in this regard as well. I hope this can be progressed more than it has been to date.

Will the Leader invite the Tánaiste and Minister for Foreign Affairs and Trade to the House for a debate as soon as possible to discuss the announcement that the Irish policy on overseas aid is to change to allow funding of abortion services overseas? The Minister of State, Deputy Cannon, has responsibility for overseas development aid and for Irish Aid. However, this is such a significant policy change that we should hear from somebody at Cabinet level about it.

It does not follow from the fact that the eighth amendment was repealed, which allowed legislation for abortion, that public money should be used for funding abortion overseas. Abortion remains a deeply divisive issue in Irish society. Many people, including myself, regard it as a violation of human rights and do not believe it serves the good of mothers and certainly not that of their unborn children. I believe carrying out abortions, if right was right, should be something people go to jail for. Even if my point of view is not accepted by the Government at this time, it remains the fact that many of the people who voted for the repeal of the eighth amendment would not support this. Many of them are uncomfortable with abortion in the circumstances in which it has now been legislated for. Many people who voted “Yes” would have supported something more restrictive, and I think there is evidence of that. In any event, people should be able to agree that it is wrong to use the public purse to push something like this internationally when so many people’s consciences in this country - taxpayers’ consciences - are deeply troubled by this and would regard it as a perversion of human rights, not as human rights itself.

While it falls within the remit of the Government to advance policy without coming back to the Oireachtas for every detail, obviously the Government spend is subject to legislation in these Houses. This is an issue on which it should be accountable to both the Dáil and the Seanad in a much more considered way than for us to be reading about this major change and the claim that it is somehow consistent with Ireland’s new policy in the area. Simply because the law in Ireland now allows, and public money in Ireland provides for, abortion in certain cases, it is by no means conclusive that it follows from this that the Government should spend public money promoting abortion overseas, especially when it is such a divisive and troubling topic.

This deserves a debate in both Houses, although I can only ask for a debate in this House. I would be very grateful if the Tánaiste and Minister for Foreign Affairs and Trade would come in himself. Given he was known to be troubled by aspects of what the Government legislation entailed, it would be all the more appropriate that he would come in and give an account of his stewardship in this area.

Senator Robbie Gallagher: I would like to raise again the Rebuilding Ireland home loan scheme we discussed yesterday and the disappointment when we learned this scheme is now closed to new applicants. It is disappointing for young people who thought they were on the road to getting their first home to discover the scheme is closed. It highlights alarmingly the incompetence of this Government when it comes to dealing with the housing crisis. Surely the Leader will agree that someone should have had some oversight over this scheme.

Senator Jerry Buttimer: There is no end to this.

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Senator Robbie Gallagher: Surely someone should have been monitoring the drawdowns in regard to mortgage approvals but, apparently, no one did. All of a sudden, we discovered there was no money left in the kitty. It is simply not good enough in the midst of a housing crisis. It would not inspire people with confidence in this Government's ability to do something about the housing crisis.

Senator Jerry Buttimer: Go on, Robbie boy.

Senator Robbie Gallagher: The other issue we learned about in regard to this scheme concerns mortgage protection insurance. I have learned that the applicants who draw down their mortgage have no option but to go with the provider recommended by the Department. Surely people should be free to go where they get best value. People have told me they have shopped around and discovered that other providers are offering much cheaper rates. I ask the Leader to give us a commitment that the Government will reopen the scheme, will stay awake this time when they have it open, and will explore the current situation where people have no choice but to go with the one provider of mortgage insurance.

The Leader may laugh and snigger.

Senator Jerry Buttimer: I am laughing at the Senator. He has some neck - some cheek.

Senator Robbie Gallagher: The housing crisis in this country is very serious. The way this Government is handling it at the moment would not inspire the people of Ireland with much confidence.

An Cathaoirleach: While I rarely comment, I came back from London in 1981 and opened my own practice. When I got advice from the Law Society, one of the things that stood out in my mind was, "Whatever you do, young fellow, make sure you keep your wills registered", which I always did. I cannot understand why there is opposition to a central wills register but that might be beyond my means. I rarely comment but certain things stand out in my mind very clearly when I remember my move to give up my construction work in London to come back to Ireland, and that was one. I call the Leader to respond.

Senator Jerry Buttimer: I thank Members for their contributions. I regret I cannot accept Senator Leyden's amendment to the Order of Business and, on behalf of the Government, I will oppose the taking of all Stages of the Bill. This is for one reason and one reason only, namely, it is contentious. There is agreement on other Bills to take all Stages by the group leaders. Ordinarily, if there is disagreement, we do not take all Stages, and there is not agreement on this from Government. I, therefore, regrettably, do not accept the Senator's amendment to the Order of Business.

I join the Senator in paying tribute to, and remembering, the late Liam Gilmartin, who has passed away and who was a member of the famous Rossies team that won the All-Ireland. I thank the Senator for bringing his death, his memory and his legacy to our attention. I hope a new generation of Roscommon footballers and supporters will be able to win the All-Ireland and have the Sam Maguire in Roscommon.

Several Members raised the issue of the Rebuilding Ireland home loan scheme, including Senators Boyhan and Gallagher, while Senator Humphreys also raised the issue of housing. Let me make it quite clear. I am amused by Senator Gallagher, who very much suffers from amnesia. When his party left government, there was no construction sector or banking sector - there

was nothing left in our country. If he wants to come in here and lecture, that is fine and I have no problem with that; that is his entitlement. However, let us deal with the facts.

First, as I said yesterday and will repeat today, 575 people availed of the scheme. The Government is committed to ensuring that people who cannot avail of a loan or a mortgage from the banking fraternity will have access and a pathway to buying their own home. Some 575 people availed of it and 1,000 further approvals were given but not yet drawn down, and €200 million was set aside and put into the scheme. However, because the scheme was successful, the €200 million has been drawn down. As to what the Government is doing now, again, let us deal in the facts and listen to what the Minister, Deputy Murphy, said this morning in the House and in committee, and in the Dáil yesterday, and listen to the Taoiseach. Let us base our argument on fact and articulate accordingly. The Government is now consulting the Central Bank as to whether it is comfortable with the Government offering more loans. Second, the Minister is negotiating with the Department of Public Expenditure and Reform in regard to increasing the cap above €200 million so we can ensure the 1,575 people who have availed of the scheme or applied for it can have access to the scheme. Let me make it clear on my behalf and on behalf of Government: we are committed to ensuring that home ownership rises in our country. It is an affordable scheme for people who need to be able to access the funding from a Rebuilding Ireland home loan. I want to make it clear the scheme has not been abandoned.

Senator Boyhan raised the issue of the Residential Tenancies (Amendment)(No. 2) Bill 2018 but I do not have an answer to the question raised.

Senators Boyhan, Bacik, Horkan and Wilson raised the matter of the Judicial Council Bill. As Members will know, legislation is a matter for Departments and they will advise accordingly. We will have the Bill back before the House when the Department responsible is in a position to bring it back.

Regarding the Parental Leave (Amendment) Bill raised by Senators Bacik and Horkan, consideration as to how best to implement the phasing in of the extra leave, as outlined by the Minister of State, Deputy Stanton, on Committee Stage, is ongoing. There was consultation with Departments on that matter. I hope the Minister of State will be able to bring the Bill back before the House at an early and opportune stage. As Senator Horkan rightly said, it is important legislation and, as alluded to by Senator Bacik, it will benefit thousands of families across the country.

Senator Ivana Bacik: Hear, hear.

Senator Jerry Buttimer: It is legislation we all support.

I join Senator Conway-Walsh in commending those involved in the community relations forum to which she referred and I thank them for the work they are doing. The Looking Back: Moving Forward project is an important one. We can learn and benefit from the people involved. I commend them on their work and thank Senator Conway-Walsh for raising the matter.

Regarding the pyrite and mica redress scheme, as Senator Conway-Walsh will know, Members of this House have also been very vocal in articulating the issue of affected areas around Mayo and Donegal-----

Senator Michelle Mulherin: And obtaining solutions.

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Senator Jerry Buttimer: -----and then obtaining solutions. As Members will be aware, the Government has signed off on a redress scheme of grant aid. It is committed to and has put in place a resolution to the matter. I have been informed that money for the aid redress scheme has been committed for this year and officials are meeting with a view to having it signed off in the coming weeks. It is important to recognise that this Government has solved the impasse that had existed for a long time.

Senator Rose Conway-Walsh: It is this Government that solved the Fianna Fáil problem.

Senator Jerry Buttimer: The Senator is correct. That should be articulated loudly.

Senator Diarmuid Wilson: Relations are good for a Sinn Féin-Fine Gael coalition.

An Cathaoirleach: Senators should not interrupt the Leader.

Senator Jerry Buttimer: Senator Bacik raised the issue of the gender pay gap. The Government is meeting on Friday, International Women's Day, and arising from that Cabinet meeting, I am sure there will be a series of communications around the issues the Senator raised. I hope we will have an answer in this respect sooner rather than later.

The issue of Syria is one on which we must continue to be vigilant and to highlight. I thank the Senator for doing that.

I would be happy to accept the amendment proposed by Senator Lawlor to the Order of Business.

Notwithstanding that Senator Wilson has been 30 years involved in Youthreach, I genuinely pay tribute to him and all those involved in the programme, as mentioned by Senator Swanick. As somebody who has been involved in adult education and education generally for the majority of my working life, I know that the benefit of Youthreach to communities and the young people who participate in the schemes is tangible. Without Youthreach, we would have a much different criminal justice system and much worse outcomes in terms of the mental health needs of young people. On a personal level, I pay tribute to Senator Wilson for the humanity he brings to the programme and brought to it when he was working in it full-time. I had the pleasure of knowing the Senator before we both came into this House. I do not want to patronise or heap praise unnecessarily on him, but the work he and his colleagues in Youthreach have done is invaluable. It is right we recognise the scheme today. I thank the Senator for that. It is amazing how a pilot project can grab hold of and reflect a nation. At one time, some people in the education system may have viewed Youthreach in much the same way as they would view the leaving certificate applied but Youthreach is of benefit and has a place in our education system. I commend the Senator and all of those involved in Youthreach on the work they have done and are doing.

Senator Humphreys raised the issue of housing and I would be happy to arrange for a debate on the report that was published last week.

Senator Horkan, in a very thoughtful contribution, raised the issue, as Senator Burke did yesterday, of national planning and the need to have a real conversation on planning for the future, ensuring that we have the necessary services and infrastructure in place and that people are able to have a proper planning system. I would be happy to arrange to have that matter addressed in a debate in the coming weeks.

Senator Mulherin raised the issue of the Western Development Commission report and the importance of ensuring that urban areas and major cities will not be choke points. It is worth noting that 58% of IDA Ireland jobs last year were located outside Dublin. The issue around regional jobs is a priority for the Minister for Business, Enterprise and Innovation, Deputy Humphreys. I would be happy to arrange for the Minister to come to the House to address this matter.

Senator Devine raised the Health Information and Quality Authority report on fostering services in Dublin South Central. It is mind-boggling-----

Senator Máire Devine: It is.

Senator Jerry Buttimer: -----that we have this ongoing problem which does not seem to be getting any better

Senator Máire Devine: It has been ongoing for at least three years.

Senator Jerry Buttimer: It seems to be regressing rather improving. I would be happy to arrange for the Minister come to the House to discuss the matter. The Joint Committee on Children and Youth Affairs is doing work on the issue but it is mind-boggling that this is the case today.

Senator Swanick reminded us all very sensitively of the Blackrock tragedy and we remember the four people who were tragically lost and think of the families during this month. We thank the volunteers and the community in Mayo who did so much outreach and inspired many of us by their volunteerism and the way in which they opened up their homes and communities. It is important we remember those people today.

I commend the Senator on his Life Saving Equipment Bill. It is important legislation, which I hope we will have back before the House as a matter of priority. I fully understand the points the Senator made. He referred to Cork and there have been instances of defibrillators being removed from walls and public walkways in the city of Cork and other areas. It is matter of extreme importance.

Senator Murnane O'Connor raised the issue of the weather conditions last Sunday. I cannot for the life of me understand how the National Transport Authority, NTA, Transport Infrastructure Ireland, TII, or the councils were not prepared for it because a weather warning was issued. It is an issue we need to consider for the future.

Senator Mullen raised the issue of Irish overseas aid. Sometimes a good news story gets lost. The Government has committed to a new overseas aid development policy, A Better World, about making the world a better place to live. It has committed to spend €2 billion by 2030 under the themes of gender balance, governance, climate change and doubling of funds from 0.3% of our gross national income to 0.7% in 2030. Some 130 countries will benefit from our aid programme. The Minister of State, Deputy Cannon, will be in the House later to speak on the diaspora but I will be happy to arrange for the Minister come to the House on this matter in the coming weeks.

I thank the 14 Members of the House for their contributions. I regret I cannot accept the amendment proposed by Senator Leyden but I will accept the amendment proposed by Senator Lawlor.

An Cathaoirleach: Before I move on, I would like to say that I am acutely aware of the

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significant work done by Youthreach in my county. I did not realise Senator Wilson was involved in that programme for so long. I compliment him and all those who were involved in that scheme. It filled a vacuum we had in society.

Senator Jerry Buttimer: Hear, hear.

An Cathaoirleach: I should have said that earlier when Senator Wilson spoke. I rarely comment on the Order of Business. It is a bad habit.

Senator Terry Leyden has proposed an amendment to the Order of Business: “That Report and Final Stages of the Registration of Wills Bill 2016 be taken today.” Is the amendment being pressed?

Senator Terry Leyden: It is indeed because the Bill has already gone through Committee Stage and other Stages previously and there is no reason it cannot be progressed now. I have communicated with the Minister for Employment Affairs and Social Protection, Deputy Doherty-----

An Cathaoirleach: The Senator cannot go into that now.

Senator Terry Leyden: -----but I am disappointed she has not communicated with me about this Bill. There is a resistance to it somewhere along the line.

Senator Jerry Buttimer: On a point of order, it was listed on the schedule for Committee Stage and that did not give people a chance to deal with Report Stage if they wanted to do that. That is another reason we should oppose the proposed amendment.

An Cathaoirleach: There were no amendments tabled to the Bill. I have to put the question.

Senator Terry Leyden: I am pressing it.

Amendment put:

| The Seanad divided: Tá, 22; Níl, 13. | |
|--------------------------------------|----------------------|
| Tá | Níl |
| Ardagh, Catherine. | Burke, Colm. |
| Bacik, Ivana. | Buttimer, Jerry. |
| Boyhan, Victor. | Coghlan, Paul. |
| Conway-Walsh, Rose. | Conway, Martin. |
| Daly, Mark. | Feighan, Frank. |
| Daly, Paul. | Hopkins, Maura. |
| Davitt, Aidan. | Lawlor, Anthony. |
| Devine, Máire. | Lombard, Tim. |
| Gallagher, Robbie. | McFadden, Gabrielle. |
| Gavan, Paul. | Mulherin, Michelle. |
| Horkan, Gerry. | O’Mahony, John. |
| Humphreys, Kevin. | Reilly, James. |
| Kelleher, Colette. | Richmond, Neale. |

| | |
|-------------------------|--|
| Leyden, Terry. | |
| Mac Lochlainn, Pádraig. | |
| Mullen, Rónán. | |
| O'Sullivan, Grace. | |
| O'Sullivan, Ned. | |
| Ó Donnghaile, Niall. | |
| Swanick, Keith. | |
| Warfield, Fintan. | |
| Wilson, Diarmuid. | |

Tellers: Tá, Senators Terry Leyden and Diarmuid Wilson; Níl, Senators Gabrielle McFadden and John O'Mahony..

Amendment declared carried.

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

Order of Business, as amended, agreed to.

Civil Liability (Capping of General Damages) Bill 2019: First Stage

Senator Anthony Lawlor: I move:

That leave be granted to introduce a Bill entitled an Act to provide for the imposition of a cap on the level of awards which may be made in respect of a claim for general damages arising from personal injury; to provide for the confirmation by each House of the Oireachtas of draft regulations; to provide for a review of this Act; and to provide for related matters.

I thank the Leader for allowing the amendment to the Order of Business this morning. I thank my colleagues who co-signed the Bill and my staff, Mr. Adam Smith and Mr. Fintan Brett, who worked diligently on the Bill over the past couple of weeks. I also thank the various organisations who support the Bill, including ISME, IBEC and the IFA, and also the representatives of the vintners and restaurants. I thank the members of the general public who contacted me in recent weeks about this Bill.

The Bill is about capping the general damages in civil liability cases.

An Cathaoirleach: We do not normally allow any speech.

Senator Anthony Lawlor: I will not be long. The Bill allows the Minister to introduce regulations that have to be passed by both Houses. It is about claims inflation, which has allowed claims to be four and a half times higher than in the United Kingdom. Claims inflation

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is a result of what the Judiciary is imposing on insurance companies regarding pay-outs. This leads to premium inflation, which has affected every one of us. Every small business and every citizen experiences some form of inflation. There is a cost imposed on the ordinary person and small businesses. This Bill is in the public interest.

An Cathaoirleach: I ask the Senator to wrap up. He is making Second Stage speech.

Senator Anthony Lawlor: I will wrap up in a second. The objective is to reduce premiums, particularly when there is a competition worry with regard to Brexit. I am delighted to be able to introduce this Bill today. Second Stage will be in the next couple of weeks.

Senator Martin Conway: I second the proposal.

Question put and agreed to.

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

Senator Anthony Lawlor: Next Tuesday.

Senator Terry Leyden: I thank everybody who voted for the amendment to the Order of Business. It was historic.

Second Stage ordered for Tuesday, 12 March 2019.

Diaspora Affairs: Statements

Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon): I am happy to have the opportunity to be here to today address this House on diaspora affairs and to give an update on my work as the Minister of State with responsibility for the diaspora and international development, particularly as that work applies to the diaspora worldwide. My work is guided by the Government's diaspora policy, Global Irish: Ireland's Diaspora Policy. Published in 2015, this was the first clear Government policy on the diaspora that recognises that Ireland has a unique and important relationship with its diaspora that should be nurtured and developed. With the publication of Global Ireland – Ireland's Global Footprint to 2025 last year, the Government committed to the development of a new diaspora policy in 2019, to be published in the first quarter of 2020. This will require a new strategic approach to supporting our citizens overseas and to developing diaspora networks internationally, including our traditional, affinity and return diasporas. In the coming months, we will engage in a consultation process on the development of this policy. Stakeholders will include people at home, the Government and, in particular, diaspora groups and representatives of Irish communities around the world. Consultation meetings will be held around Ireland and by our missions abroad.

The vision of Ireland's diaspora policy is "a vibrant, diverse global Irish community, connected to Ireland and to each other." To work towards this, the main aims of Ireland's diaspora policy have been to support Irish communities wherever they are, to help Irish people and Irish communities to be more connected to Ireland and to each other, and to help Irish people maintain and develop their sense of Irish heritage and connection to Ireland. This is a vision that I wholeheartedly subscribe to. During my time as Minister of State responsible for the diaspora, it has been a vision that I have seen lived in Irish communities across the globe, whether they

are the oldest and most established, in America, or the newest and fastest growing, in places such as the Gulf states.

Our engagement with this global Irish family is underpinned by an attitude of care and respect, and this is articulated through the Government's emigrant support programme. This programme has been in operation since 2004 and emphasises supporting culturally sensitive, front-line welfare services, targeted at the most vulnerable members of our overseas Irish communities. Support is also provided to a number of community and heritage projects which foster a greater sense of Irish identity, in addition to strategic capital projects for the relevant communities. Funding is also provided for projects that support business or other networks. In recent years, the emigrant support programme has also facilitated a wider geographic engagement with Irish communities. In addition to the traditional areas of emigration such as Britain, the US, Canada and Australia, funding in recent years has been granted to Irish community organisations in Europe, Asia, Africa and the Gulf states. Since its establishment, more than €170 million has been disbursed through the programme to Irish communities worldwide. This year alone, there are applications on hand for a total amount in excess of €21 million, involving more than 470 projects from 300 organisations. Requests for funding far outstrip our budget. I have witnessed at first hand the significant impact the emigrant support programme can have on Irish communities and organisations around the world. Funding made available to these organisations unlocks a whole new world of engagement and supports the continued flourishing of Irish culture, heritage, sport and identity far beyond these shores. This is why I am particularly pleased to announce today an increase of €1 million in the allocation for the programme in 2019, increasing to €12.59 million from €11.59 million last year. The programme is the most tangible expression of Ireland's care for its emigrants and its diaspora and the value in which it holds them. This increased budget is a clear demonstration of the Government's commitment to our diaspora. It is welcome, and I hope this investment will be built on in the coming years.

With a programme such as this we are able to articulate the Government's position that our diaspora is a group that we cherish and seek to support as part of a continuing relationship, rather than a resource which can be "harnessed". Only in this way can we truly develop two-way engagement and live up to our constitutional ideal whereby "the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage". This special affinity has grown and evolved as we have developed our diaspora engagement in recent years. The diaspora policy itself sets out a role for evolving engagement and commits the Government "to meet changing needs in changing times".

One of the ways in which we are evolving is in exploring new ways to increase practical engagement with and to meet the expectations of our diaspora. In recent times, this has taken the form of examining the potential to extend voting rights in presidential elections to citizens resident outside the State. I am pleased that we have been able to make progress on this issue, and the Government has now decided that the question that will be put to the people in a referendum is whether to extend voting rights in presidential elections to citizens outside the state, including in Northern Ireland. The Taoiseach further announced in the Dáil that this referendum will be held at the end of October this year. The proposal to extend voting rights to citizens outside the State is one I have long been in favour of. The extension of voting rights in presidential elections to citizens outside the State is an important recognition that the President of Ireland is a representative not just of our country, but of all Irish people. It is also an important statement to our citizens abroad and in Northern Ireland that we value them and their connection to Ireland. It will be an important statement of the value we place on our diaspora. The

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referendum also demonstrates that at a time of much change, Ireland is, and will continue to be, an open, progressive and outward-facing country that values its citizens all over the world. Ideally, we will have a campaign on this issue which will provide an opportunity to bring together Irish communities at home and abroad. I hope my colleagues in Seanad Éireann will become actively involved in that campaign. I will campaign and advocate strongly for a “Yes” vote as an expression of the value we place on our citizens overseas and as a recognition that they continue to represent a part of our nation, notwithstanding that they reside outside our State.

As Minister of State with special responsibility for the diaspora, my work and the work of my Department to engage with the diaspora is hugely varied. I have not touched on other areas of it, such as the support we give to the GAA, which does extraordinary work in developing our games and in community building abroad; the Presidential Distinguished Service Award for the Irish Abroad, recognising those who have made an extraordinary contribution to Irish communities worldwide; the centenarian bounty; and a range of other projects and pilots we undertake to improve and increase our engagement with our diaspora. The breadth of this engagement is ongoing and is something that I had not fully realised before assuming this role. Only by working closely with my colleagues in the Department of Foreign Affairs and Trade and by visiting and meeting Irish diaspora communities and groups around the world have I come to see the array of activity, innovation, communication and connectedness that is out there. As Minister of State with special responsibility for the diaspora, it is my goal to be a voice for the Irish diaspora in government and here at home. As we prepare to travel for the St. Patrick’s Day period, when the Taoiseach and Ministers will engage extensively with Irish emigrants, Irish communities and our affinity diaspora across the world, I look forward to meeting more of our global Irish family and ensuring that their concerns are given a platform.

Senator Ned O’Sullivan: I welcome the Minister of State to the House and commend him on his activities on behalf of the diaspora. He will have the fullest co-operation from my party in this regard. People often ask what the diaspora stands for. I will show off a little of my classical scholarship; I studied ancient Greek. The Greek word “διασπορά” effectively means the scattering abroad. The ancient Greeks set up colonies throughout the Adriatic and the Aegean coasts. They regarded these colonies as part of Greece itself, far-flung though they were, and maintained tight relationships with them and funded them. This is one of the reasons most of our modern culture today is founded on Greek as well as Roman civilisation. This is a leaf we should take from their book. I am glad that the Minister of State is doing so and that he cherishes our diaspora, as does everyone in both Houses.

Seventy million people living overseas claim Irish ancestry, which is a huge scale and a huge reach for us as a small island nation. My party, Fianna Fáil, has long recognised the significance and potential of this. We were the first party to appoint a designated spokesman on the diaspora and were one of the very first in with a policy document on the diaspora. We are committed to supporting our diaspora through continued funding of the emigrant support programme, and I welcome the Minister of State’s announcement this morning of increased funding in the coming year for the programme. It is very important.

I could dwell on a number of questions but I will pick just a couple in the time allocated. The extension of voting rights to Irish citizens living abroad in presidential elections has been talked about for a while. It is one meaningful and concrete way in which we can show our appreciation for our diaspora. There is a caveat in this, which I will come to later. It will not be so simple. However, it is important we pursue the matter and have results on it.

We in Fianna Fáil also strongly advocate on behalf of the undocumented Irish in the US, focusing especially on the removal of barriers for those who wish to travel home and who live constantly in the shadows, having to miss important events such as parents' funerals. With modern technology, the Minister of State will know that engagement is now much easier with the diaspora. There is a dividend in this engagement for members of the diaspora, who cherish the Irish connection and regard it as an important part of their lives. There is also a significant dividend for us as a small nation, economically, socially and culturally. What diplomatic corps in the world has the advantages that ours has, with Irish people and people claiming Irish descent all over the world?

In March 2017, the Government announced that a referendum would be held to amend Article 12 of the Constitution to allow Irish citizens outside the State, including in Northern Ireland, to vote in presidential elections. This decision is in line with the recommendations of the Constitutional Convention. The convention conducted a number of polls, which showed decisive support among Irish people for the extension of these voting rights. As I said, however, the relatively fractious support as to the precise eligibility of Irish citizens abroad demonstrates that this is a complex issue that will warrant, as the Minister of State will well know, careful consideration. The convention also published an options paper, which explored allowing Irish citizens outside the State and in the North to vote in presidential elections in particular. The options paper noted that in deciding on the question, a number of legal, policy and logistical considerations had to be borne in mind.

1 o'clock

Decisions need to be made with regard to which residents outside of the State have the right to vote. Specific consideration must be given to the Good Friday Agreement. The unique situation of Irish citizens in the North, and the fact that almost all of those born in Northern Ireland are entitled to Irish citizenship, make it essential that any options considered in relation to the extension of the franchise include this cohort. We are aware that extending voting rights to all citizens also gives rise to logistical and administrative challenges as well as cost implications.

Regarding the undocumented Irish, it has not been possible for many of those people to return to Ireland for any reason, as they would not be granted re-entry into the United States. Living without documentation means living in fear. It is almost impossible. I heard a story recently about a young man who emigrated from the west many years ago. He is undocumented but succeeded in building up a nice business where he is employing upwards of 50 or 60 people, many of them themselves of Irish origin. He has a wife and family but if at any time that unfortunate individual were to come onto the radar by virtue of something as innocuous as a speeding offence, he would be put into limbo while he was checked for all sorts of criminal activity and finding none, presumably, he would then be on the next aeroplane back to Ireland with the entire structure of his life and family left behind. That is an awful way for people to live.

This issue affects not only the undocumented themselves but their families in Ireland, that is, parents, siblings and friends. It is important that the Government would use all its influence to try to settle the matter. Thousands of families are torn apart due to lack of reform in this area. We in Fianna Fáil call on the Minister to engage and continue to support Irish-American organisations throughout the US, such as the Aisling Irish community centre in New York and the Irish pastoral centres in Boston, San Francisco and Chicago. We acknowledge that the Government has appointed Deputy Deasy as its special envoy to Congress on the undocumented. I have no hesitation in saying that he is doing excellent work. It was most disappointing for

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him and for our colleague, Senator Lawless, our former spokesman on this issue, Senator Mark Daly, and many others, that at the very last second everything fell apart due to the opposition of one Senator, for reasons of his own. We are downhearted as a result of that but we are not totally discouraged. I am sure the Minister of State, Deputy Cannon, will keep the work going.

We in Fianna Fáil are also committed to funding the emigrant support programme. I have already welcomed the Minister of State's announcement this afternoon regarding that. The programme is more vital than ever, in particular in the light of Brexit. It is imperative that when the UK leaves the Union we continue to maintain and build relationships between Ireland and the Irish community in Britain. The decision of the UK to leave the EU will change our relationship with the UK significantly. Both Ireland and the UK joined the EU in 1973 and our shared membership allowed us to forge common bonds at EU level and to build strong working relationships. No doubt our joint membership of the EU helped to facilitate the vitally important Good Friday Agreement.

Do I have much time left, a Leas-Chathaoirligh?

An Leas-Chathaoirleach: The Senator is just running into injury time.

Senator Ned O'Sullivan: There is no better refereeing than to give me-----

An Leas-Chathaoirleach: I will give the Senator a small bit of grace.

Senator Ned O'Sullivan: I would do the same for you, a Leas-Chathaoirligh.

An Leas-Chathaoirleach: Senator O'Sullivan had better not be too long about it.

Senator Ned O'Sullivan: Returning emigrants face significant challenges as well. We need a cross-Department response plan to facilitate Irish people returning to the country. Much has been put in place already. I acknowledge the contribution of the Minister of State, Deputy Cannon, who launched the back-to-business programme. That was a very welcome step, but it is apparent that much more needs to be done to support returning Irish emigrants.

We are all wearing the green jersey on this matter. We all have people abroad, whether it is in America, England, South Africa or eastern Europe, it does not matter where they are, they are proud to be Irish and we are proud of them and we will work with the Minister of State to do the very best for them.

Senator Neale Richmond: I welcome the Minister of State, Deputy Cannon, to the House again for a debate on a key issue. I am fortunate to speak here this afternoon but, unfortunately, our foreign affairs spokesperson, Senator Joe O'Reilly, is overseas in his very important role as Vice President of the Council of Europe.

We are coming up to the annual St. Patrick's Day, or perhaps more correctly it is the St. Patrick's week or month of celebrations. I believe the first parades have already taken place in certain parts of America. I saw a picture of Chuck Schumer leading a parade just last week. It is a fabulous time of year. I was very fortunate last year to spend St. Patrick's Day in London and this year I will travel abroad in a personal capacity. It is only when one has an opportunity to go abroad that one sees how vitally important that day and the days around it are to so many abroad. Needless to say, we will have the same cynics, as we do every year, bemoaning the travel by the Government, and all political parties, because to be fair, people from all parties go abroad to engage with the diaspora on this most important day. The usual rhetoric we hear is

about the price of flights or that people should be doing this or that, but this year of all, when we face so many uncertain challenges such as Brexit or the rise of certain regimes in the US or across Europe, it underscores how important the St. Patrick's Day trade missions and outreach by the Government are not just to the diaspora, the 70 million odd abroad, but also to Ireland because, to be frank, there is a monetary return on every single trade mission to the United States or elsewhere. I believe the Cathaoirleach is off to Russia this year. There are great opportunities for trade and investment partnerships, which will be vitally important to the State as we face into so many challenges.

That does beg the question of how we reach out to the diaspora beyond 17 March or the weeks either side of it. I welcome the announcement of additional funds. I sense there is probably a significant amount of agreement across the House on how we approach the diaspora, regardless of the party on behalf of whom we speak. That is welcome because this issue goes so much further than party politics. There used to be a tradition of a certificate of heritage for those among the diaspora who are gone for too many generations and who are not eligible to apply for a passport. That is something we could look at bringing back and perhaps formalising.

I welcome the fact that we will have a referendum at the back end of October. To be frank, this is an issue I had a bit of difficulty with personally. I had concerns about whether it was opening the gate essentially to allow for representation without taxation and if the diaspora would be voting in other elections or referendums. It is something that I am not too comfortable with, but the Presidency does not simply represent the people in the Twenty-six Counties, it goes so much further and beyond that. For that reason, I welcome the referendum. Not alone will I vote in favour of it, but I look forward to campaigning across the constituency.

I am fortunate to be convener of the French-Irish friendship group under the Ceann Comhairle's initiative, and I do a lot of work with the French Senators who represent the French abroad. Within the context of Seanad reform, I would welcome a formal seat, or a couple of them, in this House for the diaspora. We have seen the excellent contributions from Senator Lawless as the voice of the diaspora but, equally, from Senators Marshall and Ó Donnghaile who are giving a voice in this House to Irish citizens across the Border.

Senator Niall Ó Donnghaile: Good man.

Senator Neale Richmond: That is very important and we need to recognise it as we face changing times. The Seanad provides a unique opportunity. Now that we have decided to retain the Seanad it is something we should invest time in developing and embrace it.

Senator O'Sullivan referred to the diaspora in the United Kingdom, the estimated 2 million Irish citizens who reside in the island of Great Britain, and what role they can play post 29 March or whatever day Brexit happens, if it ever does happen. That community will play an important role in maintaining UK-Irish relations post Brexit. As one of the only remaining 27 member states, we are very fortunate to maintain bilateral relations through the institutions of the Good Friday Agreement, but we will also be able to maintain solid relations through the diaspora in the UK and, equally, through the 300,000 or so British citizens living in this jurisdiction.

One of the key issues, which has come up again, is passports. There was a surge of applications for Irish passports in the UK. I read, angrily, the article in *The Irish Times* yesterday of the very cynical approach by a Mr. Fleming of Manchester who voted to leave but made

sure he got his passport because he wants to be able to get through customs in Spain quicker. Those anomalies will always crop up. The fact that Mr. Ian Paisley Jnr. hands out Irish passport forms in his constituency clinic does not exactly sit comfortably with me but if it means certain people in the North can get their Irish passport more quickly, it is fair play and I embrace it. We must embrace every one of our diaspora, even if at times we might question their motives and fundamentally disagree with their outlook. Using our diaspora in the UK will be important so we must double down on those efforts. I welcome the reopening of the consulate in Cardiff to complement the consulate in Edinburgh and embassy in London. There is a great opportunity to go even further and strengthen our team in Great Britain. We could perhaps consider additional consulates, whether it is one to look after the northern powerhouse region based in Manchester or the unique and colourful Irish community around Coventry and Birmingham, which has contributed so much to the UK, particularly its post-war reconstruction. We should think about how much they can offer us and what we can offer them.

Senator Niall Ó Donnghaile: I wish to share time with Deputy Rose Conway-Walsh.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Niall Ó Donnghaile: The Minister of State is welcome to this timely discussion on the diaspora. As other colleagues have rightly acknowledged, we are heading into a crucial period where we will redouble our efforts to engage with our diaspora around the world. I commend Deputy Cannon on his personal commitment to his role as Minister of State with responsibility for the diaspora and the work he has carried out to bolster and energise that engagement. He understands and appreciates the important role that our diaspora plays. It is important that he acknowledges and understands the responsibility that we have to our diaspora, and that mutually beneficial relationship is very important.

I will briefly touch on a number of topics before my colleague contributes. It has been a great privilege to take on the role of spokesperson for the diaspora for the Sinn Féin team in the Seanad, and other Members might also feel the same. It has been a privilege to go overseas and engage the diaspora to see the fantastic work that members of the Irish community abroad are involved with, particularly the benefit they bring to the life in their home places. We have the privilege of seeing and hearing those success stories but I must also reinforce the point made by Senator Ned O'Sullivan that countless numbers of our diaspora are suffering or are under pressure. They need support from home, whether it is through a family structure, friends, colleagues or fellow club members, etc. It is positive that funding for the emigrant support programme has been increased under the watch of the Minister of State and I hope it will be directed in a way that can make practical and tangible differences to those people who need it most.

The announcement by the Government relates to something I have raised numerous times since coming to the Seanad. The Minister of State and I have engaged extensively on the issue of a referendum on extending votes for presidential elections to the diaspora. As we saw in a number of recent significant referenda at home, the diaspora has a crucial part to play and it wants to be invested in such a campaign. In this case it would give those people a tangible benefit in that it would give them a say in who holds the office of President, the first citizen. It is a symbolic office that represents not a land mass but the Irish people, no matter where on the globe they reside. That is why it is so important. A vote in such a referendum would be a vote for a fellow Irish citizen, which is positive.

The issue was not the responsibility of the Minister of State but as we enter into the debate,

colleagues may commit to campaigning on the referendum as vigorously as they have said they will. I made the point here previously. The Minister of State stated, “It is an important statement to our citizens abroad and in Northern Ireland that we value them and their connection to Ireland”. I live in Baile Mhic Gearóid, i mBéal Feirste. I do not have a connection to Ireland; I am in Ireland and I am Irish so I would just err on the side of caution when we make these statements on the diaspora so that we understand there is a difference between the diaspora and the Irish community and Irish citizens in the North of our country. It is important to make that important distinction.

I commend the Minister of State and wish him well in his work. Go n-éirí an bóthar leis. I wish him good luck as he travels to re-engage with the diaspora around the world. I am confident he will take the message of the importance of this referendum in October and lobby our diaspora to be just as active in it. Those with the ability to come home to vote should do so and invest in their fellow diaspora.

Senator Rose Conway-Walsh: I thank the Minister of State for coming to the House. I wish a happy St. Patrick’s Day to all our diaspora, as well as our citizens in the North.

An Leas-Chathaoirleach: We could never forget them.

Senator Rose Conway-Walsh: It is just more than a year since we had statements on the diaspora in the Dáil so it seems like the perfect time to measure the achievements of the Government based on the commitments made then. Last year, the Government welcomed the publication of the Indecon economic survey of problems associated with returning emigrants. Is the Minister of State satisfied with his Department’s actions so far on the 30 targeted recommendations? I may not have seen it but has the Department provided a dashboard indicating progress on each of the recommendations, as the other working groups have done? Those recommendations included, among others, concerns about barriers to housing for returning people, both in accessing mortgages and for people who need to access social housing and joining the housing waiting list.

There were related matters, including concerns relating to employment, health and child-care, welfare, education and entrepreneurship. Of course, we should also include the voting rights issue. We can send a big and strong message to our diaspora stating that they matter to us if we have the referendum on voting rights and campaign vigorously on it. I encourage everybody to get involved in that. I particularly encourage families that have members living abroad to get involved. I certainly intend playing an active role in that. I commend my colleague, Senator Niall Ó Donnghaile, on all the work he has done in leading the Sinn Féin team in the Seanad in that respect.

The undocumented Irish were mentioned earlier. We must keep the collective pressure on. Everybody, including the Minister of State, has to deal with cases where Irish citizens have been picked up abroad and incarcerated. They live in fear because they are undocumented. There has been multi-generational emigration so even if we go back to the 1960s, there are people whose parents were born abroad but the people themselves might have been born here. If those people have children who require an Irish passport, they have to go through the naturalisation process, which is expensive. I know people with three, four or five children and it costs thousands of euro to get passports for them. Will the Minister of State examine the naturalisation process? It is the policy of successive Governments in the main that have driven people away through no fault of their own.

I also mention returning emigrants seeking to access the young farmers' scheme, in particular, along with the national reserve scheme. It was cited in the Indecon report and the same rules must apply to everybody. However, there should be some flexibility on this, particularly with respect to qualifications and income thresholds. Much more can be done in that respect. Car insurance has been identified by all parties as a major barrier as well. The working group on the cost of insurance in its latest report indicates that the issue of high insurance costs associated with returning emigrants is outstanding. We must again keep the pressure on the motor industry to sort out those matter. I acknowledge the work that has been done but ministerial orders could be implemented in many areas, which could lead to tangible results for the diaspora.

Senator John O'Mahony: I am delighted to contribute to this debate. I welcome the Minister of State and compliment him on the work that he is doing. I urge him to keep connecting with our diaspora abroad just like his predecessors, Deputy McHugh, and before him the former Minister of State, Jimmy Deenihan.

As other speakers have said, it is important that the Government places great emphasis on connecting with our diaspora abroad. Being an island nation, emigration has been a feature of this country for hundreds of years. Often in the past there was forced emigration because there was no way to make a livelihood here, a lack of job opportunities and the economy was in a poor state. Thankfully, in recent times, emigration has been more of a lifestyle choice. Young people, students and graduates, etc., wish to travel and broaden their horizons before, hopefully, returning home, or many of them returning, at some stage. I agree with previous Senators who mentioned that there is a need to provide a smooth passage when emigrants wish to return. Sometimes there are obstacles that prevent their return. Whatever must be done or needs to be done should be done because returning emigrants are a great resource and make a great contribution to this country. The Minister of State has spoken about the matter. I very much welcome the announcement that there will be an increase in funding for the emigrant support programme. I also very much welcome the prospect of a referendum and votes for our diaspora in the presidential election.

The undocumented Irish has been an ongoing issue, which appears at times to be on the threshold of being solved but all of a sudden there is a setback. It is important to progress the issue at every level. I was glad to see that Deputy Deasy was appointed to try and work on the project. It is important that whatever can be done is done by our Government and for people to come up with a better solution for all of the undocumented Irish.

Many of my trips abroad have been in a sporting or GAA context so I have seen at first hand the connection that Irish people have with culture, music, language and games. Such connection becomes so important. What amazes me sometimes is that one would never realise that people had such interests when one met them here before they went abroad. The discussion that one has with emigrants when they are abroad contrasts greatly with what one had at home. Their interest in culture, for example, might have been latent here but it very much moves to the top of their agenda when they go abroad. Therefore, it is crucial that we connect with our emigrants and support them.

Last May I attended the Connacht GAA senior football championship game between Leitrim and New York in New York. On the Monday evening I decided to go for a walk in a forest. Along the way I heard games being played and wondered whether baseball or whatever was being played. My curiosity got to me and I discovered a group of adults coaching 40 young children in Gaelic football. I chatted to the people and participated in some of the events. I was

amazed that such a thing was happening in a park near Yonkers in New York. The adults were Irish emigrants who had done well. Their kids were being coached in Gaelic football and they wore various club and county jerseys from Ireland. I understand there are 400 GAA clubs all over the world and the GAA is very supportive of the initiative. Only in the last few weeks I connected the GAA with a group in Sarajevo who are having an Irish festival on St. Patrick's weekend. The GAA will organise a coaching session on the day for the children of the diaspora. The GAA has a unit that supports such promotion, which is tremendous to hear.

I do not know where we are with the diaspora abroad in terms of other countries. From my experience of travelling abroad I have realised that this is such a small world and there are many Irish connections everywhere. Long may it continue that the Government, through the Minister of State and various Departments, continues to reach out, embrace and support our diaspora abroad.

Senator Ivana Bacik: I welcome the Minister of State to the House. I also welcome the opportunity to speak about the diaspora today, which is a timely date in the lead up to the St. Patrick's weekend. I very much welcome the announcements made by the Minister of State. In particular, I welcome his announcement that there will be an increase of €1 million in the allocation for the emigrant support programme in 2019. That is really good to see. I agree with him when he said that the emigrant support programme is the most tangible expression of Ireland's care for and value of our diaspora. I also very much welcome the new diaspora policy and the engagement, which he has described, that will be carried on this year in terms of developing the new diaspora policy.

As other Senators have done, I commend our colleague, Senator Lawless, for all the work that he has done to highlight the importance of the Irish diaspora. I also commend him for working, in a practical sense, to ensure that recognition is given to the undocumented Irish in the US. He is continuing that work.

I shall speak on three aspects of diaspora relations. I speak as somebody who is one of six Members of the Oireachtas elected, in part, by members of the diaspora. I refer to the university Senators, both Dublin University and the National University of Ireland. We are unique among the other Members of the Oireachtas because our electorate includes Irish citizens living abroad and people who are resident in countries outside Ireland. I have looked at the Seanad register for Trinity and I saw that among the 50,000 voters there are voters from as far away as the Pacific islands and lots in Australia, New Zealand and so on, all of whom are entitled to vote. That is a really important part of our electorate. It is important that any of us who are university Senators acknowledge that role and the fact that it is not unknown to our political system to have diaspora votes.

I shall talk as somebody who represents members of the diaspora and as somebody who has lived abroad. I spent three years living abroad in London where I was very active in different groups, including the Irish Women's Abortion Support Group. For many years, the group provided practical help and assistance to the thousands of Irish women who had to leave Ireland, for so many years, to access reproductive health services abroad. Thankfully, now that we have changed our own law through the repeal of the eighth amendment last year, that route is no longer necessary for most women. The IWAS Group that I was part of in London, along with my colleague, Senator Kelleher, played a really important role over many years. Many of the members of our group were themselves second generation Irish. Senator Conway-Walsh talked about generational emigration. That second generation has grown up Irish in London and has

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a dual identity of being from London but also from Ireland. They were very active in other Irish emigrant groups abroad as well, including the Irish centres, Irish music and Irish cultural groups. Therefore, I have a particular interest in the diaspora.

I shall first talk about votes for the diaspora, which the Minister of State has addressed a little. I shall also talk about the changing relationship that we have with our diaspora. Finally, I shall say just a word about Irish Aid, which is the other side of the diaspora issue where we talk about Ireland reaching out, our contribution to overseas development aid and the launch last week of a policy entitled A Better World, which I welcomed in this House. I could not get to the launch but I was in this House welcoming the policy on the same morning.

I very much welcome the announcement that there will be a referendum. I had thought that it was to be held in May but the Taoiseach has stated that it will now take place in October. It is good that the question of extending voting rights in presidential elections to Irish citizens outside the State is being put to the people. I welcome this and will be happy to campaign in support of the proposal. I hope it will pass. In 2013, I was proud to lead the Labour Party delegation at the Constitutional Convention, which recommended by 78% majority, that we would extend voter rights in presidential elections to Irish citizens resident abroad. All of us who participated in the convention found it an extremely moving experience to hear from members of the diaspora who gave testimony, broadcast to the convention at the Grand Hotel in Malahide. Some had got up in the middle of the night to do so. They spoke very powerfully, eloquently and movingly about why they would seek the right to vote in presidential elections and how connected they felt to their country of origin. Some had only left Ireland a few years previously, others had been away a long time and some were Irish citizens who might have had very little physical connection to the country but who had a very strong emotional and mental connection and one of identity. I am glad that the referendum will be held in October and I hope it will pass so that Irish citizens resident abroad will be able to vote in the next presidential election in six years' time.

I also wish to mention the changing relationship. It is now some years since Mary Robinson, on her election as President - the first woman to hold the position - in 1990, placed major emphasis on the connection with the diaspora and famously lit a candle in the window of Áras an Uachtaráin which was a powerful symbolic expression of the cherishing of the diaspora. She spoke of the truest way of cherishing the diaspora but she also spoke of the changing relationship. She stated:

Diaspora, in its meaning of dispersal or scattering, includes the many ways, not always chosen, that people have left this island. To cherish is to value and to nurture and support. If we are honest we will acknowledge that those who leave do not always feel cherished.

That moment in 1990 marked a really important shift in our relationship with the diaspora and a recognition that the relationship must remain dynamic, that it must evolve to meet changing circumstances and that there are very different groups and needs within the diaspora. Since then, we have sought to reach out and show a greater level of cherishing. I refer, for example, to the Presidential Distinguished Service Award, which was first awarded in 2012. Last year, it was presented to Edna O'Brien who has written so powerfully from exile, if you like, about the experience of growing up in Ireland in the 1950s. Just this year, we saw the brilliant exhibition curated by Dr. Angela Byrne in conjunction with EPIC and Melanie Lynch of her story, along with the Department of Foreign Affairs and Trade. This exhibition is being shown at Irish embassies around the world this year and will feature remarkable Irish women who have blazed

a trail internationally as members of our diaspora. They include Eileen Gray, the designer and architect, Eva Gore-Booth and others, including Margaret O'Shaughnessy Heckler, the first woman to hold the post of US ambassador to Ireland and other women of whom I had not heard prior to the exhibition. This is really good to see.

I again welcome the new policy on overseas development aid, *A Better World*, published last week. It shows us how important a role a small country such as Ireland, which has a big diaspora, can play on the world stage in making a contribution back to countries which are still developing and to whom we need to reach out in support. I am glad to see that in that new policy there is a clear commitment to placing the sustainable development goals at the heart of development policy and a reaffirmation of our commitment to the UN target of achieving 0.7% of GNI* in our overseas development aid contribution by 2030. I also welcome the announcement of new initiatives on sexual and reproductive health and rights contained in the document. This is something for which I have pressed at the Joint Committee on Foreign Affairs and Trade, and Defence, as have my colleagues on that committee. It is very welcome. I know that criticisms of that commitment have been expressed in this House but it is really important that we see this so clearly expressed and such a strong emphasis on particular priority issues around climate justice but also around women's equality and sexual and reproductive health and rights for women.

I wish to end by commending the Department of Foreign Affairs and Trade and Irish Aid on this initiative. The Joint Committee on Foreign Affairs and Trade, and Defence will continue to support Irish Aid initiatives and our diaspora because we see them as two sides of the same coin in the context of Ireland reaching out and taking its place on the world stage.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon): I thank the Senators for their excellent contributions. It was obvious to me that they share my values in how we engage with and support our diaspora communities world wide. I will respond to each individual contribution in turn and respond as best I can.

I agree wholeheartedly with Senator Ned O'Sullivan who described the opportunity to extend the presidential vote to our people worldwide as a meaningful and concrete way of showing our support for our diaspora. It is more than fitting that the person who best embodies who we are as a people, our first citizen, our President, should be chosen by all members of citizenship around the world. I was particularly heartened to hear every single Senator committing to be actively involved in the referendum campaign that will take place at the end of October. The Senator also suggested that we need to adopt a cross-departmental approach in respect of our returning emigrants and tackling the challenges they face. That process has been under way for two years through the work of an interdepartmental committee which has representation from every Department and which seeks to minimise, to the greatest extent possible, the obstacles being faced by our returning emigrants.

Senator Ned O'Sullivan and many others referred to the undocumented. Our objectives in this regard remain constant. In that context, we aim to achieve relief for the undocumented and facilitate greater pathways for legal migration to the United States. However, none of us underestimates the size of that challenge. We know it is a policy area that has been very divisive in the US political system for decades, with pronounced disagreements, sometimes in the same political party, on the best way to deal with an issue that affects not only the Irish undocumented but also over 11 million people across the US. The Government, our special envoy, Deputy John Deasy, and our ambassador in Washington, Dan Mulhall, have consistently engaged with

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both parties in a bipartisan way to address our long-standing concerns. This continues to be our best approach and will remain our approach. Our embassy in Washington and six consulates across the US work continuously and tirelessly with Irish emigration centres in order to provide vital services to the undocumented. Last month, I visited the Irish Pastoral Centre in Boston to hear directly from those who work on a daily basis supporting our undocumented. The Government remains wholly committed to working with the US authorities to resolve the plight of the undocumented, hopefully sooner rather than later.

Senator Richmond pointed out the great benefits of St. Patrick's Day as a celebration of Irish identity and culture across the world. It presents a huge opportunity for Ireland to connect with our people worldwide and allows Ireland to significantly expand its sphere of influence, whether in business, culture or other facets of society worldwide.

Senator Ó Donnghaile observed that we need to look out for the welfare of our diaspora in Britain, particularly in the context of Brexit. Last week, when I spoke in the Dáil on the issue of Brexit during the debate on the legislation going through the Houses, I made the point that we remain absolutely supportive of our Irish community in Britain and will continue to support them after Brexit. Britain has been one of the most important destinations for Irish emigration for centuries which is reflected in our emigrant support programme expenditure in Britain in 2018, when over €5.9 million was awarded to 108 organisations across Britain, 88% of which - almost €5 million - was devoted to welfare support. As many established Irish communities in Britain are ageing, the welfare provided under the emigrant support programme is becoming more important. The community organisations do extraordinary work and offer a vital lifeline to disadvantaged emigrants, facilitating their access to local services and combating what is increasingly a problem of social isolation and alienation.

Senator Ó Donnghaile spoke very eloquently and passionately about the need to ensure we succeed in winning that referendum in October. Senator Conway-Walsh also referred to the Indecon report and asked whether there is an ongoing dashboard of results. The answer to her question is yes. Of the 30 recommendations in that report, 19 have been fully addressed, six are under consideration and we are bringing a report to Government on progress on that in the coming weeks. That report will be available to Senators in the House.

The main issues addressed in the Indecon report were around driving licences and thankfully we have been working with the Department of Transport, Tourism and Sport on the cases of individuals now returning to Ireland from a country that does not have a driving licence exchange agreement with Ireland. Previously one needed to begin the whole process of having to do 12 driving lessons before one could get a licence. In conjunction with the Department of Transport, Tourism and Sport, we have now reduced that to six lessons. On the issue of car insurance, we have been actively engaging through the Department of Finance with car insurance companies and a protocol has been put in place where if one returns to Ireland from a far flung destination with documentary evidence of a safe driving record and of a no claims relationship with the insurance company in that country, the vast majority of Irish car insurance companies are now accepting that documentation as evidence of a safe driving record and the list of companies that are accepting that are available on the Department's website.

Senator Conway-Walsh also raised the question of young farmers' access to the national reserve. There is no discrimination whatsoever applying to returning emigrants in that context. All applicants, be they returning emigrants or people who have been living in the country, are treated equally. I am informed by colleagues in the Department of Agriculture, Food and the

Marine that a number of returning emigrants have gained access to these supports.

Senator O'Mahony spoke about the undocumented and he also spoke quite rightly about the extraordinary contribution of the GAA to community building across all Irish communities in the world. I officially opened the Asian Games in Bangkok and 1,000 players, supporters and mentors, representative of the 400 GAA clubs, gathered from all over Asia in Bangkok to celebrate our national games and partake in a whole series of championships during that weekend. We also have a very strong relationship between the Department of Foreign Affairs and Trade and the GAA in terms of funding capital investment in GAA facilities worldwide and we recently announced a very significant investment in McGovern Park in Ruislip in London in collaboration with Croke Park to see that facility being finished to a very high standard.

Senator Bacik quite rightly commended the role of Senator Billy Lawless, who has been a powerful advocate in the Seanad for our diaspora community worldwide. She cited the importance of the referendum in terms of that sense of community building, making the point that it is more than appropriate that all of our citizens worldwide would have the opportunity to choose our first citizen, quite rightly pointing out that we already have members of our diaspora who have a role in deciding the members of this House. Senator Bacik also mentioned an exhibition that is currently touring some of our embassies and missions worldwide, originating in EPIC, The Irish Emigration Museum, and outlining the extraordinary contribution made by women members of our diaspora. That exhibition and research work arose as a result of the global Irish unit of the Department of Foreign Affairs and Trade funding an in-house historian in EPIC, who has researched all of that and will continue to research the contribution of members of our diaspora in other contexts as well. I hope we will have similarly powerful exhibitions in the future.

I thank every Member for their excellent contributions. There is no question but that there is an absolute consensus in this House as to how we continue: we should continue to work with our diaspora communities worldwide, we should continue to invest significantly in them and we should work collectively to ensure the success of the referendum in October.

Senator O'Sullivan spoke about the power of technology in connecting people worldwide. There is no question but that in the next two or three decades as that technology becomes ever more ubiquitous and ever more powerful, the opportunity for communities of shared interest across the world to congregate and convene online, support one another, engage and nurture one another, the opportunity to connect our 70 million Irish people all over the world will become every more powerful. We need to work hard collectively to support that community and to continue investing in that community because it is an extraordinary opportunity to build something really effective and powerful that will be as meaningful for a member of our diaspora living on a Pacific island, in London or Los Angeles who will feel part of something greater than themselves and something that is of immense benefit to them, their family and to their community.

An Leas-Chathaoirleach: I call the Acting Leader to move the suspension of the House until 2.15 p.m.

Senator John O'Mahony: I propose the suspension of the House until 2.15 p.m.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Sitting suspended at 1.45 p.m. and resumed at 2.15 p.m.

Traveller Accommodation: Statements

Acting Chairman (Senator Gerry Horkan): I welcome the Minister of State, Deputy Damien English, back to the House. This discussion will conclude at 3.45 p.m., with contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes. Time can be shared and the Minister of State will have not less than eight minutes to reply to the debate.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): It is good to be back in the House. I thank all Senators for the opportunity to discuss this very important issue. Addressing Traveller accommodation is a priority for me and the Department and I am glad we have a chance to discuss the issue, on which we touched in various previous debates. I am conscious that some Senators have been very focused on this area over the past year and have brought a group of like-minded people together. It is good to have a chance to talk through where we are at the moment.

The Housing (Traveller Accommodation) Act 1998 provides that local authorities have statutory responsibility for the assessment of the accommodation needs of Travellers and for the preparation, adoption and implementation of multi-annual Traveller accommodation programmes, TAPs, in their areas. My Department's role is to ensure there are adequate structures and supports in place to assist the authorities in providing such accommodation, including a national framework of policy, legislation and, most important, funding.

It is a matter for each local authority to set targets for the provision of Traveller accommodation in their Traveller accommodation programmes. The allocation and recoupment profiles for Traveller accommodation projects can vary across local authorities given the local priorities, circumstances and project timelines set out in their programmes. These programmes provide a roadmap for local authority investment priorities over the period and form the basis for the allocation of funding for Traveller accommodation from my Department. When we discussed this briefly at a meeting of the Joint Committee on Housing, Planning and Local Government this morning, members asked how the capital funding is allocated. This is generally done on the basis of a list of the applications submitted to the Department and the priorities of local government. Last year, money was provided to projects which could and should have been developed but where the follow-through did not necessarily take place.

A dedicated capital budget is in place to fund the delivery of Traveller-specific accommodation such as group housing and halting sites for Traveller families. The budget also provides funding for renovation and refurbishment work to improve the standard of existing accommodation. The budget available for Traveller-specific accommodation in 2019 is €13 million, which is an increase of €1 million on the 2018 figure and €4 million on the 2017 figure. However, it is important to note that accommodation for Traveller households is provided across a range of housing options. With regard to the budget, we are not back to the highs of the capital budget we had for Traveller accommodation a number of years ago. While I would like us to get back there, the difficulty is we are not in a position to draw down from what is provided. Hopefully, as we make changes, we will get this money spent and we will be able to secure more money and ring-fence more funding for Traveller accommodation in the years ahead.

To return to the different range of housing options, the majority of Travellers live in standard housing, including local authority housing and HAP-supported tenancies in the private rented sector. Funding for these housing supports are provided through the respective budget lines and

the Traveller accommodation budget is provided solely for Traveller-specific accommodation. Accordingly, funding available to provide housing solutions for Travellers is much broader than the Traveller accommodation budget. I am conscious that most of the focus of this discussion and our debates around Traveller accommodation is on Traveller-specific accommodation.

In addition to the capital funding provided, my Department provides revenue funding to local authorities for specific Traveller accommodation-related supports, such as social worker salaries and the management and maintenance of halting sites and group housing schemes. A total of €5.1 million was provided to local authorities to meet these costs in 2018. However, there is little doubt that delivery on capital programmes in recent years has been very disappointing and addressing the reasons for this and implementing solutions is something I am determined to address. I am conscious the lack of drawdown of funds and lack of development on the ground have been raised by many colleagues in the Seanad, across all parties. It is a shame to see capital money allocated and not spent when people are living in conditions that are not suitable for their families.

In January 2019, the European Committee of Social Rights published its findings on Ireland's 15th report in 2017 on the implementation of the revised European Social Charter. The findings of the committee were very disappointing. In particular, the committee found there was insufficient provision of adequate accommodation for Travellers and that many Traveller sites were of inadequate condition. The report also acknowledged the response to fire safety issues taken by the Department, under the National Directorate for Fire and Emergency Management, following the Carrickmines tragedy in October 2015. The inquest into these tragic deaths took place at the Coroners Court in January this year. I want to outline some of the work that has been undertaken by my Department and the local authorities in the intervening period.

In the immediate aftermath of the Carrickmines fire, my Department's National Directorate for Fire and Emergency Management was commissioned to develop and oversee an audit and programme to improve fire safety in local authority-provided Traveller accommodation. Recognising broader issues related to Traveller accommodation, the national directorate worked with Traveller representative groups to develop a culturally appropriate approach to the task. The review process focused on "life safety" and on ensuring that practical and appropriate fire safety measures, which contribute to preventing loss of life and serious injury in local authority Traveller accommodation, have been applied systematically across the country. This involved appraising fire safety in Traveller accommodation against standards set out in a new guide to fire safety in existing Traveller accommodation, a working draft of which was prepared by the national directorate in collaboration with fire services and the Traveller community. The purpose of the guide was to assist local authorities in undertaking the review and implementing the necessary improvements. The programme also involved running a series of community fire safety initiatives aimed at Traveller organisations and the wider Traveller community so that awareness of fire risk and fire safety is developed and maintained over the longer term. Individual local authorities have completed substantial works to ensure accommodation is made safer.

In September 2016, my Department published the Report on the Programme to Review and Enhance Fire Safety in Local Authority Provided Traveller Accommodation. Following on from the report, the National Traveller Accommodation Consultative Committee, NTACC, continues to monitor the work undertaken by the local Traveller accommodation consultative committees in regard to fire safety.

The guide to fire safety in existing Traveller accommodation was prepared by the national

directorates in collaboration with fire services and the Traveller community to assist local authorities in implementing necessary improvements. This guidance will be issued to the local authorities in the coming weeks on foot of the recent case. It has been formalised into a document and the guidelines will issue.

As indicated previously, the delivery of Traveller accommodation in many local authorities has been challenging in recent years, to the extent that budget allocations have not been fully expended. Over the past ten years, 2009-18, the Department has recouped in excess of €75 million to local authorities from a capital budget of €128.8 million. This represents a 59% drawdown on capital funding by local authorities collectively. In light of the condition of many of the Traveller-specific accommodation sites and the need for more, a drawdown of less than 60% is not acceptable.

Following on from a commitment in Rebuilding Ireland to ascertain why budgets were not being spent and on foot of a commitment in A Programme for a Partnership Government, in 2017 the Housing Agency commissioned a review of capital and current funding for Traveller accommodation programmes for the period 2000-16. The report had regard to the targets contained in the local authority Traveller accommodation programmes, the actual units delivered, the status of the accommodation funded and the funding provided for accommodation maintenance and other supports.

The review of the Traveller accommodation programmes conducted by the Housing Agency identified a number of areas which inhibit the provision of Traveller accommodation. The consultation element of the research identified the planning process as the most significant challenge to local authorities, characterised as objections from local settled residents and political pressure exerted by elected representatives delaying the planning process. This can have a direct impact on the achievement of targets as developments may face extensive delays, leading to the loss of opportunity to utilise funding.

The research also identified, through stakeholder engagement, that the current assessment of need process tends to focus on current need without an effective mechanism of predicting future need. The report recommends greater involvement from local Traveller accommodation consultative committees in needs assessment and target development. Improved consultation between stakeholders will result in realistic targets with regard to both population growth and the pressures on local authority stock, land, funding and planning processes. We often see sites that are over-developed with too many families living on them because this conversation was not had in the first place to work out exactly what the needs are going to be.

The review of the Traveller accommodation programmes was considered by the National Traveller Accommodation Consultative Committee. The NTACC was established by the Housing (Traveller Accommodation) Act 1998 and one of its functions is to advise the Minister of the day, currently me, on matters relating to the provision of Traveller accommodation. The NTACC includes representatives from local authorities, Traveller representative groups and my Department. Following its consideration of the Housing Agency report, the NTACC recommended to me that an independent expert group be established to examine the delivery of Traveller accommodation and to make recommendations on how we can address that. I subsequently established the expert group in September 2018. I would have much preferred to have set up that group much earlier but, for various reasons, it was delayed. We got it set up in September 2018 and we asked it to complete its work in three months. Its request was for six months, which will bring us to April of this year, when we hope to have the report. The overall

aim of the group is to review the effectiveness, implementation and operation of legislation and to put forward proposals that will improve delivery. When we discussed it this morning at the housing committee, it was clear everybody across the parties wants increased and improved delivery and it is a question of finding new ways to do that, which is what the group has been asked to do. We are expecting to receive the report in April and we will then have a chance to work on it. My Department will consider any recommendations made by the expert group that have the potential to improve the delivery of Traveller accommodation nationally and help to ensure that full use is made of the increasing level of funding available for investment in Traveller accommodation.

If we can change that system and get the increased expenditure, I have no doubt we can secure the extra money we need to upgrade more facilities and to provide new ones. We will need to work with the expert group to implement the changes it recommends. I get a sense from the housing committee and from talking to individuals across the Houses that there is a desire for improvements. For too long, we have seen money not being spent where it is badly needed. I hope we will be in a much stronger position after April to implement new spending programmes we can stand over and believe in. I have visited many of these sites around the country and they are just not acceptable. They are utterly shocking and the conditions are not on. All of us have a responsibility to change the system to make sure we get an improvement in the provision of accommodation. I am conscious those conversations involve many stakeholders and I do not point the finger at anybody, except to say the system is failing and we have to bring in changes. I am not going to prejudge what the recommendations of the expert group will be, and we will wait a few more weeks until we get the report. However, it would be very welcome to hear any suggestions in the House today. The job of the expert panel was to engage with as many people as it possibly could, certainly with the Traveller representative bodies to get a real picture of what is going on, and also with the local authority sector. We welcome their feedback. Hopefully, we will be in a position in April to move forward. I am happy to come back into the House at that stage to talk more about it, if needs be, and to work with interested Members.

Senator Jennifer Murnane O'Connor: In the past two decades, the number of Traveller families in need of accommodation has more than doubled, and more and more Travellers are presenting as homeless. Many Travellers are living in chronically overcrowded conditions and are excluded from Government statistics on homelessness. I see that this is a major issue from Travellers coming into my clinics. This is wholly unacceptable. Travellers who are homeless need to be categorised accordingly.

The “RTÉ Investigates” programme “Travellers - Lives on the Fringes”, broadcast in December 2018, was a shocking insight into the accommodation crisis for Travellers. While Travellers make up about 1% of the population, the “RTÉ Investigates” survey of local authorities found that they make up at least 8% of homeless adults staying in emergency accommodation and 12% of homeless children. These are significant numbers. It is alarming that the €157 million allocated to local authorities for Traveller accommodation between 2008 and 2017 was underspent by €52 million. Meanwhile, social housing delivery figures released as part of Rebuilding Ireland showed that 107 homes were provided in 2018 for Traveller accommodation and support at a cost of €6.8 million. The 2018 budget allocation, however, was €12 million. This represents an underspend of 44%. The failure to deliver Traveller-specific accommodation has serious implications for Traveller health, education and employment.

On 1 March 2017, Travellers were formally recognised by Dáil Éireann. A pragmatic approach needs to be taken to ensure delivery of Traveller accommodation from annual budget

allocations. This requires working with communities to resolve any perceptions arising on any issues. Travellers are an important and distinct element of Irish culture and society. Their marginalisation is seen most starkly in the areas of housing, education and health. These are the issues I encounter. We need to focus more on awareness. Statistics support the view that Travellers are marginalised. Only 1% of Travellers go on to third-level education. Traveller mortality rates are still three times the national average and suicide rates among members of the travelling community are six times the national average.

Fianna Fáil believes the Government needs to do more to ensure local authorities are acting in a co-ordinated fashion to accommodate Travellers. There has been under-delivery and underspending of allocated budgets and local and political opposition has played a part in this. Local authorities' lack of compliance with provisions mandated through the Housing (Traveller Accommodation) Act 1998, lack of national and local oversight and monitoring have all culminated in a crisis.

We are already in the worst of times. We need to talk about what is being built in Ireland and address the issue that the housing units being built serve only one type of family. Across the board, the type of housing being built is not suitable and there is a focus on one type of housing. This is causing a massive issue in the system and it should be addressed properly. We need to look at what is available for Travellers and what would suit their accommodation needs. It cannot all be three bedroom houses. I see value in creating a national Traveller accommodation agency to look at the types of accommodation being made available. This agency would monitor, assess, advise and secure the implementation of the annual building and refurbishment programme of local authorities and Traveller accommodation programmes. It would review local development plans, advise the Minister on what needs to be done, review drawdown funding and oversee the national assessment of need. Fundamentally, it would consult nationally and locally with Traveller interests to ensure Traveller inclusion. That is crucially important.

We all want a space to suit our lives and live out our own stories so we can no longer be pigeonholed families. We need to have a committee meet Travellers and we need to have more communication with them. That is where we are falling down. The Irish Traveller Movement contends that there is an urgent need for a radical overall of the current delivery system for Traveller accommodation. The organisation feels Travellers have been let down. Of the 10,000 Traveller families resident in Ireland, 35% live in standard houses, 26% live in private rented accommodation, 7% live in group housing, 5.7% live in permanent halting site bays and 4.35% live in unauthorised halting sites. By law, councils should take reasonable steps to build Traveller-specific housing. A survey carried out by "RTÉ Investigates" revealed that 16 of Ireland's 31 councils did not build any new Traveller-specific schemes in the ten years to June 2018. That is frightening. Despite the Housing (Traveller Accommodation) Act 1998, Traveller families in need of accommodation have more than doubled. They are five times the number sharing accommodation and account for 4,460 people in overcrowded halting sites and standard housing.

Travellers have also experienced an increase in homelessness. There are now 517 Travellers homeless and these are distinct from Travellers living in substandard and overcrowded shared accommodation. Figures show that the proportion of Travellers living in accommodation that is not fit for purpose is 11 times higher than among the general population.

Since the first Traveller accommodation programme, TAP, in 2000, the five-year mandatory plan in each local authority to provide accommodation for Travellers has had widespread deliv-

ery failings. Outcomes in the 17-year period to 2017 prove

nationally that low targets have been set for developing Traveller-specific accommodation such as halting sites, group housing and transient sites. In some instances, there are no targets, despite ministerial directions. Higher targets have been set for delivery of standard housing, while there has been a lack of adequate planning for population growth, inaction on overcrowding and homelessness and next to no delivery of transient accommodation. That is the overall picture and it highlights the main problem.

Further evidence appeared in June 2017 in the Government report, Review of Funding for Traveller-Specific Accommodation and the Implementation of Traveller Accommodation Programmes, which covered the period from 2000 until 2016. The report confirmed consistent failings in implementing funding. There was substantial underachievement over the lifetime of the TAPs, with only 68% of units delivered. These were targets determined, in the first instance, by the local authorities in each case. Poor quality of building also resulted in a need for early refurbishment, with those funds being prioritised over the development of new builds. The report also found a lack of accountability and transparency by local authorities and the absence of sanctions, legal implications or intervention in respect of the Government. That is crucial. Planning processes were found to be drawn out and failed at the Part 8, public consultation, phase when most came to a complete halt. The lack of planning for future population growth and an accommodation needs assessment that was not fit for purpose resulted in greater housing pressure.

The report of the task force on the Traveller community in 1995 identified that 3,100 new units of both Traveller-specific accommodation and standard housing were required by the year 2000. This tells us how long this has been going on. Of these 3,100 units, it was recommended that 2,200 should be halting site and transient bays and the remaining 900 should be Traveller-specific standard and group housing. There was a slow start in the period between 1997 and 2017, during which 1,218 of the proposed 2,200 halting sites were not delivered, while four times the targeted number of housing and group housing provision was delivered. I could go on.

Acting Chairman (Senator Ned O’Sullivan): No, you cannot.

Senator Jennifer Murnane O’Connor: I accept that. The figures are staggering. They are a concern and a worry. We need everybody to work together. Senators represent and work for everybody who comes into our clinics. We need balance, accountability and awareness and to have everybody working together. While I understand that people have concerns and we have to work with that, all of us must work together to ensure we provide proper Traveller-specific accommodation.

Senator Victor Boyhan: I welcome the Minister of State to this timely and important debate. I live close to three Traveller accommodation sites and my experience has been nothing but positive. One is a place called Soldiers’ and Sailors’ Field on Monkstown Avenue. I commend Dún Laoghaire-Rathdown County Council on its pioneering and imaginative approach. I was a member of the council when it took a conscious decision to construct an elaborate and exciting children’s playground at the gate of a Traveller accommodation site. This was done with the consent and permission of the Travellers in question. I visited the playground yesterday and nothing in it is broken. While there is no gate on the playground, it has not been damaged or vandalised despite what everyone said would happen. The playground has been open for many

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years. What is lovely about it is that children from both the local area Traveller accommodation or elsewhere come to play there. Children have no prejudice or hatred. They accept everyone who engages with them and everyone who plays with them. I recommend to the Minister of State that the Department should examine it because it is a clear opportunity. When there are opportunities and when one identifies common needs in people who wish to live in harmony, play, explore and be part of a community, it works.

Down the road, the Traveller accommodation site on the West Pier is wholly inappropriate accommodation. Every few weeks it is tapped up with timber laths to keep the easterly winds away from the Travellers in caravans. It was never designated as a Traveller accommodation site and it should never have been used for that purpose. I see all the problems down there in what is a very dark place at the edge of a pier. It is not lit and there is no residential connection with anywhere around it other than the sea on one side and the DART line on the other. One sees the pitfalls there and the anti-social behaviour, which does not involve the Traveller community, with people passing by and hurling bottles in or being abusive to the Travellers. Blackrock Park, which is just up the road, is an ideal site, where half of it houses caravans and the other half has permanent structures. It works very well on the edge of a beautiful park. Everyone who travels on the DART each day sees it. The people there are happy and they want to stay there and live there. The only shortcoming there, like most Traveller accommodation, is that it does not necessarily take on board the trades, crafts and skills of some, not all, Travellers. My experience of meeting many Travellers is that they are entrepreneurial, and involved in different activities such as making up trailers, working with scrap metal or whatever else, but they are trades. We are all entitled to work and to earn a few bob from doing something that we are good at and we like to do. The challenge is to marry the capacity of people to work, earn a few bob and put a crust on the table and being happy or peaceful people who are valued and respected. Surely that is not too much to ask for anybody.

The question is how we as politicians respond in an appropriate manner. I am somewhat surprised that there has not been more litigation against politicians in relation to the conduct of some. That goes for every party and none. It is regularly brought to my attention that politicians, from county councillors to Ministers, advocate against the Department's policy. I hear suggestions that we should dispose of sites that are designated for the Traveller accommodation programme, TAP. One of the measures I liked when the programme got going is that TAP sites were designated on county development plan maps. That is part of the planning process. People know what they are buying into. Our planners know what is involved. The TAP is adopted by the local authorities. I ask the Minister of State to consider legislation in this regard. Under no circumstances should a TAP be removed from a county development plan without at least, first, the consent or knowledge of the Minister. The Department should know if there are substantial changes within the life of a county development plan, which lasts for five years, and if there are variations, it should be notified. We need a mechanism for that and we must monitor the situation. I am not convinced when someone comes to me and says a site worth €2 million is designated for Traveller accommodation and, therefore, it should be sold. That is not good enough. The elected members at some point in the life of the county development plan took a decision when considering Traveller accommodation provision. Such decisions take a long time; they do not happen in five minutes. It is important that all parties and none are briefed about their responsibilities and that they are brought into line by their party leadership if they stray from appropriate language and policy on Traveller accommodation. I do not single anyone out because it happens across the board.

We must be concerned if people are not drawing down the money. We must ask why that is the case. We must be concerned about what the Department is doing about it. If money is not being drawn down then the question is who is driving the national Traveller accommodation strategy? That is important. The buck has to stop somewhere. I am not here to lay blame on anybody. There are no objectives relating to Traveller accommodation in the Rebuilding Ireland programme. I am very well up on that programme. Perhaps a national scheme to address the issue is needed. It is not rocket science. We have 31 local authorities and they need short, medium and long-term objectives. Let us look at the short-term objectives and ask them if they can deliver on the next five Traveller accommodation units in each area.

I do not doubt the Minister of State's personal commitment to the issue, nor do I doubt the commitment of the Department. However, we have a long way to go. We should have meaningful stakeholder engagement because that is important, but we also need to talk to locally elected members about their roles and responsibilities in delivering the TAP.

Senator Martin Conway: I welcome the Minister of State to the House. He is an effective Minister. He is on the ground, he knows the issues and he has solutions. This is a difficult issue for many reasons but especially for those who do not have appropriate homes. Trying to procure homes for anybody in this country is not easy, but for myriad reasons it is more difficult for Travellers. I always like to look at the glass as half full in such scenarios and sometimes it is not easy. The former Taoiseach, Deputy Enda Kenny, deserves a lot of credit for making the necessary moves that led to the recognition of Travellers as an ethnic group. It was an appropriate thing to do and it was welcomed. It meant that society and the State respected Travellers as an ethnic group.

Following on from that statement of the State's value and respect for Travellers, a significant volume of work must be done. I noted Senator Boyhan's proximity to Traveller accommodation units. When I look out my window I can see Traveller accommodation, as there is a group housing unit of six houses. In my town, there are three separate Traveller accommodation units. They were proposed and planned in the Traveller accommodation programmes in the 1990s and the early part of this century. Integrated housing is appropriate but Travellers had a different view and that had to be respected. The result is a mixture of all views. Senator Boyhan referred to a playground. I would consider that an example of best practice and other local authorities should learn from it. Many local authorities have good schemes and many Travellers have been housed for a long time who are getting on with their lives, rearing their families and making a meaningful contribution to society. Such examples exist and they must be heralded and used as best practice but there is a lot more to be done. The Minister of State is fully aware of what has to be done. The most disappointing element is when we find out each year how much money has been allocated by the Minister, who makes a significant effort during the budget negotiations to get funding and then makes sacrifices in other areas of housing to make money available for Traveller accommodation, and local authorities are not in a position to draw it down. It is not all the Government's fault or responsibility. Local authorities have a clear responsibility in terms of rolling up their sleeves and dealing effectively with Traveller accommodation. Some local authorities are good and make an effort but many are not making an effort. It is not a priority. It does not receive the type of absolute attention about which Senators Boyhan and Murnane O'Connor spoke eloquently. There are 31 local authorities and each of them has a responsibility to provide Traveller accommodation, but we could count on one hand the number of local authorities that do a genuinely good job when it comes to it. The Government has provided funding, including in very difficult circumstances, but the local authorities

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are those charged with delivering the programme, spending the funding and providing the accommodation. We will continue to bring Ministers to the House, as we have a proud tradition of doing, to highlight the issues we feel are important to us.

It is only appropriate that a special vote of appreciation should be bestowed on our colleague, Senator Kelleher, who has championed the issue of Travellers' rights in myriad ways since she came to the House.

Senator Victor Boyhan: Hear, hear.

Senator Martin Conway: I am very pleased to be a member of her all-party Oireachtas committee on Traveller issues. Sometimes it is not possible to get to the meetings, but the collaborative work being done by representatives from all parties is very welcome and I commend her on it. She has taken the lead on the issue. It makes us all examine what we are doing in terms of assisting her and reflecting it in our communities and societies and here in the House. I urge the Minister of State to continue to provide funding for Traveller-specific accommodation. I remind local authorities of their responsibilities in this regard. This has been a good engagement so far and I have no doubt it will be one of many engagements we will have on the issue. Senator Boyhan has been a member of the Committee on Housing, Planning and Local Government for a long time. I joined it six months ago. I have no doubt the committee has already had engagement examining the issue of Traveller accommodation and I have no doubt it will feature heavily in our work programme.

Senator Fintan Warfield: I listened to Kathleen Lawrence when she spoke at the launch of the children's rights report card in the Mansion House a couple of weeks ago. The Government received a D grade for progress on Traveller and Roma children. She spoke perfectly about childhood experience in the world we live in and the discrimination she and her family and friends face.

I want to speak about the recent presidential campaign. We should not forget that when candidates pick on a small community, in that case the Traveller community, and I say this as a gay man, these politicians or groups generally have a shopping list and it will not stop with the Traveller community. There is an onus on all of us to stand together against what we saw in the campaign and the attempts to isolate a small group of people for political gain. The LGBT community has adopted the pink triangle to give urgency to political issues. We know it was assigned by the Nazis in concentration camps. A black triangle was assigned by the Nazis to Roma people. Lesbians also wore the black triangle, which should be noted.

I thank the Leader for facilitating the debate, which I requested, as did Senator Kelleher. The basis of both requests was the shameful 44% underspend by local authorities on the Traveller accommodation programme. There was an underspend in 2017 when only €4.8 million of the €8.7 million was spent, which was a 45% underspend. According to the responses to parliamentary questions, ten local authorities that received allocations under the programme did not draw them down. Only seven local authorities spent the entirety or more of their allocation, namely, South Dublin County Council, Dún Laoghaire-Rathdown County Council, Fingal County Council, Kerry County Council, Tipperary County Council and Waterford City and County Council. Only two did so for two years running, namely, Dún Laoghaire-Rathdown County Council and Tipperary County Council. It was the Minister of State, Deputy English, who outlined in response to a parliamentary question from Deputy Ó Broin that if it becomes clear that allocations, or parts thereof, remain unspent, they will be diverted to alternative proj-

ects and developments. Where a local authority does not spend its allocation, will it be diverted to other avenues? Does it get returned to the same pot? If it is underspent, is it possible to put it in the pot for the following year and divert it to local authorities that will spend it? As a republican, I believe decisions should be made as close to the people as possible. If local authorities are not doing the job they should be doing on Traveller accommodation, we need to have a conversation about where these decisions can be made.

Aside from some very reasonable justification by some local authorities for the underspend, anti-Traveller prejudice exists among some local representatives, some local authority staff and some local communities. I say this because prejudice is a contributing factor that needs to be addressed. Professor Michelle Norris from the expert group reviewing the Traveller accommodation programmes told the joint committee on housing that the real problem with the programmes is in implementation and projects getting off the ground in local areas. I appreciate that the Department offers its assistance in this regard but it is becoming clear that local authorities are not spending these allocations despite these offers of assistance. This may not be enough to encourage take-up of the programme or its objectives. Will the Minister of State indicate what tangible differences from what happened in 2018 will we have in future? I am aware that many parties are at fault, but the Minister of State taking a more insistent and active role might be significant for delivery.

I also want to reference the inquest into the Carrickmines fire in 2015. The Glenamuck site where the tragedy took place was established in 2008 as an emergency temporary halting site by Dún Laoghaire-Rathdown County Council. It was not subject to the same health and safety regulations as permanent sites. In response to a parliamentary question from Deputy Adams asking how this would be addressed, it was stated that while there is no specific time limit for the use of sites on a temporary basis under the Housing (Traveller Accommodation) Act 1998, local authorities are required to make adequate provision for transient and permanent sites in the Traveller accommodation programmes. Since the courts determined there was a lack of clarity in this instance and that the sites have been rented for years on end by families but do not have the same health and safety regulations as people living in permanent or long-term accommodation, this is an opportunity for the Minister of State to provide legislative clarity in the law, whether through statutory instrument or otherwise. This was a clear recommendation of the inquest and it is the prerogative of the Minister of State to choose whether to act. I respectfully ask that he gives this issue due attention regardless of the expert group review.

3 o'clock

Given the seriousness of an inquest recommendation like this, it would only make sense to act appropriately on what the courts have requested.

Senator Colette Kelleher: I welcome Mr. Bernard Joyce, Ms Helen Grogan and Ms Brigid Casey to the Public Gallery, as well as the other guests, and I thank the Minister of State for his statement on this urgent matter.

Since the first Traveller accommodation programme in 2000, the five-year mandatory plan in each local authority to provide accommodation, there has been much evidence nationally, as the Minister of State mentioned, of low or no targets being set for developing Traveller-specific accommodation. Higher targets have been set for standard housing with an over-delivery of same. Sometimes standard housing is the only alternative. It is not what people want but it is the best and only thing on offer.

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There is evidence of a lack of adequate planning for population growth which the Minister of State referred to in his statement. There is evidence delivery of poor to non-existent delivery of transient accommodation to facilitate nomadism. This is fundamental to people's sense of well-being and their sense of identity. I heard people speak powerfully about travelling to the Knock novena and that is a part of people's lives. People do not want to live in Knock but they like to go to the novena so the need to accommodate those kinds of important parts of people's lives should be taken onboard.

There is evidence of inaction on overcrowding and homelessness. Many sites are out of sight and out of mind. One has to really go about finding Spring Lane halting site in Cork because it is a long way from the road. The halting site in Doneraile is two miles from the road. We do not see the sites in Galway, like the site that Senator Boyhan mentioned.

Overcrowding was certainly a factor in the ten lives that were lost in the Carrickmines fire and it was great to hear the Minister of State's response on that in his speech. I hope we are doing enough to make sure that Carrickmines never happens again. Awareness of fire safety and fire risk is one thing but, if one is living in an overcrowded site like Spring Lane, which was designed for ten families and has more than 30 families living there, with the best awareness in the world, there is going to be a fire and more tragedy.

We need to be honest about it. Local, political and community opposition is the major barrier to advancing Traveller-specific accommodation. There is hypocrisy at play. We say one thing and act differently. Elected councillors in each local authority are represented on local Traveller accommodation consultative committees and charged with overseeing the research and assessment of need by local authority officials and developing the Traveller accommodation programmes. However, there are no sanctions on local authorities for not delivering, under-delivering or underspending budgets. There is huge need. There is overcrowding. It is hard to imagine that the conditions on sites pertain in a country as prosperous as Ireland and yet, as the Minister of State said, there is only 59% draw down of available funding. Of the 31 local authorities, 16 have no Traveller-specific accommodation.

According to the recent report on targets under the Rebuilding Ireland strategy, 107 homes were provided under the Traveller accommodation programme at a cost of €6.8 million in 2018. This falls far short of the €12 million available for the period and is consistent with the practice of underspending. Those 107 homes were not new homes. They comprised 57 refurbishments, 48 emergency caravans, one group house and one first-time buyers grant for the purchase of a caravan. That is not even new or additional accommodation. Underspending by local authorities has driven an underestimation of need which the Minister of State has accepted, which is, in itself, predicated on inadequate monitoring procedures which the Government's own report in 2017 found to be the case in local authority areas. It is over 20 years since the Traveller Accommodation Act and the numbers of Traveller families in need of accommodation has more than doubled in the State. There are five times the number sharing, accounting for 4,460 people in overcrowded halting sites and in standard housing. Some 517 Travellers were recorded as homeless in the 2016 census. We are in the midst of a housing and homeless crisis and Travellers are 11 times more likely to be homeless than the general population.

There were 162 Traveller families renting in the private sector in 2002 and 2,387 families in 2017. Families looking for accommodation in the private sector are subject to discrimination as shown by the Irish Human Rights and Equality Commission, IHREC, report. There is no provision for nomadic tradition, a criminal offence since the introduction of the Criminal Trespass

Legislation 2002. As the Minister of State acknowledged, there is widespread under-delivery and there is cross-party agreement that there is underspending, underestimation of need and local and political opposition. That was captured by the Housing Agency's report entitled Review of Funding for Traveller-Specific Accommodation.

I commend the Minister of State's commencement of the review of the Traveller Accommodation Act and accept his bona fides. He is taking this seriously and wishes to make progress. I welcome the report of the expert group which I understand will be available in April.

I also welcome the Minister of State's admission that the State has failed to deliver homes for Travellers and that is something we have to address. We have to give absolute and proper consideration to an independent statutory body which would draw up, in consultation with local authorities, a national programme for provision of accommodation for Travellers. We cannot go on allowing local authorities to fail to deliver time and again. It is one thing for the local authorities not to do it but we are talking about people's lives, the lives of children and their prospects and life chances, while living in absolutely unacceptable conditions in a country as wealthy as Ireland.

I ask the Minister of State to be open to making an amendment to omit Part 8 of the Planning Act currently conditional to Traveller accommodation provision. It is heartening that the Minister of State referred to the European Committee of Social Rights and is looking at the report of that organisation and intends to address the findings against the State.

I mentioned the IHREC report which found that Travellers were 22 times more likely to be discriminated against by landlords in accessing private rented accommodation.

I have much more to say. People have mentioned other things already but I look forward to the Minister of State's response. There is cross-party support for the work he is doing but we want action. Every day we do not act affects families and children and life chances are missed. How can Travellers be healthy in the circumstances in which they find themselves? The difference in life expectancy between Traveller men and men in the general population is 15 years. The figure is 11 and a half years when comparing Traveller women to women in the general population. The mental health statistics are off the scale. How can a Traveller live a good life? How can a Traveller get to school? Travellers have to walk across a muddy field in Spring Lane. Children's shoes are wrecked and destroyed in getting to school and, if one does not get to school, one does not get a job. The rate of unemployment in the Traveller community is 80% in a country that is almost at full employment.

There is an urgency to this. I hope the Minister of State will be bold in his recommendations and that we see a significant change in how we address Traveller accommodation in this State. I thank the Minister of State for coming in.

Senator Jerry Buttimer: I welcome the Minister of State to the debate and thank him for being here. We are facilitating the requests of Senators Warfield and Kelleher in having this debate and it is an important one. I speak as a former member of Cork City Council and a former chairperson of the Traveller accommodation committee. I opted to chair that committee because I believe in the integrity and value of all of us, as citizens, in a republic.

The Library and Research Service in Leinster House often produces papers and one of its Spotlight publications included an anonymous quote from a 2010 UCD report:

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I am a Traveller and the fact that me children have never lived in a house is one thing about them. Like even though they've never travelled a day in their life, they're still Travellers.

These are people. They are citizens who, in a republic, deserve the help of the arms of the State, notwithstanding the ESRI report that was referenced earlier. An underspend of €55 million by any local authority is unacceptable.

We heard on the Order of Business today about the Rebuilding Ireland home loan, about which people were jumping up and down, even though it is not gone. However, we do not see the same call for accountability regarding this lack of spend of €55 million. Is it that officials do not want to spend the money? Is it that they have not taken a Traveller accommodation plan and put it before councils as part of their city and county development plan? Is it that elected members do not want to spend?

The Minister of State said in Galway that a mindset needs to be changed and I would add that a cultural change needs to take place in our country. One of my earliest memories as a child was of Mrs. O'Driscoll from Bandon calling and my mother bringing her in for tea and allowing her to use the phone. To us, it was normal integration. There was no big master plan. It was lived integration. I remember canvassing in the 2016 general election and I met her in a nursing home in Douglas. It was as if long lost friends had met. Thankfully, there are still families today and people like Senator Kelleher who espouse that integration in the real, tangible sense.

People get apoplectic about Peter Casey but it is easy to do that. What we must do is to take what he said and put it into the operation of Traveller plans of integration and of working. Senator Kelleher spoke about halting sites in Cork, some of which are an absolute disgrace. I welcome the change that has taken place in Ellis's Yard. I hope that, as a consequence of action, we can ensure a cross-departmental approach to education, social protection, labour affairs, health and housing, and that we can drive change and have people go to college. The women in the Traveller Visibility Group in Cork have to be commended on what they have done. They have challenged the mindset of the male in the Traveller community to aim for a bit better, although that is probably the wrong phrase, and to aspire for their kids to continue in education and to be able to have what they perhaps did not have for a variety of reasons. It is important that we take the work Senator Kelleher is doing and that we change minds in the Oireachtas as well. It is very easy to have a debate but it is also about the policy implementation afterwards.

As a Minister of State and in the many different aspects of what he does in the Department, Deputy English drives change and he is a catalyst for new beginnings. That is why the review group he has set up is welcome. It is a step in the right direction. As he said, it will come back with four or five different outcomes that are tangible, manageable and deliverable, which is what we want. Senator Wilson spoke on the Order of Business about the importance of Youthreach. It is equally important, as the Minister of State said in his speech, that we deliver a different type of model to deliver in housing and education. The tragedy of Carrickmines struck a chord with the nation and we have to learn from that.

The expert panel report will be the next beginning. The inconsistency in the delivery of services must be consigned to the past. That is what the legacy of this debate and that report must and should be.

Acting Chairman (Senator Diarmuid Wilson): I thank the Senator for his comments on

Youthreach as well as on this important issue. I call Senator Black.

Senator Frances Black: I welcome the Minister of State. This is an issue that is very close to my heart and something I have been very passionate about for a long time. Recently, I have worked in particular with women's groups from the Traveller community in my other job with the RISE Foundation, which is the organisation I set up. It was one of the most incredible experiences I have ever had in group work. The women were so inspiring. They were powerful and, really and truly, I cannot describe the empowerment that came from them. Given the heartache they have gone through in their lives, I learned so much from them. I got to learn first-hand of the excitement and enthusiasm from the Traveller community when important steps were taken, such as the recognition of Traveller ethnicity in March 2017 or the Traveller Culture and History in Education Bill, which Senator Kelleher introduced to the House in October. I commend my colleague on the phenomenal work and passion she puts into working with the Traveller community. It is a very important legislation and I hope we can progress it very quickly.

Speaking to the Traveller community, one can also see the huge disappointment and, in many cases, anger at the persistent disadvantage, discrimination and barriers that still exist for members of that community. That is the one thing I learned from those amazing women. We have to be honest and recognise that these cases still outnumber the positive ones to an alarming extent. It is heartbreaking to hear the individual stories which I have heard and to read the figures that have been presented to these Houses far too many times. The Irish Human Rights and Equality Commission has shown Travellers are almost ten times more likely to experience discrimination, and this is particularly clear when trying to access services like housing and private rental accommodation. Homelessness is a stain on the conscience of this country. If we drill down into the figures, however, we can see it is distributed unequally. While Travellers are less than 1% of the population, they are 9% of the homeless population, which is shocking. Overall, homelessness is roughly ten times higher in the Traveller community, as Senator Kelleher mentioned.

Over time, this sort of inequality is compounded and reinforced unless it is properly addressed. It is not rocket science. Poor and substandard accommodation has such a big impact on physical and mental health, the capacity to find a job and the ability to engage in education. In the broadest sense, it stops people from playing a full and equal role in society. Everything is made difficult. Every single step they have to go through is a struggle, down to the most basic thing like a child's capacity to bring a friend home from school. This is not the shape of any republic worthy of the name.

It is in this context that we assess things like recognition of Traveller ethnicity. That was such a fantastic location and a hugely positive step, and I will never forget the presentations from members of the Traveller community to the Committee on Justice and Equality. However, it is not enough to take that step and then see little change in the material conditions of everyday life for Travellers. We need to step up in this regard and housing is a huge part of that. Since the first Traveller accommodation programme in 2000, there have been widespread failings, as the Minister of State recognised and as was recognised in the Government review in 2017, which found substantial underdelivery, with only 68% of units delivered. There was also a huge underspend, with €55 million allocated for accommodation left unused. We have to stop and consider that figure. Of all the statistics presented to the House today, that is the most incredible. It is staggering to think that €55 million of State funding was set aside to be spent on housing for a very marginalised group in the middle of a housing crisis, and it was left unspent. It is simply not good enough.

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The relevant Departments need to speak to the local councils responsible for this. We cannot ignore the fact that, in Government reviews and in testimony from Travellers themselves, we see the impact of racism and discriminatory attitudes, often from political representatives, in blocking these services. It shows that allocating resources alone is not enough. If politicians are still willing to trade on prejudice to win votes, the situation will not change. As political representatives, we need to come to this from a place of equality and compassion. I am aware the Minister of State is very compassionate on this issue. I call on all of us to listen to the submissions from the Traveller community on this issue and to ensure these sorts of figures are not repeated. The reality is that if this does not change and people are left in substandard, overcrowded accommodation, we are going to see a repeat of the awful tragedy at Carrickmines. We all know ten people died that day, including children, It will happen again unless public representatives are willing to fix it.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I thank Senators for their comments. Senator Black touched on an important issue when she said that if we do not act to give people the opportunities they deserve, and proper housing conditions, what happened in Carrickmines will happen again. It is most important that we prevent that. There are many other reasons we have to act, as pointed out by various Senators, but providing safe and proper humane conditions is crucial. I hope some of the work we are carrying out on fire safety will prevent such a recurrence. If we do not act, however, we could end up in the same situation. We cannot have that. Everyone is focused for all the genuine reasons and that is a reminder to us all.

I will address some of the points made by the Senators. I am glad we have had this debate and I thank the Leader for facilitating it. I also thank Senators who made certain this debate took place and put forward this issue as a priority for us to focus on this week, in particular, Senators Kelleher and Warfield. We need to focus on this issue. I am not sure if the expert panel has engaged with Senator Kelleher's committee. If it has not, we will try to organise that in the next couple of weeks. The panel is close to concluding its work. I am not sure if we have missed that opportunity, but I will check. I hope we have not.

We can all agree we are not doing enough. No one is trying to hide or deny that fact. The figures speak for themselves. We now have to try to address the issue. Everybody in this House wants Traveller accommodation provision improved as quickly as possible and to make an impact on that as quickly as we can as well. I assure the House that the Minister, Deputy Eoghan Murphy, and I, our Department and the Government are genuinely committed to doing that. We want to address this matter. We are not trying to sweep it to one side or keep it out of sight. That is not what this is about at all. We are putting it front and centre as something that has to be addressed. It can only be addressed in a cross-party fashion. I thank everybody for that cross-party co-operation, in this House, at committee level, and on the ground. There is an issue and there are also different reasons that it is not being addressed. Certain people would like this not to happen as well. All of us, however, have a duty to ensure we make it happen.

Over the past 18 months, I have visited many Traveller accommodation sites. To be frank, conditions there are extremely poor, disgraceful and unacceptable. Many of those locations are not out of sight and are visible to anybody driving on some of our main roads. It is easy to find them if anybody wants to look at them but people choose not to look in many cases. They turn a blind eye. There are other sites, however, that are hidden away in places where Traveller accommodation should not have been put in the first place. That is, however, where they are today and that highlights the intention behind some of the decisions made in the past. We have

to question that. I am referring to decisions made locally in respect of site selection and we have to look at that issue as well.

I find it difficult to accept that when taxpayer's money, which all of us have worked hard to contribute, has been made available by the State, it has been left unspent by local authorities. For whatever reasons, they have not drawn down that money. There are different reasons that has not happened but it is still unacceptable. Senator Black made the point that just allocating money to an issue is not enough. That has often happened in the past and it has not mattered which parties have been in government. The decision was made to allocate money in the belief that it would fix the problem. That is not the case; it does not fix it. We also have to follow through and change the system to ensure that money is spent. I have no doubt intentions were good over the past 20 years as various plans and legislation were put in place. None of that, however, has delivered the outcomes we want. Delivery has worsened over the years and we have to address that.

The Housing Agency report highlights some of the difficulties hindering the provision of Traveller accommodation. The key is to identify solutions to overcome these difficulties and then implement them. When solutions are identified, we have to implement them. I am committed to acting on the expert review when we get it. I am anxious we get the report as quickly as possible but we do have to let the expert panel complete its work. At this stage, we have waited five months so we might as well wait for the final month. We hope to have the report in April. I believe it is on track to be submitted and then we can act on it.

I am conscious that some suggestions were made during today's debate. I will ensure those suggestions are fed into this report and that there will also be a review of the transcripts of this debate. Most people, however, agree change is needed. I sense some Members want a national body to work on that change but others do not. We all, however, want change and I hope we can develop a system we can all buy into.

The expert panel, in particular, has been asked to review the effectiveness of the implementation and operation of the Housing (Traveller Accommodation) Act 1998 with a view to examining whether it provides a robust legislative basis for meeting the current and future accommodation needs of the Traveller community. If that is not the case, the panel will be requested to explain why not. The group has also been asked to examine national and international best practice in the provision of accommodation for nomadic communities to inform the legislative basis for meeting current and future accommodation needs of Traveller communities. As part of its work, the group has been conducting an extensive consultation with stakeholders in recent months. If the group has not engaged with interested Senators, I will ensure it does so in the weeks ahead. I am looking forward to receiving the report and recommendations of the expert panel. It will be useful to get an independent assessment of the strengths and weaknesses of the current system and to consider new policy initiatives.

We can see where some good practices are being implemented in some counties but there are also plenty of weaknesses in the majority of places. That is what the main focus will be on. Later this year, local authorities will approve the five-year TAPs covering the period 2019 to 2024. The timeframe for the adoption of the TAPs has been extended to facilitate newly elected councils having ownership of the programmes. It would defeat the purpose of this initiative if existing councils put in place five-year plans and then new councils came in and put those plans to one side or used it as an excuse for not using them. There was a deliberate decision to align this process so that the new councils taking up seats in June will implement new five-year plans

in September.

My Department is also working closely with the national Traveller accommodation consultative committee, NTACC, to support the work of the local Traveller accommodation consultative committees, LTACCs. Some of those committees at local level work well but others do not work at all or have not even met. That is something we also want to focus on. The intention behind that initiative was genuine but it is not happening and is not delivering. The NTACC has carried out extensive engagement with the LTACCs over the past two years to get a better understanding of the issues faced in the delivery of Traveller accommodation at local level. I have been informed that while many of the committees are functioning very well, some are not. We want to focus on those. We will work with the national body to try to implement that change and bring forward a training programme for the education of members. We will also make training available to new councils coming into the system. The training will help councillors understand their duties and responsibilities in respect of the TAP programmes intended to deliver the accommodation needs of everybody.

We want well-functioning local structures with national drive. Those will be key to delivering the right solutions in local situations. This will require a substantial commitment from the various stakeholders to work together to identify and agree appropriate needs. Some changes at national level have been recommended. I am happy to examine and work with whatever the expert panel brings forward. I will then discuss this issue again with Members, as well as in the Dáil and in committee. We can then tease through the various solutions. I am also happy to work with Senator Kelleher's group once we get the report of the expert panel.

There is no doubt that the system is not delivering what it should. All of us have experience of many sites where people are living in unacceptable conditions. Those are not places to bring up a family and the core of this issue is giving people the opportunity to do that. Without proper housing, where people of every age can feel safe and comfortable and can make plans for the rest of their lives, it is not possible to avail of the opportunities that may be made available. While we might make positive changes in some legislation, that is not enough if we do not address basic accommodation and housing needs. That is what we are going to try to do.

Turning to some specific points raised, Senator Murnane O'Connor, in respect of homelessness figures, asked why we exclude Traveller families. We do not. The monthly homelessness reports include individuals in emergency accommodation in the relevant survey week when the counts are carried out. We are honest about that and nobody is hiding those figures. When there is a reduction in the number of families but an increase in the number of people in emergency accommodation, including children, that often points to larger families in emergency accommodation.

While we do not necessarily record ethnic identity on forms detailing who is homeless, I know, from engaging with local authorities, who is included in those figures. Traveller families, without a doubt, comprise a significant proportion. An estimate of 8% to 10% has been suggested but it is much higher than that in some counties. We know that because there is genuine engagement. Increased funding has been provided to social workers to try to find other accommodation. We know there is a major issue in respect of homeless families and the Traveller community. Anyone homeless is at a disadvantage in trying to find a new home or rent a house. It is much harder again for a homeless Traveller family. Nobody is denying that fact; it is obvious and we can see it.

Senator Jennifer Murnane O'Connor: It is very difficult.

Deputy Damien English: As Senator Butler stated, there is a need for a cultural change and a change in mindset. We have a great deal of work to do to bring people with us on this journey. I am glad that politicians of all parties are realising their responsibilities. We have a lot of work, however, to do outside of this House to bring other sectors with us on this topic. I reiterate that the figures are not hidden away or not recorded. They are being recorded and they will be key to addressing this issue.

Senator Jennifer Murnane O'Connor: I have queries about that.

Deputy Damien English: That is fine. The Senator can have all of the figures. No one is trying to hide the figures when we are stating that thousands of children are homeless. We are trying to fix the problem and not hide it.

Acting Chairman (Senator Diarmuid Wilson): Senator Murnane O'Connor made her contribution, which was an excellent. The Minister of State, however, is now trying to make his contribution and answer as many questions as he can.

Deputy Damien English: In her comments, the Senator stated that she hoped for more engagement between the committee and Traveller representative bodies. They would welcome that and representatives of some of those bodies are present. There is nothing to stop that engagement happening. We welcome more debate, engagement and opportunities to tease these issues out. There is also nothing stopping the Senator from organising that through her committee. I thank the committee for getting involved in this issue. It has set aside a number of meetings over the last quarter to focus on this issue. It would be good to have as many bodies as possible engaged and to have more conversations.

Senator Jennifer Murnane O'Connor: The Minister of State needs to give a directive to the effect that we should have this.

Deputy Damien English: I am not legally allowed to direct any committee in what it does. I have asked and suggested. I am glad the committee has responded and is doing that work.

Acting Chairman (Senator Diarmuid Wilson): I am sorry for interrupting the Minister of State. I know Senator Murnane O'Connor is passionate about this issue but we are tight for time. The Minister of State is very approachable. If the Senator has a specific question to put to him after the debate, I know he will be glad to answer it if he can or to find the answer for her if he cannot.

Deputy Damien English: Absolutely. To be clear, I do not direct committees as to what they should do. I ask and I suggest. I am delighted that, through the work of Deputy Ó Broin, the Joint Committee on Housing, Planning and Local Government has gladly taken on this work. The committee asked to take it on. It has worked with us and is still doing so. I do not direct that committee - I ask and suggest that it does things. That did not happen in this case. The committee came forward itself. Senator Kelleher's committee, through its cross-party approach in both Houses, has also brought focus to the issue. It is by focusing on this matter that we can bring about the change that is needed. It is important that we do so.

It is also important that we address the issue of transient accommodation, which has been mentioned by a few speakers. Apart from the failures to spend the money in some cases, there

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has been a lack of engagement regarding transient facilities. Such engagement would help the ongoing conversation. The conversation in communities very often breaks down and the prejudice sets in because of the lack of proper transient facilities provided to accommodate and allow for people's desire to travel around. If we get that right, it will help us to secure more investment in permanent capital projects. People often object to what they think is going to happen rather than to what is actually happening. Senator Boyhan has identified cases, and I am aware of cases in my own community, of fabulous Traveller-specific accommodation which blends in very well, in which everyone works together and shares facilities and which works very well. There are great facilities out there about which we do not talk enough. If we could see more of that, people would buy into it and there would be fewer objections locally.

Senator Boyhan inquired as to who is driving this nationally. The Department is doing so. We set out the policy and set aside funding. Under existing legislation, it has to happen at local level. The Department and I are not hiding from the fact that I am responsible for getting this money spent. I will engage with local authorities as much as I can possibly can in respect of the different sites, as I have been doing for the past year or two at our weekly housing discussions and our housing summits. In the context of engagement, our housing delivery team also goes out to every local authority every week. We sit down and go through the provision of housing of every kind, including Traveller-specific accommodation. We try to cajole and encourage the local authorities into doing more. We ask why it is not being done and what is wrong. We discuss all the problems and offer all of the assistance we can from our technical team. We also go through planning issues. We are trying to encourage greater delivery and will continue to do so. We will use whatever powers we have under existing law, although these powers are limited. We will also see what comes forward in the expert panel's recommendations. We are not just going to wait until April for those recommendations, we are engaging on a weekly basis to try to get this money spent. This money was requested. The local authorities brought proposals to us and yet the money has been left sitting there.

Problem sites such as Spring Lane, which was mentioned, and some of those in Galway, are often left to one side or else the projects drag on for 20 or 25 years because they are difficult sites and because ongoing conversation is needed in respect of them. That is not acceptable. Problem sites should be sorted out but this requires focus from all stakeholders. I am not pointing the finger at anybody, but all the stakeholders need to sit down in a room and deal with the issue, rather than having a meeting this year and then coming back for another conversation in a year's time. We can only get some of these problems sorted out through intense negotiation. That is something we have to do.

Senator Conway referred to difficult issues requiring difficult solutions. The circumstances for the families involved are difficult. That is what we are trying to solve. They are extremely difficult circumstances which lead to many other complications that would not arise if the families were offered good housing solutions in the first instance. That is what we are trying to do. The point was made that it is very hard for Traveller families to avail of HAP or private rental accommodation. We can see that. When there were plenty of vacant houses a couple of years ago, in most places there was no problem in getting homes for people from a Traveller background to rent in the short term. When the pressure comes on, some people choose not to engage with Traveller families and will rent their houses to others. That is obvious; we can see it happening. We can also see it in the HAP figures. It is another matter on which we are focused.

Senator Warfield raised a couple of issues in respect of the shameful underspend. He is absolutely right. No one is disputing that. We want to ramp it back up and have the increased

resources spent. Even though we knew that we would have problems spending the money, we allocated it in any event in order to try to make a mark. This budget has to increase every year. We are committed to increasing the capital and the current spend each year.

On the fire safety guidelines, it is very clear that they also apply to temporary sites. Those guidelines, which were in draft form for a number of years and which were being worked to by local authorities, will be finalised following on from the recent coroner's case and the associated recommendations. They are being issued as guidelines to all local authorities and apply to temporary sites as well as permanent sites. They relate to fire safety, overcrowding and so on. It is right that they now apply to temporary accommodation because it was often the case that, because a site was temporary, we were not allowed spend money on it or make changes to it. We have now got over that situation. It was happening in any event but it was made clearer by the recommendations.

Is the money being diverted to other projects? It absolutely can be. When money is not spent, it can be diverted to other projects. We try to do that. Local authorities often state, even towards the end of the year, that they will get the money spent. There is then no opportunity to reallocate it. We are trying to bring this forward to earlier in the year so that a decision to reallocate can be made earlier. The money is spent on housing. If money is not spent on a particular project this year, then funding for that project will be found for next year. It is not ring-fenced but we will find the money. A project is not left behind because funding was not drawn down this year. We encourage local authorities to draw it down as soon as possible but there are sites on which money needs to be spent where that spending is not happening. We are trying to make that happen. Again, if the money is not spent on Traveller-specific accommodation, it is still spent on housing which is available to everybody including Traveller families. When we cannot provide requested Traveller-specific accommodation, we work with Traveller families to find them other accommodation in the short term. We know that in many cases their aim is to get back to Traveller-specific accommodation. The money gets spent on housing. That is the first priority. We do not hand it back.

The Senator stated that we need to have a conversation. I absolutely agree. That is what the expert panel and its recommendations are about. Not everyone might like those recommendations, which might lead on to conversations, but we have to act and see where they bring us. There have been different suggestions here. Some have suggested that we should go national and others that we should stay local but, either way, we have to agree on a process that will deliver more suitable accommodation much faster and which will have an impact on the ground because that is what we are trying to do. I do not know what tangible differences will be suggested until I get the report. I am not going to second-guess it. We all have ideas and solutions. We have brought in the experts to look at legislation, at the system and at best practice and to make independent recommendations which we can then adopt and implement. That is the space we will be in for the next couple of weeks until we receive the report.

I have probably already touched on some of the issues Senator Kelleher raised. She is right with regard to the number of families on sites. That issue is not always easily solved. It leads to very complicated conversations. The best way to solve it is to accommodate any increase we think might occur in the number of families on the site when we are setting out new projects. We should have that honest conversation at the start, which we are not doing at the moment. We should try to predict the future. It is not that hard to do. It is just not recorded in the Traveller accommodation programmes, TAPs. It might pre-empt that conversation if we could provide accommodation the capacity of which can be increased. There have been requests to extend

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some of the sites I have visited and it is just not possible in some cases. That also requires an honest conversation on all sides. I have sat down with groups in the past and have tried to have that honest conversation and get realistic expectations so that we can move on. When we are planning new facilities, there is no reason we cannot plan in a way that will accommodate increased families in the future.

The Senator asked about actions and sanctions. There really are no sanctions I can impose under existing law. We are limited in that respect. We try to work with local authorities and push them on. We will see what the expert panel brings forward, but I believe we need to move towards planning gains, planning communities, and encouragement. We need to show best practice, really good facilities and well-planned, well-managed and well-maintained sites. I have looked at some of these. They have caretakers on site who are doing great work and there are much better results and everyone is much happier. We want to make that happen on a larger scale. We will see what comes forward in the expert panel's report but, without a doubt, we want more action, not just talk. I accept that.

Senator Buttimer referred to the culture change, the mindset and how to drive change. We will use this independent expert panel to drive the necessary change in this area in the years ahead.

I believe I have covered almost everything. If I have not, I will come back to people. I look forward to working with Senators over the next six to eight weeks as we try to finalise our work in this area. The money allocated for this year represents an increase. If I believe we need to spend more, we will find more.

Acting Chairman (Senator Diarmuid Wilson): I thank the Minister of State who, as always, was very comprehensive in both his opening contribution and in his reply to the debate.

Sitting suspended at 3.40 p.m. and resumed at 3.45 p.m.

European Parliament Elections (Amendment) Bill 2019: Second Stage

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

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): As Senators will be aware, a decision on the number of representatives to be elected to the European Parliament in each member state for the upcoming parliamentary term was made by the European Council on 28 June 2018. That Council decision, establishing the composition of the European Parliament, provides for 13 Members to be elected in Ireland for the parliamentary term, up from 11 seats in the current Parliament. The Council decision reduces and redistributes European Parliament seats following the decision by the United Kingdom to exit the European Union on 29 March 2019. The new composition will reduce the size of the European Parliament from 751 MEPs to 705. Of the 73 seats vacated by the United Kingdom, 27 will be reallocated to better reflect the principle of degressive proportionality. The 27 seats will be distributed to some 14 member states, including Ireland, with no member state losing a seat.

This change necessitated a review of European Parliament constituencies in Ireland, with the result that a European Parliament constituency committee was established by order under

section 5(1A) of the Electoral Act 1997 on 24 July 2018. In arriving at its recommendations, the committee was required to have regard to the terms of reference set out in Part II of the Electoral Act 1997. In addition, the committee was required to report to the Ceann Comhairle no later than two months after its establishment - that is, by 24 September 2018 - and was required to hold a public consultation process to inform its deliberations. Against this background, the committee's report was presented to the Ceann Comhairle on 24 September 2018, after which it was laid before both Houses of the Oireachtas.

In summary, the Report on European Parliament Constituencies 2018 recommended that the State continue to be divided into three constituencies. The first is a four-seat Dublin constituency comprising Dún Laoghaire–Rathdown, Fingal and South Dublin; and the city of Dublin. In effect, the existing Dublin constituency gains one additional seat but otherwise remains unchanged. The second is the four-seat Midlands–North West constituency comprising counties Cavan, Donegal, Galway, Kildare, Leitrim, Longford, Louth, Mayo, Meath, Monaghan, Roscommon, Sligo and Westmeath, and the city of Galway. While the number of MEPs in the Midlands-North-West constituency does not change, its geographical territory is reduced by the transfer of Laois and Offaly into the South constituency. The third is a five-seat South constituency, comprising the counties of Carlow, Clare, Cork, Kerry, Kilkenny, Laois, Offaly, Tipperary, Wexford and Wicklow, the cities and counties of Limerick and Waterford, and the city of Cork. In summary, this constituency gains an additional seat with its territory increasing to include Laois and Offaly in order to maintain reasonable equality of representation.

The Bill before the House today provides for the implementation of the recommendations of the report on European Parliament Constituencies 2018 in full and without change. This approach is consistent with established practice since the first independent Constituency Commission reported in 1980. In addition to constituencies, the Bill provides for a number of technical amendments to the European Parliament Elections Act 1997 in order to implement certain requirements set out in the EU Council decision of 13 July 2018. This Council decision, which aims to modernise the European Union's electoral law, known as the Act of 1976, was adopted in July 2018 under the special legislative procedure following more than two years of negotiations between the European institutions. The Council decision inserts a number of provisions into the Act of 1976, some mandatory and some voluntary, which are intended to take effect in advance of the holding of the elections to the European Parliament scheduled to take place at the end of May.

The Bill contains nine sections. Section 1 provides that the Principal Act referred to in the Bill is the European Parliament Elections Act 1997. That is the Act that is being amended. Section 2 amends section 6 of the European Parliament Elections Act 1997 in order to remove the explicit references to the United Kingdom in subsections (1) and (4) of that section. These provisions implement certain requirements in relation to the exchange of information on the registration of voters between member states. It should be noted that these amendments do not remove the right of British citizens resident in the State to vote at elections to the European Parliament. Those rights are contingent upon their continued citizenship of the European Union as set out in the European treaties. These amendments provide that British citizens resident in the State will no longer be exempt from the requirements of EU Directive 93/109/EC in the context of the registration of voters and that the exchange of information requirements, which are to prevent double voting. They will fully apply to British citizens resident in the State in the event that the United Kingdom does not withdraw from the European Union and its citizens therefore continue to hold the right to vote in elections to the European Parliament. While member states

are permitted to differentiate between their own citizens and those from other member states, having different regimes in place for different European citizens is considered to be incompatible with the requirements of the directive.

Section 3 amends section 10 of the European Parliament Elections Act 1997 to extend the minimum period of time by which a polling day order must be made announcing the date for the holding of a poll for an election to the European Parliament. This amendment is consequential to the amendment in section 6 to extend the timeframe for the giving of the notice of election, as set out in rule 2 of the Second Schedule to the European Parliament Elections Act 1997. A polling day order will now be made not less than 60 days in advance of polling day at elections to the European Parliament, which is an increase on the current 50 days.

Section 4 amends section 11 of the European Parliament Elections Act 1997 to remove a number of explicit references to the United Kingdom and to British citizens from the European Parliament Elections Act 1997, similar to provisions previously referred to in section 2. In section 11, these references relate to the exchange of information in relation to the eligibility of a person to stand for election to the European Parliament, rather than to the exchange of information on the registration of voters. These amendments provide that British citizens resident in the State will no longer be exempt from the requirements of EU Directive 93/109/EC in the context of their eligibility to stand as candidates in elections to the European Parliament and that the exchange of information requirements, which are to prevent a candidate from standing if he or she has been prohibited from doing so in his or her home member state, will also fully apply to British citizens resident in the State in the event that the United Kingdom does not withdraw from the European Union. Should the United Kingdom legally depart the European Union, its citizens will no longer have a right to stand as candidates in elections to the European Parliament. In addition, this section amends subsections 4 and 4A in section 11 which provide that certain members in these Houses, if they stand for election to the European Parliament and are deemed elected at the end of a count, must resign their Oireachtas membership upon being deemed to be elected. In a scenario where there is a delay in the withdrawal of the United Kingdom from the European Union, the provisions of Article 3(2) of European Council decision (EU) 2018/937 of 28 June 2018 establishing the composition of the European Parliament will apply. In practical terms, this means that two MEPs deemed to be elected, of the 13 deemed to be elected, may not take up their seats in the European Parliament until the United Kingdom's withdrawal from the European Union becomes legally effective. Accordingly, given the uncertainty surrounding the timing of when those two MEPs may be allowed to take up their seats, the amendments to subsections 4 and 4A will provide that the prescribed officeholders would not have to cease holding their existing office until such time as they take up their seats in the next European Parliament. The provision relates to dual mandates.

Section 5 amends section 15 of the European Parliament Elections Act 1997 in order to provide that the counties, the cities and counties and the cities listed in the new Third Schedule to the Principal Act of the Bill will be those in existence on 1 September 2018. That was when the Constituency Committee was preparing its report. As members of the House will be aware, European Parliament elections in Ireland are administered on a local authority basis within their wider European Parliament constituencies and are jointly held with the local elections. Accordingly, for the purpose of the efficient administration of the local and European elections in Cork, subsection (b) amends section 15 of the Act to ensure that provision is made for the change to the Cork city boundary, as provided in the Local Government Act 2019, to come into effect in advance of the local and European elections. That will enable the local returning officers in

Cork to undertake such preparatory work as may be necessary to facilitate the taking of the poll within the revised administrative areas on the polling day.

Section 6 provides for amendments to rules 2, 5, 10, 18, 19, 50, 88, 92, 94 and 96 of the Second Schedule to the European Parliament Elections Act 1997. The extension of the current timeframe for the giving of the notice of election, as set in rule 2 will ensure that the mandatory requirements under Council Decision (EU, Euratom) 2018/994, which I mentioned earlier in respect of the three week deadline for receipt of nominations, as well as the six week deadline for the commencement of the exchange of information will be achieved. A notice of election will now be issued by the returning officer at least 45 days, disregarding excluded days, before polling day, which is an increase on the current 35 days. Separately, the amendments to rules 5 and 50 will allow candidates standing for election to the European Parliament the option to include on their ballot papers the name of any European political party or group to which their national political party may be affiliated. The application of this provision will be entirely voluntary and whether the name of a European political party is included on a ballot paper is a matter for prospective candidates and their national political parties to decide. Similar to the provisions in sections 4(a) and 4(b), the amendments to rules 5(1)(c), 6, 10, 18, 19 and 96 provide that British citizens resident in the State will no longer be exempt from the requirements of EU Directive 93/109/EC in the context of their eligibility to stand as candidates in elections to the European Parliament and that the exchange of information requirements will fully apply to British citizens resident in the State in the event that the United Kingdom does not withdraw from the European Union. These amendments are of particular importance in rule 10 of the Second Schedule, which provides that British citizens who wish to stand as candidates in elections to the European Parliament held in Ireland have 14 days in which to submit their nominations form. That is the deadline that applies to Irish citizens who wish to stand for election. To be compatible with the directive, British citizens should be treated the same as citizens from another European Union country resident in Ireland who have seven days in which to return their nominations forms. Legal opinion provided by the Attorney General has confirmed that different deadlines for different European citizens would likely amount to direct discrimination between Union citizens and may not be capable of being justified.

The amendments in this section to rules 88, 92 and 94 are intended to provide for a delay in the withdrawal of the United Kingdom from the European Union.

4 o'clock

In this scenario, it is proposed that the two members who do not take up their seats immediately in the European Parliament will be the last person elected in the constituency of South and the last person elected in the constituency of Dublin, those being the two constituencies that have gained the additional seats.

In the event that the last remaining candidates in the constituencies of Dublin and South are not in a position to take up their seats due to a delay in the UK's exit from the EU, the principle of equality of representation within these two constituencies, which underpinned the recommendations of the constituency committee, would be affected for the duration of any delay. Representation in the Dublin constituency would be 449,120 per MEP, a variance of +3.75% from a national average representation based on 11 seats, while representation in the South constituency would be 472,747 persons per MEP, which is a variance of +9.21% from the national average representation. The difference between the lowest variance, which would be Midlands-North-West at -12.02%, and the highest variance, which would be South at +9.21%,

would be 21.23%. While this would be the highest on record, variances of approximately +20% were recommended and adopted in 1977, 1993, 1998, 2003 and 2007, respectively. This variance is considered unavoidable and temporary given the use of sub-national multi-seat constituencies for the holding of elections to the European Parliament in Ireland. This issue would, however, be resolved when the United Kingdom's exit from the European Union becomes legally effective.

To ascertain the last persons deemed to be elected in Dublin and South, rule 88 of the Second Schedule to the European Parliament Elections Act 1997 makes provision for the election of the last remaining candidates in a European constituency. Where a delayed withdrawal occurs, it is proposed to amend rule 88 to allow for the transfer of votes to continue for the last remaining candidates in Dublin and South until the final candidates in these constituencies are deemed to be elected. This will ensure that the last remaining candidates will each have a total number of votes, which can be used to inform which candidate in each of the two constituencies will not take up his or her seat in the event that the withdrawal of the UK from the EU is deferred post the holding of the European Parliament elections at the end of May next.

The amendment to rule 92 complements the amendment to rule 88 in that it provides that the returning officers in Dublin and South will publicly announce the order of election in respect of the last remaining candidate deemed to be elected in each of those constituencies. This will ensure that the order of election in respect of the last candidate in each of the constituencies of Dublin and South is publicly clear and unambiguous. The amendments to rule 94 will provide for the deferral of the last candidates to be elected in Dublin and South from taking up their seats in the European Parliament until a date for the additional seats allocated to a number of member states, including Ireland, to be taken up is established.

Section 7 provides for the substitution of the Third Schedule of the Principal Act. The new Third Schedule sets out the name of each constituency, the counties and cities that form each constituency, and the number of members who will be elected for each constituency in European elections held after 1 January 2019. Under these arrangements, the population per MEP in the three constituencies ranges from 336,840 to just 380,879, which is a narrow range in terms of the variance of population per MEP. Thus, there is a fair balance of representation between the three constituencies.

Section 8 is a consequential amendment from the changes proposed in section 6 and amends section 25 of the Electoral Act 1992 to allow national political parties the option of including on the Register of Political Parties the name of any European group to which they may be affiliated. Section 9 is a standard provision providing for the Bill's Short Title, collective citation, construction and commencement.

The Bill has the specific purpose of providing for how we elect our MEPs to represent Ireland in the next European Parliament. I look forward to the debate on the Bill and commend the Bill to the House.

Senator Jennifer Murnane O'Connor: I thank the Minister of State and welcome him to the House.

Fianna Fáil supports this legislation, which implements the independent commission's recommendations on new boundaries for EU Parliament elections and increases Ireland's representation from 11 to 13 MEPs due to the redistribution of the UK's seats. These additional

seats may be subject to a freeze in the case that Article 50 is extended and Britain temporarily remains in the EU. It is frustrating to be making statements in the uncertainty that Brexit has presented us with.

While a minor aspect of the overall Brexit issue, the seat redistribution raises legal questions. It is not legally possible to give Northern Ireland two additional seats under the distribution of the UK's seats. Ireland must have a strong voice in the reshaping of the internal EU Parliament system. The EU Parliament has grown in importance over the past decade. It is vital that we are present in the debate and that we have a vibrant and engaged debate in the upcoming election and select a strong team to represent Irish interests in the only directly elected EU institution. Sinn Féin cynically claimed Northern Ireland should be allocated seats but this is not legally possible.

Senator Niall Ó Donnghaile: It is.

Senator Jennifer Murnane O'Connor: It is ironic that they are looking for more representation when their Northern members refuse to attend two out of the three parliaments they are elected to.

Senator Niall Ó Donnghaile: Fianna Fáil does not stand in the North.

Senator Jennifer Murnane O'Connor: The European Parliament is the world's only transnational parliament that is directly elected. It has powers over important decisions, such as how public money is spent through the EU's common budget, and how the Single Market is regulated. We must have a strong voice in those decisions.

There are currently 751 MEPs in the EU Parliament. Brexit will result in 73 MEPs exiting the parliament as well as a reduction of one member of the Commission. The new figure will be 705, allowing for other population changes. Ireland benefits with two additional seats.

The next election will fundamentally reshape the Parliament and the long-standing centrist majority is due to be ended. Ireland needs to take a stand to resist the tides of populism. The European Court of Justice case law *M. G. Eman and O. B. Sevinger v. College van burgemeester* clearly states that citizens should be treated equally. Cherry-picking specific citizens outside of the State above others would clearly breach that principle of equal treatment, that is, Northern Ireland being elevated above the Irish citizens. This means the seats would have to open to all Irish citizens regardless of residency.

Senator Niall Ó Donnghaile: We are Irish citizens.

Senator Jennifer Murnane O'Connor: Establishing a new national list constituency if the right to vote was extended to all Irish citizens as required the equal treatment provisions in case law would transform the Irish electoral system. A single list would remove the regional bias which is a crucial part of Irish politics and disenfranchise rural areas, particularly in peripheral parts of the country.

That scenario also raises the question: why should it be limited to the two seats? If the principle is established, proportionality demands that each citizen is treated broadly similarly within reason. Just two MEPs for all non-resident citizens could breach that principle. Even if it was a single Northern Irish constituency, the issue of proportionality would apply. Citizens on the island would be significantly treated differently due to residency, for example, citizens of

Cork would have a major representation difference with Northern Ireland citizens.

It is within EU and ECHR law to restrict voting rights based on residential requirements. This is the practice in Ireland and is only currently being reviewed through a popular referendum that is restricted to the presidential election. It would be undemocratic and a dramatic shift for the State to depart from this long established practise in the area of EU Parliament elections given that the electorate as not made a decision on the issue in the upcoming referendum yet. As a result, Fianna Fáil accepts the recommendations today and we will vote in favour of the legislation.

Senator Fintan Warfield: I welcome the opportunity to discuss the Bill. While Sinn Féin may disagree with what is being suggested, it is understandable what is being proposed by Government given the unprecedented circumstances.

The proposal of withholding two MEPs from taking up their role until such time as we have certainty as regards the completion of the first stage of Brexit is something that I am uncomfortable with. The proposal suggests a large contradiction with the ethos of PR-STV. If a fourth-placed candidate happens to be in fourth place whenever the final count takes place does not mean that he or she was the fourth placed in the European constituency's preference. For example, in Dublin, if a candidate is in fourth place when the final count comes to an end, his or her running mate may have been fifth and his or her transfers were not distributed. If the fifth-placed candidate was the fourth-placed candidate's running mate from the same political party or from a similar ideology or locality, his or her transfers would have a different effect on the fourth-placed candidate's place had he or she been eliminated earlier, or if the party had run only one candidate, the place and vote share would be substantially different. This is one of the many reasons we give candidates elected under the proportional representation and the single transferable vote, PRSTV, system equal weight in their election. To suggest they are lesser elected candidates shows a very deep misunderstanding. However, I hope that in this instance MEPs are not kept waiting for a substantial amount of time, unable to represent their constituents in the European Parliament as they are properly elected to do.

If Article 50 is extended by a renewed agreement but Britain does not wish to hold European elections, these MEPs-in-waiting may be left on the sidelines for a year or two years of their term due to where they happen to fall in the final count of their election. As things currently stand, an extension of Article 50 would mean European Parliament elections taking place in Britain and the North. A renewed agreement may seek to avoid that due to the conflict it may cause in Britain.

My party and I do not support distributing additional MEP seats across the State. I do not wish to dwell on this, but I respectfully suggest that should other scenarios like this arise, we should not lock this solution in as a default remedy by setting a precedent. Our party's solution is radically different. As this House will know, we wish to allocate the two additional seats to the North. The representation of the people of the North in the European Parliament by candidates from the North is absolutely crucial. Their voices are instrumental in providing diversity. They can play a vital role in interacting with the European Parliament to ensure the effectiveness of the backstop, to ensure there is no hard border, to ensure legacy issues are brought to European attention and to ensure that citizens' rights under the Good Friday Agreement are upheld. This all needs to continue regardless of Britain's membership of the European Union. In effect, by losing these seats, none of these concerns can be pursued by MEPs mandated to do so by people in the North. We can claim that MEPs in the South will do this. However, the

sentiment that MEPs in the South can represent everyone in the North is disrespectful. It is a piecemeal approach that we should not be satisfied to stand over. We do not have any right to decide who the North's European representatives should be no matter where they stand.

Senator Niall Ó Donnghaile: Hear, hear.

Senator Fintan Warfield: I want to address Fianna Fáil's claims that the solution of providing two additional seats in the North is somehow legally unworkable. This claim is made despite Fianna Fáil being furnished with legal opinion to the contrary. It is only right that we give due consideration to the rights of citizens in the North. Under the Good Friday Agreement, the birthright to Irish and British citizenship in the North is enshrined. The rights of Irish citizens in this instance mean that they will be EU citizens from birth. However, they will not be able to exercise those rights.

This is explicitly provided for in paragraph 52 of the joint report from the negotiators of the European Union and the United Kingdom Government of December 2017, which states:

The people of Northern Ireland who are Irish citizens will continue to enjoy rights as EU citizens, including where they reside in Northern Ireland. Both Parties therefore agree that the Withdrawal Agreement should respect and be without prejudice to the rights, opportunities and identity that come with European Union citizenship for such people and, in the next phase of negotiations, will examine arrangements required to give effect to the ongoing exercise of, and access to, their EU rights, opportunities and benefits.

Similarly, they will probably not be furnished with the opportunity to vote from the North in a southern constituency. I should highlight that we are one of the only EU states that do not furnish voting rights for citizens outside the jurisdiction in European elections. In discussions of a proposed referendum to extend presidential voting rights, there is a general acceptance across all political parties that all Irish citizens should have the opportunity to have their say on who represents them. The current franchise does not include citizens in the North or abroad, as it should. We should think likewise in terms of our MEPs. For that reason, we fundamentally disagree with the principle of the Bill and we will be opposing it on Second Stage.

Senator Colm Burke: I thank the Minister of State for bringing this legislation forward. It is extremely important that we elect 13 very good people to the European Parliament. The Minister of State has outlined the numbers. The European Parliament has a very large membership. People may not be aware that MEPs have only one minute of speaking time in the Parliament. The main work of the Parliament is in its committees. In the time I spent there, it was not unusual to attend up to 12 committee meetings in one day. If a Member did not attend a certain percentage of committees, he or she did not have speaking rights in the Parliament in the debate on that particular issue. One of the problems Members faced was dealing with the issues as they arose. Each and every item in the Parliament is important and MEPs must watch out for Irish interests. We enjoyed good support in the European Parliament from the permanent representatives based in Brussels. When I was a Member there were more than 90 permanent representatives from the Irish Civil Service. Within 24 hours of looking for clarification on an issue, I normally got a document of four or five pages clarifying each and every part of my concerns on an issue, outlining the Irish view and noting why our MEPs should be careful around it. It is extremely important. They are a group of people we do not acknowledge often enough.

It is important we elect people who are able to do the work, who will put in the research

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and who will give leadership in the Parliament. That is extremely important, especially within the committees. As I outlined yesterday, when I was there, I was on the Committee on Internal Market and Consumer Protection. The committee work was intense. For instance, I was the leader of the EPP group dealing with the Cross-Border Healthcare Directive. More than 400 amendments to the document, which was drafted by the Progressive Alliance of Socialists and Democrats, were moved. We had to watch each and every word and proposal in it. Despite what the media might say, this is not a gravy train. That seems to be the line that some people in the media take. I remember doing an interview with someone from Strasbourg in which the journalist complained about our expenses claims and pay. That same person was on ten times the salary of an MEP. On the topic of the media, Mr. Tony Connelly has done a superb job over many years in reporting on the Parliament and the work that is done in Brussels. He has provided very accurate and up-to-date reportage on each part of the Brexit proceedings.

It is important that we have a proper structure for elections. This Bill sets up that structure and gives voters an opportunity to vote for people who they feel are adequately equipped and experienced to represent this country. Given that we had only 11 MEPs and will now have 13, Ireland's big problem is the huge number of committees within the Parliament. I am not sure what the current number is. I believe it is well above 20. It is not always possible for Members from Ireland to be on each and every committee. During my service an MEP normally served on two committees. At times it was difficult to cover matters ongoing in the committees. Increasing our membership will therefore be of benefit in that we will now have two more people to attend committees, such as the Committee on Agriculture and Rural Development, the Committee on Environment, Public Health and Food Safety, the Committee on Foreign Affairs or the Committee on Internal Market and Consumer Protection. It is important that MEPs sit on the committees that are relevant to Ireland. Our MEPs work hard, despite what some people may say. Our big problem in reporting back from the European Parliament is making the issues relevant to what is happening back home. I recall debating the cross-border healthcare directive in 2008-09, which was only finally signed-off by parliament in 2011. If one were to contact the media on the subject, the standard response was, "We have already covered that", and they would have covered it. It was, therefore, difficult to demonstrate subsequently that any further work had been done on it. This is a disadvantage in making what happens in the European Parliament relevant to people's lives here in Ireland. Numerous changes were initiated in the European Parliament. The current parliament is dealing with policy and decisions that affect 500 million people. Following the forthcoming changes it will be 440 million, which is still a large number of people for whom to develop policy.

I thank the Minister of State for bringing forward the Bill. I look forward to working with him on it, and for it to pass all Stages in the Oireachtas.

Senator Rónán Mullen: Go raibh mhaith agat. Cuirim fáilte roimh an Aire Stáit go dtí an Teach. I will not oppose the Bill, as it implements exactly the recommendations of the independent constituency commission. However, that does not mean that those recommendations are above criticism. I will return to that.

We are here yet again rushing a Bill through all Stages over the course of a day. Last Sunday, the Minister for Justice and Equality again bemoaned the conduct of the Judicial Appointments Commission Bill 2017 in the House and tweeted that it "underlines the urgent need for root and branch Seanad reform or a second referendum". I like the Minister for Justice and Equality. He is a very likeable fella, but this is yet another example of sensible people saying rather insane things on Twitter. It is a comment that shows a certain hypocrisy in how the Gov-

ernment proceeds with its own legislation through this House. Ministers complain about the time taken on the Judicial Appointments Commission Bill and yet the Government managed to ram its abortion legislation through the Seanad in three days.

Senator Jerry Buttimer: On a point of Order, I wish to acknowledge Senator Mullen's remarks. The business of the House is usually agreed at a group meeting of the leaders. That is normally the case and there are exceptions. There were no disagreements on this Bill or the other Bill to which the Senator referred at the group Leaders meeting.

Acting Chairman (Senator Gerry Horkan): That is probably not a point of order but the Leader made it anyway.

Senator Rónán Mullen: The Leader has not said anything that I do not know but my criticism stands.

Senator Jerry Buttimer: The Senator should be factual.

Senator Rónán Mullen: Where there is a will, there is a way. The fact is that the Bill before us today is to be rammed through.

Acting Chairman (Senator Gerry Horkan): That is to be dealt with in the next legislation.

Senator Rónán Mullen: Where there is a will, there is a way but it is no way for the Legislature to run its business. I do not care where that criticism falls, whether it is on the Government side or on any of the groups.

I have a couple of observations on the proposed changes to the constituencies. I speak as someone who sought election in the Midlands North West constituency in 2014. It received 36,000 votes, enough to maintain my *amour propre* but a few votes short of a quota. There is a perception out there of a democratic deficit between the voters and our MEPs, despite the hard work, no doubt, of our MEPs. The vast size of the Midlands North West and South constituencies, particularly in contrast with the relatively confined geography of Dublin is a contributory factor to this perception. As a result of the boundary changes proposed by the Constituency Commission, Laois and Offaly are transferred into Ireland South. I refer, for example, to the towns of Clara and Edenderry, both in County Offaly. Voters in these communities live north of the Galway-Dublin railway line yet they are now to be told with a straight face that they are in the south of the country. This is news which will be greeted with a hoot of derision in those towns. Worse still, of the four sitting MEPs in Ireland South, one is based in Cork city, two others in west Cork and the fourth is in Kerry. This geographical spread is unlikely to change significantly in the upcoming elections. If I am correct, how can voters in Laois and Offaly feel that they have any buy-in to decision-making in Europe if they are represented by MEPs who are based so far away from them?

Previous Constituency Commissions and the larger political parties have made the point that moving areas from one constituency to another with which people have little geographic affinity leads to a disconnect and a reduction in voter turnout in those areas. I am thinking not so much of Kilkenny or Waterford but particular parts of Tipperary and Kildare which found themselves in Offaly and Laois, respectively, in recent general elections. Turnout fell in the areas that were moved because people felt that their votes did not count. This factor is surely pushing down turnout in European Parliament elections as well and I fear that it will do so again this year.

The size of the constituencies was perhaps defensible in a scenario where the number of MEPS had been reduced to 11 but surely not now that the number has been increased to 13 once again, which is the same number as in 2004. The fairest way of dealing with this would have been to return to the constituencies we had in 2004, namely, a four-seat Dublin constituency and three seat-constituencies roughly comprising the provinces of Leinster, Munster and Connaught-Ulster. Adding a constituency in this way would dramatically reduce the size of the constituencies overall and reduce the geographical disconnect I mentioned.

The terms of reference given to the Constituency Commission would have allowed this configuration. The commission specifically mentions in its report that the division of the country outside Dublin into three-seat constituencies was something that it could have recommended and stated, "All of the options that were considered by the committee achieved reasonable equality of representation and all arrangements were configured so that no breaches of county boundaries occurred." However, it went on to say, not once but twice, "The committee considered that the continuation of a three constituency arrangement would be most in keeping with its terms of reference." The commission felt that it was being corralled into maintaining the existing configuration of constituencies. Clearly this is a reference to the final line of the terms of reference which states, "Subject to the above provisions, the committee shall endeavour to maintain continuity in relation to the arrangement of constituencies." Reading between the lines, the commission must have felt itself hamstrung by this proviso, and that it could not propose a more radical and sensible reshaping of the constituencies as a result. It is also an open secret in these Houses that the incumbent MEPs from Fine Gael lobbied their party to maintain the *status quo*. This is probably because if three-seat constituencies had been created along provincial lines, as in returning to the 2004 boundaries, then two of the Fine Gael MEPs, one in Cork and one in Kerry, would almost certainly have had to face off against each other. The commission, it seems, was able to read the mood music both from its terms of reference and in submissions from the Fine Gael Party. It states in the report twice that it was not inclined to pursue this option, even though it acknowledged that it was possible in terms of population spread and the terms of reference. It may be a good outcome for Fine Gael, but it is a poor outcome for voters in many areas of these vast constituencies who will feel disenfranchised and disconnected from the EU election process as a result.

Why was the commission hamstrung by its terms of reference, confining it to three, four, and five-seat constituencies? Is it not the case that this could be permanently addressed by electing a full slate by some kind of list system with a mix of voting for parties and individuals? This is done in many member states. It ensures that parties with large mandates have good representation but it also ensures that small parties and independents are protected. It is a pity that the terms of reference did not allow consideration of that issue. I would be interested in the Minister of State's opinion on the matter. It would be much fairer, would not disadvantage anybody and would bring us together. One can understand in the context of the Dáil and so on, how local representation is so key, but given that it is impossible in constituencies of this size should we not just say that it is an opportunity to elect 13 MEPs as a country.

Senator Grace O'Sullivan: I was very disappointed that my amendment was ruled out of order. It dealt with election postering. It fits into the issue we are discussing today and, though I accept the Chairman's judgment-----

Acting Chairman (Senator Gerry Horkan): It was not my judgement but I hear what the Senator is saying.

Senator Grace O’Sullivan: The Senator is in the Cathaoirleach’s chair. So many groups support this, including Tidy Towns.

Acting Chairman (Senator Gerry Horkan): There will be a chance to discuss this on Committee Stage. It is not possible to discuss out of order amendments but the Senator may raise that point then. We are dealing with Second Stage now.

Senator Grace O’Sullivan: On the Bill itself, I am unhappy with the current proposal to simply put the last two elected MEPs in stasis or in limbo in the Dublin and Ireland South constituencies. This is not a fair way of doing it and the same party is at risk of being penalised twice. My office sought to submit amendments for alternative proposals but found the process deeply complex so we were unable to do so. One option that has been advocated by Professor Michael Gallagher, with whom I know the Minister is familiar, is to have two election counts, with one filling the full number of seats in Ireland South and the other to fill just four seats, as the results would necessarily pan out differently. This would also be complicated and time-consuming. Another option is to assign seats to be taken using the d’Hondt method after the results of the first count. This would be fair and easy, and it would not involve an extra count. It is a pity we are not going to look into these options. As the Minister of State knows, I have skin in the game and I am the Green Party candidate for Ireland South so he can imagine how I would feel if I got the fifth seat but found I could not take it up. It would be a desperate position after all the campaigning.

The current size of the constituencies demonstrates that a regional approach to the allocation of seats to the European Parliament no longer makes sense. Last year I moved an amendment to the Bill’s predecessor to create a single national constituency in recognition that these elections are about representing Ireland in Europe. Having spent the past few months on the campaign trail, I believe that a single constituency would be fairer. Those candidates in the Dublin area can criss-cross the constituency in the matter of a few hours. In Ireland South and the northern constituency, there is a huge amount of travel involved. I echo the point from Senator Rónán Mullen that Ireland must be represented and one constituency would be a fair way of doing that.

Senator Victor Boyhan: I welcome the Minister of State to the House. I will be very brief and I will not oppose the Bill. I put this on the record because I listened to my good colleague, Senator Mullen, speaking about the Bill. I will not be contentious with the Leader but it is not a matter for the leaders and whips in their meeting to implement the Order of Business, as this House discusses the Order of Business. We have had a continuing argument for the past week or two on the Order of Business. It is adopted in this House by Members every day. I do not want to have to keep repeating that argument. What people might say or do in the ante-room is another day’s work but they do not have the power to agree the Order of Business for this House. As long as I am in the House, I will continue to argue that the Order of Business is for us to decide. If it means making adjustments to that order on a daily basis to reaffirm that power, I will continue to do it.

I have one question to ask of the Minister of State about the Bill. Are Dún Laoghaire-Rathdown, Fingal, South Dublin and the city of Dublin counties or local electoral administrative areas? There is a subtle difference between the terms and perhaps the Minister of State has had legal advice on it. I am interested in hearing that position. There would be ramifications depending on the Minister of State’s response, as he knows the constitutional provisions relating to the nomination of candidates for the presidency, as it clearly mentions counties. I am not asking a question where I know the answer. What is the legal definition of South Dublin, Dún

Laoghaire-Rathdown and Fingal? Are they counties clearly set down in law? It is my only query and I will not be opposing the Bill. I thank the Minister of State again for coming the House.

Senator Jerry Buttimer: With respect to my learned friend and colleague, Senator Boyhan, it is the job of the Leader of the House to put before that House the business of the day. It is the job of the House to agree or reject it. Nobody is disputing that but the Senator seems to have been misguided on what I said. I did not say what he has implied at all. It is my job as Leader to put the schedule to the House. That is the point I made. I also indicated there was no disagreement on the taking of this Bill and the way we ordered its associated business. It is a valid point.

I welcome the legislation and this evening's debate on the future of our European constituencies. We had a very good debate last night on the future of Europe and it is a pity not all Members participated in it because it was so enlightening. We had divergent views. In a post-Brexit world, the power and importance of the European Parliament will become more relevant. After the redistribution of the United Kingdom seats, we will have an extra two seats, which is to be welcomed. The Minister of State mentioned the principle of redistribution but this is about ensuring the European Union and the European Parliament would be seen to work on behalf of the citizen. The democratic deficit expressed by Senator Mullen will not be bridged by the taking of all Stages of this Bill today but that will come through engagement with the citizens of Europe.

Many of us would have issues with constituency boundary commission reports; I have a number of them, as the Minister of State knows quite well, from a local and national perspective. It is an independent body and although sometimes we find it hard to fathom the decisions, Senator Mullen's contribution was extraordinary. It is the right of every political party and citizen to make a submission to the commission. I have done so with respect to the Cork South-Central and the proposed new local government structure for Cork. That is the right of a citizen. The Minister, Deputy Richard Bruton, has opened a six-week consultation process this week. This is not the preserve of a small few and it is open to all of us.

Equally, I found it amusing to hear Senator Mullen speak about the "shoot-out" between two candidates. He is assuming the electorate will not make a change and he has assumed what the outcome will be. The Irish electorate is sovereign and it makes the decisions. We may not like those decisions but it is the power of the ballot box. It is why it is important to have independent boundary commissions. I have argued in the past that a politician, either retired or active, should be on such commissions as he or she would bring a certain expertise to the table. I have not heard what will happen if the United Kingdom leaves the European Union on time and on schedule. There are two seats in a limbo or holding pattern. The Members from Sinn Féin might say we should have had a member of the European Parliament from the North. I welcome our party's decision to invite Mr. Mark Durkan to contest the election. It is a very good move by the Fine Gael Party.

The Minister of State referenced the very topical issue of the city boundary change in Cork. In the context of this debate and the future of the city and county, it is important we get the transition right and ensure every opportunity is there for this to succeed. I do not share Senator Grace O'Sullivan's negativity about her chances as she is running a very good campaign. I have my own candidate in the field but we will not get into that just now. It may be an exercise for the Citizens' Assembly to consider the use of a list system for future elections to the European Parliament. I know we have discussed lowering the voting age to 16 years on a pilot basis,

but perhaps we could look at that in tandem with a list system for European elections, given the importance of the European Parliament in future.

Senator Alice-Mary Higgins: Senators have spoken about a number of issues relating to the Bill, for example, the additional representation of two MEPs. I know the Minister did not have a great deal of information on that when speaking in the Dáil, but perhaps the Minister of State might have more now. I would like to know what resources, if any, may be allocated to those elected as MEPs but who are not in a position to take their seats, in order to ensure their ongoing engagement with their electorate who have chosen them as their representative. They will still have a mandate of sorts.

I wish to focus on the narrowing of the franchise. Some UK citizens living in Ireland who vote in European elections in Ireland and have passionate views and are very committed to Europe care very much about that vote. There is a deep concern about the decision to remove those UK citizens effectively from the electoral register.

As the Minister of State will be aware, I have tabled a number of amendments. I may oppose the Government amendments but I am trying to produce a number of compromises. I am trying to ensure that those who are on the electoral register already do not find themselves removed from that electoral register in the forthcoming elections. It is very important that we make every effort and there is precedent. In the 1977 Act, which is the principal Act referred to in this Bill, we know there was an exemption made in respect of the 1994 electoral register. I am asking for a similar exemption to be made in respect of the current register, so that those on the register do not find themselves losing the franchise. During the debate in the Dáil, the Minister of State acknowledged that the legal advice available to him had concluded that it might be possible for member states to allow citizens of third countries resident in their territories to vote in European Parliament elections, but that he felt it was more prudent not to do so. As was mentioned in the Dáil debate, a European Court of Justice ruling in respect of Spain versus the United Kingdom on Gibraltar stated that a non-EU citizen would be able to vote in an European election. I have that ruling which is very clear. The argument made at that time, which the Minister of State referenced is around close ties. I do not think that anybody could argue with that. I am sure that if I looked back over the record, I would see every Minister speaking about close ties between Ireland and the United Kingdom. We also have the unique situation of the common travel area and the Good Friday Agreement. I am also putting forward a very mild amendment to bring the definition of who may be allowed to vote in the 1992 Act into line with something which every citizen in this State voted for, that is, the amendment to Article 16.1.2o of the Constitution which reads: “such other persons in the State as may be determined by law.” That amendment simply seeks to provide that we would ensure there is scope for such other persons as may be provided for to have their vote.

We will have a chance to debate each of these amendments. I am also proposing a simple report in this area because this is not solely about UK citizens. There is a need for a review in respect of the rights of other non-EU citizens as well.

I was on a Vótáil 100 committee last year where we discussed the extension of the franchise to women. I am a member of the Seanad reform group who are pressing for reform to extend the franchise and widen the electorate to the Seanad.

I have been at a meeting listening to the young activists on climate change. As I said previously, we should be holding a vote to allow 16 year olds to vote in the European elections.

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This is something the European Parliament wanted. It is unfortunate at a time when we need an extension of the franchise that we would have a regressive step. The franchise is not simply a privilege for the individual, it is a service to us all. It serves us all to have as many people as possible involved in the decisions that affect our collective lives in Ireland and in Europe.

Senator Niall Ó Donnghaile: Cuirim fáilte roimh an Aire Stáit. Let me begin with a quotation. The Taoiseach said:

To the nationalists people in Northern Ireland I want to assure you that we have protected your interests throughout these negotiations. Your birthright as Irish citizens, and therefore as EU citizens will be protected. There will be no hard Border on our island. You will never again be left behind by an Irish Government. These rights will of course be available to everyone in Northern Ireland who chooses to exercise his or her right to be an Irish citizen, regardless of their political persuasions or religious beliefs.

Unfortunately, with the decision we will inevitably take tonight, the Government's commitment has fallen at the first hurdle. We are being left behind. The most basic entitlement and right of any citizen is the right to vote, the right to a franchise and the right to elect representation to whatever forum is democratically available to the individual. While I do not believe Senator Murnane O'Connor in her heart of hearts believes half of what she said, I have to take issue with the notion that on the one hand we should have a strong voice in Europe, while on the other hand denying a strong voice to her fellow citizens in the North. Imagine saying in this Chamber that giving people a vote, giving them a franchise, would be somehow undemocratic. I find that off the wall in terms of the political and electoral process. I also find it massively offensive. I resent the view that says to me that I and the hundreds of thousands of people like me in the northern part of this country are not just feeling like lesser Irish citizens but that by the actions here tonight we are being shown legislatively that we are lesser citizens because we have been denied this right to vote. I note what the Leader said in respect of the Fine Gael Party's actions during the week. At the end of the day, it is a matter for the Fine Gael Party to take the political decisions it wants to take. If Mark Durkan wants to be a Fine Gael Party candidate and run for the European Parliament, that is entirely his decision. He should be able to run in his native city, Derry - Doire Colmcille, that is where he should be standing and seeking votes, the same as any other candidate who want to himself or herself forward.

When Britain leaves the EU the first human right which will be denied to the people in the North, unionist and nationalist, is the right to vote in an European Parliament election, the right to have their voice heard in the EU by electing an EU candidate. This is particularly important, given the fact that we voted to remain in the EU and are being dragged out of it against our will. It would be universally welcomed across the North if the Government were to allocate the two seats to that constituency. It would restore the democratic needs of the people, which has been undemocratically and summarily removed from them by the British Government and the DUP.

Yesterday, the Seanad special select committee on Brexit visited the North. It was a busy day, meeting a number of groups, organisations and individuals. Almost universally, whether legal academics, professors or solicitors, all agreed that the Government was able to do this and that there was no legal impediment to allocating these two seats in the North. It is my view and that expressed by those experts yesterday. Members should talk to their colleagues in the Fine Gael and Fianna Fail Parties, because everyone was significantly moved by what he or she heard yesterday. Not only was there a legal rationale against this decision by Government, and in favour of a decision to allocate the two seats to the North, but there was a real palpable

resentment at what was happening and a real sense of the loss of rights. The Irish Government could fill the democratic gap created by the British Government if it allocated the two seats northwards. The majority who voted to remain are the advance guard of democratic politics in that part of our country. Their democratic decision and stance should be acknowledged and enfranchised by the Irish Government. The best and most immediate way to do so is to allocate the two extra EU seats to the North.

A few hours ago in this Chamber I heard representatives of Fianna Fáil and Fine Gael exhort the virtues of giving us a vote for the President. Last year, the Taoiseach was in here and made a firm political commitment, as well as a later commitment, not to leave us behind, that the Seanad should have a specific panel for the North and that people in the North should have the right to view. That was summarily agreed by us all and put forward in the Seanad reform group's recommendations. One has this talking out of both sides of one's mouth and the legal ability to do two things in this regard, namely, the Presidential election and the Seanad election. However, when it comes to the European Parliamentary elections there is a refusal to do so.

Irish citizens in the North have rights, or they should have rights, and the Irish Government is, or is supposed to be, the principal guarantor of those rights. It is important, as the date for Brexit draws closer, that people rally in defence of the Good Friday Agreement, in defence of their general rights and take to the streets to protect those hard won rights, if necessary.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I will attempt to address as many of the issues as I can. Many of the issues raised were similar. Senator Murnane O'Connor outlined her support for what is contained in this Bill. There was an exchange of views, particularly between the Sinn Féin and Fianna Fáil Senators, on what to do with the two additional seats. In one sense, the whole argument is moot because the commission issued a report and that is what the legislation is based on. The commission recommended the allocation of seats that is contained in this Bill.

The other discussion while interesting and while people will have different views on it was on the practice since independent commissions were introduced that the Oireachtas implements their boundary reports. Senator Buttimer knows more than most about the impact of boundary commission reports on electoral prospects. He correctly pointed out that there has never been a report by a boundary committee on electoral issues that has not produced some controversy.

Senator Mullen expressed criticism of the report, which he is entitled to do. He very legitimately pointed out that the last terms of reference could have had a curtailing effect, which is a fair point to make. He went on to make outrageous political comments about the membership of the commission. In terms of the membership, there is the Clerk of the Seanad, the Clerk of the Dáil, a judge, although I am not sure whether the person is still a judge or has retired, the Secretary General of the Department of Housing, Planning and Local Government, and the Ombudsman. The Senator made all sorts of stupid comments on lobbying that had been made or individual submissions by MEPs, which is natural political theatre. We should remember that the people who were involved in drawing up the report are public servants of the highest standing and we cannot just throw those kinds of allocations around the House. I expected better from him. I have been friendly with him for years and I am surprised that he threw out such glib comments about what the commission recommended. It is very unfair to say that the terms of reference that the commission was given, which are prescribed in the 1997 Act, could have led it to a certain outcome. Perhaps the House and the other House should consider those terms of reference in the future. The latter comment is perfectly legitimate but the rest of his

comments were pretty scurrilous and contemptible.

Senator Warfield and others spoke about what I call the two cold storage MEPs and what status they will have. I think Senator Grace O'Sullivan spoke about the entitlements given to the two people who would hold the positions. It is a matter for the European Parliament, ultimately, to decide. The system of election to the European Parliament differs from what we have in our local authorities and the Oireachtas. When somebody is elected, whether it is at local authority or national level, the moment the votes are counted he or she is elected. In the European Parliament, there is a notion of taking up one's seats, which is the point of initiation and does not occur until the first week in July when the new European Parliament will sit. There is already a differentiation between our system and the traditional European system. I have said it in the Dáil and I will say it here again, the two cold storage MEP solution is not ideal but it is by far the least worst option in the sense that it maintains our system of election. Our system of election is based on geographical constituencies at every level. To introduce a completely new system, whether it is a list, a national constituency or some people being elected geographically, and then the two additional ones being elected on a national panel, would be to completely throw on its head everything that we have ever had in terms of an electoral system. That might be an argument to be had into the future. In the immediate run up to an election I do not think that would have been an appropriate course of action to take.

We await the European Parliament. Senator Higgins asked specifically about the powers and the position of these two MEPs. We would be hopeful, certainly well in advance of the election and bearing in mind there is a Council meeting towards the end of this month, that there would be an indication given, not just to Ireland but to the other 13 member states that are getting an extra allocation of MEPs, as to the status of those particular people and the position that they will hold in the interregnum when the UK still has not formally left the European Union.

Senator Warfield spoke about the order of election. What we are proposing here is something very similar to what happens in Seanad elections already, that there would be a complete counting of votes. If a person from a particular political party is the fourth person in Dublin and his or her party colleague is the fifth person, if the gap between the third and the fourth person is less than the number of votes to be distributed from the fifth person, the fifth person will be eliminated and that will determine the order of election. Therefore, the person who on the face of it might be finishing fourth could end up finishing second or third. We are talking about completing the electoral count to determine the order of election.

Senator Grace O'Sullivan mentioned the views of Professor Michael Gallagher, a person that I respect. He has proposed two completely separate counts of the same ballots. One would not have to be a legal expert on electoral politics to know that his proposal might pose some issues. The Senator also spoke about the d'Hondt allocation. Again, that would be a complete change from what our electoral process has generally been.

In response to Senator Boyhan, the Local Government (Dublin) Act is the legislation that broke up the old Dublin County Council. I am reliably informed that section 9 of the Act is the one that formally recognised Dún Laoghaire-Rathdown, Fingal and South Dublin as counties within our legal definition of what a county is, and Dublin city as a separate city authority. All our European electoral Acts since recognise Dún Laoghaire-Rathdown, South Dublin and Fingal as separate counties.

In terms of what was mentioned by Senators Ó Donnghaile and Higgins, I addressed the

issue of facilities for the cold storage MEPs. I understand their reservations about the fear of removing certain rights that UK citizens who are resident in Ireland may have. I reassure the Senators that there is no question of people being removed from the register. That categorisation is already there under the letter D before the name. If this legislation was to be adopted, instead of getting a ballot paper for the local elections, European election and a plebiscite, say if one lived in Waterford or Limerick, these people would still get the ballot paper for the local elections and the plebiscite.

5 o'clock

We have always had a connection in this country, as in most jurisdictions, between citizenship, residency and voting rights. That is the firm view, notwithstanding the European court judgment Senator Higgins pointed to in regard to Gibraltar. That judgment was based on Britain's accession to the European Economic Community in 1972, following the initial discussions. Britain gave within its own legislative framework special status to what were termed in its legislation colonies and Commonwealth members, and as citizens of those areas would be treated as European Union citizens, the European decision was based on that. The issue here is somewhat different in that we are talking about Britain leaving the EU.

If there was a solid legal way of keeping British citizens' voting entitlements, I would be open to it. However, one of the premises of the treaties is that to vote for the European Parliament, one must be a citizen of the Union, and that means being a citizen of a member state of the Union. That is not to deny there are many British citizens living in the EU who have dual citizenship and who will retain that right. Many British people living in Ireland have Irish citizenship and will retain the right to vote, even if this legislation is passed. However, it is very much the advice to the Government from the Attorney General in terms of the treaties of the European Union that we cannot retain a system where there is a blanket open door, if one likes. By the way, this will have no effect whatsoever on the reciprocal arrangement between Britain and Ireland in regard to parliamentary elections, whereby Irish citizens living in Britain and British citizens living in Ireland have votes at parliamentary level nationally. The European treaties are different and our duty in this legislation is to uphold those treaties.

Question put and agreed to.

European Parliament Elections (Amendment) Bill 2019: Order for Committee Stage

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

Senator Colm Burke: Now.

Senator Fintan Warfield: I wish to call a vote.

Acting Chairman (Senator Gerry Horkan): The Senator has missed the chance to vote on Second Stage. There will be votes on Committee Stage.

Senator Fintan Warfield: I know there will be votes on Committee Stage.

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Acting Chairman (Senator Gerry Horkan): I asked when it is proposed to take Committee Stage and the answer I got is “Now”. Is that agreed?

Senator Fintan Warfield: No.

Senator Colm Burke: I move: “That Committee Stage be taken now”.

Question put:

| The Seanad divided: Tá, 30; Níl, 5. | |
|-------------------------------------|-------------------------|
| Tá | Níl |
| Bacik, Ivana. | Conway-Walsh, Rose. |
| Boyhan, Victor. | Devine, Máire. |
| Burke, Colm. | Mac Lochlainn, Pádraig. |
| Butler, Ray. | Ó Donnghaile, Niall. |
| Buttimer, Jerry. | Warfield, Fintan. |
| Byrne, Maria. | |
| Conway, Martin. | |
| Daly, Paul. | |
| Feighan, Frank. | |
| Gallagher, Robbie. | |
| Higgins, Alice-Mary. | |
| Hopkins, Maura. | |
| Horkan, Gerry. | |
| Humphreys, Kevin. | |
| Kelleher, Colette. | |
| Lawlor, Anthony. | |
| Leyden, Terry. | |
| Lombard, Tim. | |
| Marshall, Ian. | |
| McFadden, Gabrielle. | |
| Mulherin, Michelle. | |
| Mullen, Rónán. | |
| Murnane O’Connor, Jennifer. | |
| O’Donnell, Kieran. | |
| O’Donnell, Marie-Louise. | |
| O’Mahony, John. | |
| O’Sullivan, Grace. | |
| Reilly, James. | |
| Richmond, Neale. | |
| Wilson, Diarmuid. | |

Tellers: Tá, Senators Gabrielle McFadden and John O’Mahony; Níl, Senators Niall Ó Donnghaile and Fintan Warfield.

Question declared carried.

An Leas-Chathaoirleach: Before proceeding, I welcome Ms Philo Fray from London to the Public Gallery. She is very welcome.

Gnó an tSeanaid - Business of Seanad

Senator Jerry Buttimer: It is proposed, notwithstanding what was agreed on the Order of Business today, that debate on No. 3, all Stages of the European Parliament Elections (Amendment) Bill 2019, resume on the conclusion of No. 4, Committee Stage of the Registration of Wills Bill 2016. I thank the Minister of State for his flexibility in that regard. Assuming the debate on Senator Leyden's Bill concludes more quickly than anticipated, the House will return to the debate on No. 3.

Acting Chairman (Senator Gerry Horkan): Is the Leader is proposing that we resume debate on No. 3 on conclusion of Senator Leyden's Bill?

Senator Jerry Buttimer: That is correct. Notwithstanding the Order of Business, debate on No. 3 will resume at the conclusion of No. 4.

Acting Chairman (Senator Gerry Horkan): Or the adjournment of the debate on No. 4.

Senator Jerry Buttimer: Yes.

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

European Parliament Elections (Amendment) Bill 2019: Committee Stage

Section 1 agreed to.

SECTION 2

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 1 and 2 are related and may be discussed together by agreement.

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

In page 3, line 17, after "amended" to insert "as respects European elections held after 25th May 2019,".

Both of these amendments seek to address the concerns of those UK citizens currently entitled to vote in European elections in this State. The amendments take different approaches to ensuring UK citizens will have the opportunity to continue to vote. Amendment No. 1 simply seeks to ensure that the measure removing the rights of UK citizens to vote in European elections in Ireland shall not apply to those UK citizens who are currently on the electoral register

and the said measure shall not apply to the elections taking place on 25 May 2019. These elections are of particular import.

Acting Chairman (Senator Gerry Horkan): Will Senators Mac Lochlainn and Ó Donnghaile resume their seats, please?

Senator Alice-Mary Higgins: The right to vote in European elections allows many UK citizens who are pro-European and passionate about Europe to use their voices and contribute to European debate at a time when they may have been disenfranchised by their own country's choice to disenfranchise its citizens. Ireland should send a signal of inclusion through the European elections, even if a hard Brexit has not taken place beforehand. That matter is addressed in amendment No. 1.

Amendment No. 2 is even more clear and specific. It reflects the approach taken in the principal Act of 1997 referred to in this legislation. Provision was made in that Act for those on the 1994 register to be exempted from the preclusions put in place by the 1997 Act. Section 6(1) of the 1997 Act states that a person shall not be entitled to register as a European elector except in a number of circumstances. Section 6(3) makes it clear that subsection (1) did not apply to those on the 1994 register.

I have sought to mirror that provision in a new subsection which simply states: "Subsection (1) shall not apply in relation to any person who was registered as a European elector in a constituency in a register of electors which came into force prior to the enactment of the *European Parliaments Elections (Amendment) Act 2019*, or a supplement thereof, provided that person continues to be a resident of the State." It provides that those who are currently on the register and entitled to vote today will still be entitled to vote in the European elections in May. We do not know the numbers on the electoral register but we know there are approximately 100,000 UK citizens living in Ireland. They should be able to make their voice heard on collective issues.

I have referred to the ruling of the European Court of Justice in the case of *Kingdom of Spain v. United Kingdom of Great Britain and Northern Ireland*. The Minister of State indicated the ruling largely relates to the issue of Commonwealth citizens. I have the specific decision of the European Court of Justice here and the ruling does not rely on the Commonwealth argument that the Minister of State mentioned. It makes clear that neither Articles 189 or 190 of the treaty establishing the European Community concerning the elections of representatives by direct universal suffrage expressly states who is to be entitled to the right to vote. Moreover, the articles refer to the principle of non-discrimination. The concern is that citizens of other member states should not be discriminated against. The meaning of those articles is not to preclude but to include.

I also note that the same ruling of the European Court of Justice is explicit in its use of the term "peoples". That term is not defined and can have different meanings in different member states and languages. No principle can be derived from the relevant articles that citizens of the European Union are the only persons entitled to citizenship under all the other provisions of the treaty.

Acting Chairman (Senator Gerry Horkan): I ask Senators Craughwell and Marshall to continue their conversation outside or to be silent please.

Senator Alice-Mary Higgins: The European Court of Justice is clear in this regard. The

Minister of State acknowledged in the Dáil that what I am proposing is possible. I am asking him to take these steps and support the amendments. He should embrace this opportunity to send a signal of inclusion to many people who face the prospect, under Brexit, of their families becoming divided and the connections between the state in which they were born and the state in which they live becoming fraught and more difficult.

The Minister of State stated that we allow different levels of inclusion at local elections because a resident in any ward or district has skin in the game as regards footpaths, lights, etc. We know that European Union investment funds can be routed towards local infrastructure. Surely people who live here should have a say in those matters. On a more negative level, we know that the EU-Singapore deal, for example, includes certain provisions on procurement that may constrain local authorities. There is a deep connection between the local, national and European in this regard. When we talk about a Europe of cities I would like us to be true to that spirit.

I am asking the Minister of State to reconsider his position and accept this amendment. This does not set the course for the future. It is modest and only relates to those who are already on the electoral register. While a path needs to be charted for the future but, in a later amendment, I propose to give the Minister of State the prerogative of charting that path. I ask him to protect the rights of those on the register. I have spoken about franchise. It is not simply a privilege; it is a service that each citizen pays to each other by voting collectively. It does not do any of us, or the common good, a service to leave a large cohort of the adult population of the State, who have lived here for many decades, without the same voice and vote as others. We want these people to feel a part of the decisions we make together.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I do not propose to accept these amendments. Section 2 of the Bill does not remove the right of British citizens resident in the State to vote at elections to the European Parliament. Those rights are contingent on their continued citizenship of the European Union as set out in the treaties.

I must confess that I got my European judgments mixed up. The judgment we are referencing in this debate, *Kingdom of Spain v. United Kingdom of Great Britain and Northern Ireland*, was made at a time when the language in the treaty, as Senator Higgins mentioned, referred to the peoples of the European Union. The Lisbon treaty changed that language, subtly but comprehensively, by introducing the term “citizens of the [European] Union”. The issue in respect of Commonwealth citizens related to another judgment.

I am told there are approximately 50,000 UK citizens on the electoral register in Ireland at present. If the UK legally withdraws from the Union, then British citizens will no longer have a right to vote in elections to the European Parliament from the date of withdrawal and will no longer be included on the register of European electors, although they will still be on our register of electors with the letter D preceding their name. If the UK remains in the Union, then British citizens resident in the State will be treated in the same manner as citizens from other member states in the context of the register of European electors. This section seeks to remove the current difference of treatment that exists between British citizens and citizens of other EU member states under Irish electoral law.

Furthermore, the register of electors has already been compiled for 2019-2020 under the current law and that register entered into force on 15 February last. It is not proposed to amend the register until the next formal review commences for the 2020-2021 electoral register.

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Senator Alice-Mary Higgins: I ask the Minister of State to clarify that the electoral register, as it stands, including the right to vote in the European elections, will remain the same in respect of the May election. Is that what he is suggesting?

Deputy John Paul Phelan: No. It will remain the same if Britain remains within the European Union. However, even if Britain is not benefiting from that classification, the classification will still remain the same.

Senator Alice-Mary Higgins: Therefore, if Britain were to leave, those residents here would lose their right to vote in the European elections. I have put forward this argument. I somewhat regret that Ireland is not fighting to try to make a special case. As we said earlier, we know the case was made in respect of “close ties” by the UK in regard to the Commonwealth. I think the close ties we have with the UK are very clear, and all of us in this House and all Ministers have spoken about those close ties. It is regrettable we do not put substance to that by seeking to maintain those ties. I recognise that we want to ensure a wider consideration of non-EU citizens, which is why I will be pressing an amendment at a later Stage on the wider issue of non-EU citizens who may be long-term residents in the State and their voice. It is very sad to see anybody losing a right to vote in this day and age, when we know we need to expand and deepen democracy at every opportunity. Again, I regret we are not able to agree on this point but I thank the Minister of State for his engagement.

Deputy John Paul Phelan: I regret it as well.

Amendment put and declared lost.

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

In page 3, between lines 18 and 19, to insert the following:

“(2) Section 6 of the Principal Act is amended by the insertion of the following new subsection after subsection (4):

“(5) Subsection (1) shall not apply in relation to any person who was registered as a European elector in a constituency in a register of electors which came into force prior to the enactment of the *European Parliaments Elections (Amendment) Act 2019*, or a supplement thereof, provided that person continues to be a resident of the State.””.

Amendment put:

| The Committee divided: Tá, 8; Níl, 25. | |
|--|-----------------------|
| Tá | Níl |
| Black, Frances. | Burke, Colm. |
| Devine, Máire. | Butler, Ray. |
| Higgins, Alice-Mary. | Buttimer, Jerry. |
| Kelleher, Colette. | Byrne, Maria. |
| Mac Lochlainn, Pádraig. | Conway, Martin. |
| O’Sullivan, Grace. | Craughwell, Gerard P. |
| Ó Donnghaile, Niall. | Daly, Mark. |
| Warfield, Fintan. | Daly, Paul. |
| | Feighan, Frank. |

| | |
|--|-----------------------------|
| | Gallagher, Robbie. |
| | Hopkins, Maura. |
| | Horkan, Gerry. |
| | Lawlor, Anthony. |
| | Leyden, Terry. |
| | Lombard, Tim. |
| | Marshall, Ian. |
| | McFadden, Gabrielle. |
| | Mulherin, Michelle. |
| | Murnane O'Connor, Jennifer. |
| | O'Donnell, Kieran. |
| | O'Mahony, John. |
| | O'Sullivan, Ned. |
| | Reilly, James. |
| | Richmond, Neale. |
| | Wilson, Diarmuid. |

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

Amendment declared lost.

Progress reported; Committee to sit again.

Registration of Wills Bill 2016: Committee and Remaining Stages

Sections 1 to 18, inclusive, agreed to.

SECTION 19

Question proposed: "That section 19 stand part of the Bill."

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): The section is not agreed.

Acting Chairman (Senator Gerry Horkan): It is not the Minister's prerogative to disagree. One of her Members must do that.

Question put and declared carried.

SCHEDULE

6 March 2019

Question put: "That the Schedule be the Schedule to the Bill."

| The Seanad divided: Tá, 19; Níl, 14. | |
|--------------------------------------|----------------------|
| Tá | Níl |
| Black, Frances. | Burke, Colm. |
| Craughwell, Gerard P. | Butler, Ray. |
| Daly, Mark. | Buttimer, Jerry. |
| Daly, Paul. | Byrne, Maria. |
| Devine, Máire. | Conway, Martin. |
| Gallagher, Robbie. | Feighan, Frank. |
| Higgins, Alice-Mary. | Hopkins, Maura. |
| Horkan, Gerry. | Lawlor, Anthony. |
| Kelleher, Colette. | Lombard, Tim. |
| Leyden, Terry. | McFadden, Gabrielle. |
| Mac Lochlainn, Pádraig. | O'Donnell, Kieran. |
| Marshall, Ian. | O'Mahony, John. |
| Mullen, Rónán. | Reilly, James. |
| Murnane O'Connor, Jennifer. | Richmond, Neale. |
| O'Sullivan, Grace. | |
| O'Sullivan, Ned. | |
| Ó Donnghaile, Niall. | |
| Warfield, Fintan. | |
| Wilson, Diarmuid. | |

Tellers: Tá, Senators Terry Leyden and Diarmuid Wilson; Níl, Senators Gabrielle McFadden and John O'Mahony.

Question declared carried.

6 o'clock

TITLE

Question proposed: "That the Title be the Title to the Bill."

An Leas-Chathaoirleach: Before proceeding to put the question on the Title, the Minister would like to say a few words.

Deputy Regina Doherty: Rather than calling a vote on every single section, which would have been a waste of everybody's time, I will put on record why the Government is opposing the Bill so that our reasons can be appreciated at least, if not understood. Before I outline our reasons, I would like to say that I acknowledge that the spirit of the Bill is incredibly well intended. We do not have an issue with the ideology behind the Bill. At first look, the estab-

lishment of register of wills is, in principle, a good idea. My colleagues agree with that. The problem is that the Bill before us today has a number of flaws, which are exactly the same flaws that existed in the first iteration of the Bill put forward in 2005 and the second iteration put forward in 2011. We are here for the third time and the Bill has the exact same flaws.

When the proposals were first mooted in 2005, the Law Society expressed concerns that the proposed registration would be voluntary and would therefore have very little effect because registration would not guarantee that the registered will was the last will and registration would not be proof of the will's validity. The Law Society recently confirmed these concerns, which we in Government share. We feel that legislation brought into operation without the support of the Law Society, particularly in this area, would not have validity.

The General Register Office, GRO, has also expressed serious concerns as to whether it would be the appropriate body to maintain such a register of wills if we were to establish one. The register would not record details of a life event, as is the case with every other register maintained by the GRO, and therefore there would not be an evidential basis for any of the details that could potentially be recorded as per the Senator's suggestions. This will have the potential to undermine the reputation of the GRO and all its existing registers, which are held in the highest regard and which enjoy the presumption of accuracy and reliability based on the independent evidence of the event they record. That would not be true with regard to this particular register.

On Second Stage a number of years ago, the then Minister for Social Protection and now Taoiseach, Deputy Varadkar, agreed not to oppose the Bill on the basis that the concerns I have just outlined would be addressed in co-operation with the Law Society and other vested interests. Unfortunately, I am not aware of that having happened. At a very basic level, a number of sections of the Bill also refer to me as the Minister for Health. Whether it is technical issues, ideological issues, or the fact that the Bill will undermine the real reputation and accuracy of the registers we have-----

Senator Terry Leyden: On a point of correction, when the Bill was published in 2016-----

Deputy Regina Doherty: I was not finished speaking. Would it have been okay for me to finish?

Senator Terry Leyden: The Minister did not table amendments when she could have. She is so clever now. By the way, the Minister did not even have the courtesy-----

Deputy Regina Doherty: That is not very respectful.

Acting Chairman (Senator Gerry Horkan): I ask Senator Leyden to let the Minister finish speaking.

Deputy Regina Doherty: It is no wonder Senator Leyden has no women in his party. That is all I will say.

Senator Terry Leyden: We have fine women in our party.

Senator Rónán Mullen: That is a very backhanded comment. That is not worthy of ministerial office.

Senator James Reilly: Senator Leyden's comment was not worthy of a Senator either.

6 March 2019

Senator Rónán Mullen: The Executive should try to lead.

Question put.

The Committee divided by electronic means.

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

Question again put:

| The Committee divided: Tá, 19; Níl, 15. | |
|---|----------------------|
| Tá | Níl |
| Black, Frances. | Burke, Colm. |
| Boyhan, Victor. | Butler, Ray. |
| Craughwell, Gerard P. | Buttimer, Jerry. |
| Daly, Mark. | Byrne, Maria. |
| Daly, Paul. | Conway, Martin. |
| Gallagher, Robbie. | Feighan, Frank. |
| Horkan, Gerry. | Hopkins, Maura. |
| Kelleher, Colette. | Lawlor, Anthony. |
| Leyden, Terry. | Lombard, Tim. |
| Mac Lochlainn, Pádraig. | McFadden, Gabrielle. |
| Marshall, Ian. | Mulherin, Michelle. |
| Mullen, Rónán. | O'Donnell, Kieran. |
| Murnane O'Connor, Jennifer. | O'Mahony, John. |
| O'Sullivan, Grace. | Reilly, James. |
| O'Sullivan, Ned. | Richmond, Neale. |
| Ó Céidigh, Pádraig. | |
| Ó Donnghaile, Niall. | |
| Warfield, Fintan. | |
| Wilson, Diarmuid. | |

Tellers: Tá, Senators Terry Leyden and Diarmuid Wilson; Níl, Senators Gabrielle McFadden and John O'Mahony.

Question declared carried.

Bill reported without amendment.

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

Senator Jerry Buttimer: Next week.

Senator Terry Leyden: Now, by order of the House.

An Leas-Chathaoirleach: Is that agreed?

Senator Jerry Buttimer: No.

Question put: “That Report Stage be taken now.”

Senator Jerry Buttimer: No.

An Leas-Chathaoirleach: I am asking the questions, not the Senators. I want no interruptions, please. I will put the question.

Senator Diarmuid Wilson: On a point of order, during the Order of Business this morning the House voted to take Report Stage today.

An Leas-Chathaoirleach: I am sorry but there are to be no interruptions.

Question again put:

| The Seanad divided: Tá, 21; Níl, 16. | |
|--------------------------------------|----------------------|
| Tá | Níl |
| Black, Frances. | Burke, Colm. |
| Boyhan, Victor. | Butler, Ray. |
| Conway-Walsh, Rose. | Buttimer, Jerry. |
| Craughwell, Gerard P. | Byrne, Maria. |
| Daly, Mark. | Conway, Martin. |
| Daly, Paul. | Feighan, Frank. |
| Gallagher, Robbie. | Hopkins, Maura. |
| Higgins, Alice-Mary. | Lawlor, Anthony. |
| Horkan, Gerry. | Lombard, Tim. |
| Kelleher, Colette. | McFadden, Gabrielle. |
| Leyden, Terry. | Mulherin, Michelle. |
| Mac Lochlainn, Pádraig. | Noone, Catherine. |
| Marshall, Ian. | O'Donnell, Kieran. |
| Mullen, Rónán. | O'Mahony, John. |
| Murnane O'Connor, Jennifer. | Reilly, James. |
| O'Sullivan, Grace. | Richmond, Neale. |
| O'Sullivan, Ned. | |
| Ó Céidigh, Pádraig. | |
| Ó Donnghaile, Niall. | |
| Warfield, Fintan. | |
| Wilson, Diarmuid. | |

Tellers: Tá, Senators Terry Leyden and Diarmuid Wilson; Níl, Senators Gabrielle McFadden and John O'Mahony.

Question declared carried.

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

An Leas-Chathaoirleach: Senator Mullen indicated he wishes to speak.

Senator Rónán Mullen: I will not hold up the House. Before we move on to a final vote, it is important that we would remember that this is an important piece of legislation. Senator Leyden is to be commended for his persistence in bringing forward this legislation. This legislation has a long back story. I hope Senator Leyden’s persistence will be rewarded with a landmark development this evening with its passage through the Seanad. It is important to remember that this Bill seeks to address a particular mischief or challenge relating to probating wills. In some cases, the challenge is finding the wills in the first place. Senator Leyden’s Bill is more than “well intentioned”, to use the words of the Minister which are often used to patronise legislative initiatives in the Houses. The Bill is a timely and reasonable intervention. Admittedly, it will not solve all the issues and challenges in this area, but it will go some way towards making life easier for those making wills and those benefitting from them.

All Members know that wills attract considerable public interest. I am currently reading a book entitled *Famous Irish Trials* by Matthias McDonnell Bodkin which was written in the 1920s, the early years of this State. In it, the author tells the story of a serial will-maker in the 19th century who, as soon as he had decided to favour one party, would immediately disinherit them by making another will because the original beneficiary had perhaps cut down a tree to his annoyance or refused to donate to a charity in which a supporter of his was engaged. Lord Longford’s estate was the eventual beneficiary of the will in question and that led to a famous 19th century Irish trial. I am sure most present remember the television programme “Glenroe”, although Senator Warfield told me earlier that his memories of it are somewhat sketchy. Some may remember the character of Dinny Byrne, played by the great Joe Lynch, who was looking forward to benefitting from the estate of his late uncle Peter. It fell to Fr. Devereux, played by the sadly recently deceased actor, Dónall Farmer, to inform Dinny that there was no will or, as Fr. Devereux put it, “I am afraid Uncle Peter died intestate,” to which Dinny responded, “I thought it was the heart.”

An Leas-Chathaoirleach: With respect, we are not here to discuss “Glenroe”.

Senator Rónán Mullen: Forgive the digression. Apologies. The Government’s line on the Bill is pathetically thin. It contends that voluntary registration would offer no proof regarding the existence of a subsequent will or codicil, and is correct in that regard. Indeed, compulsory registration would not offer such proof either. The Minister also made the point that voluntary registration would not be proof of the validity of the will or that it had been prepared in the correct form. However, the idea that that would bring the registration process somehow into disrepute belongs to the Sir Humphrey school of argument.

Senator Terry Leyden: Hear, hear.

Senator Rónán Mullen: It is the same kind of argument presented when we are told that certain proposals might have unforeseen consequences. If there is a system for the voluntary

registration of wills, the public will be informed of what that means and what it does not. As I understand it, it will not mean that there may not be some other will or codicil in existence. A registered will would not necessarily not defeat any other will or codicil. People should not be led to believe that the registration of a will automatically means that that will is valid. However, the Bill would make life easier. Under the current system, solicitors doing probate must advertise, write to myriad other solicitors within the region and so on. A registry of wills will be an important and valuable first step in establishing whether there is a will in existence. That is why Senator Leyden's initiative is timely and to be welcomed.

The Government makes no strong argument other than to acknowledge the existence of the Council of Europe convention on the establishment of a scheme of registration of wills. Its best argument seems to be that Ireland has not ratified that convention, but that is no kind of public policy argument. The fact that such a convention exists bears out that Senator Leyden is not engaging in some frolic to attract a headline but, rather, is crafting good public policy of a kind that has already been envisaged in other jurisdictions. If it wishes to oppose the Bill, the Government should put forward a better argument than those it has advanced today. The Bill should pass. It will not be the end of the matter. It is important that we hear from various stakeholders such as the Law Society probate administration and trusts committee during the passage of the Bill through the Dáil. Its passage through the Seanad would advance a positive end effect and I hope it will so pass.

Question put and declared carried.

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

| The Seanad divided: Tá, 18; Níl, 16. | |
|--------------------------------------|----------------------|
| Tá | Níl |
| Black, Frances. | Burke, Colm. |
| Boyhan, Victor. | Butler, Ray. |
| Conway-Walsh, Rose. | Buttimer, Jerry. |
| Daly, Mark. | Byrne, Maria. |
| Daly, Paul. | Conway, Martin. |
| Gallagher, Robbie. | Feighan, Frank. |
| Higgins, Alice-Mary. | Hopkins, Maura. |
| Horkan, Gerry. | Lawlor, Anthony. |
| Kelleher, Colette. | Lombard, Tim. |
| Leyden, Terry. | McFadden, Gabrielle. |
| Marshall, Ian. | Mulherin, Michelle. |
| Mullen, Rónán. | Noone, Catherine. |
| Murnane O'Connor, Jennifer. | O'Donnell, Kieran. |
| O'Sullivan, Grace. | O'Mahony, John. |
| O'Sullivan, Ned. | Reilly, James. |
| Ó Céidigh, Pádraig. | Richmond, Neale. |
| Warfield, Fintan. | |
| Wilson, Diarmuid. | |

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Tellers: Tá, Senators Terry Leyden and Diarmuid Wilson; Níl, Senators Gabrielle McFadden and John O'Mahony.

Question declared carried.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I thank Members for their courtesy. The Bill will now move to the Dáil and I look forward to engaging further on it.

Senator Terry Leyden: I thank the Minister for attending the House. It was not my intention to have any difference with the Minister. I am sorry if I did. It was unintentional in the heat of the battle and it certainly was not personal. I thank all those who voted for the Bill and those who voted against it. There is sufficient room in this Bill and I hope that the Dáil will pass it. Those amendments I mentioned are in the original Bill and they can be amended. Anything in this can be amended. If the Bill must provide for statutory powers rather than a voluntary regime, so be it.

I believe that the Minister and her Department can look at this. There has been resistance to this Bill from certain people in her Department for a very long time. I will say no more. There has been resistance from the Law Society of Ireland for reasons of its own. It is a protective organisation that protects its members and does not want them to take on other responsibilities. So many people have been deprived of their rights. Members have no idea. One of the great injustices in this country is the fact that we have no record or way of knowing whether a will was ever made. I will not go into any more detail. I would prefer to have much more information to hand. More than 30,000 people die every year. Only about 10,000 make wills. Perhaps people will be encouraged to make wills by this Bill. I ask the Minister personally if she will look at this in the cold light of day. I know she is up to her neck with Brexit and everything else at the moment. I ask her to look at it sometime. I would love to meet with her to discuss it. I would love her to adopt it and to take this on. If she examines the details she might decide that it is worthwhile to bring this Bill forward in government.

An Leas-Chathaoirleach: I thank the Senator. He can pursue that matter with the Minister outside the Chamber. I thank Members and the Minister.

European Parliament Elections Bill 2019: Committee Stage (Resumed) and Remaining Stages

SECTION 2

Question, "That section 2 stand part of the Bill", put and declared carried.

Sections 3 to 6, inclusive, agreed to.

SECTION 7

An Leas-Chathaoirleach: Amendments Nos. 3 to 5, inclusive, have been ruled out of order.

Amendments Nos. 3 to 5, inclusive, not moved.

Section 7 agreed to.

NEW SECTION

Senator Alice-Mary Higgins: I move amendment No. 6:

In page 9, between lines 27 and 28, to insert the following:

“Amendment of section 9 of Electoral Act 1992

8. Section 9 of the Electoral Act 1992 is amended by the insertion of the following new paragraph:

“(c) such other persons in the State as may be determined by law.””.

This amendment would seek to amend the Electoral Act 1992, which was previously cited by the Minister. That Act, which currently extends the right to vote in European elections to Irish citizens and to European member state citizens, would also be amended to also extend this right to “such other persons in the State as may be determined by law”. This language brings that Act into line with Article 16.1.2° of the Constitution. This provision was an amendment to the Constitution making provision for the voting rights of “such other persons in the state as may be determined by law”. My amendment would bring those two provisions into line with each other. Article 16.1.2° was brought in by Fine Gael to ensure that UK citizens would have voting rights.

I ask the Minister of State to consider supporting this amendment. It is a very small amendment that does not seek to determine what the law might be. However, if there was a preponderance of European Court of Justice rulings, or if the Minister wished to respond through legislation or by a statutory order, which is also law, the amendment would allow for action to ensure and vindicate the rights of persons. If legal findings were made to the effect that UK citizens resident in the State should have voting rights, or if the Minister wished to make a statutory order and discovered that he was able to do so, this would allow that to happen in the most efficacious way possible. I ask the Minister of State to support it.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I regret to say I will not be able to support the amendment. The amendment is superfluous in its wording, providing for “such other persons in the State as may be determined by law”. Perhaps the Senator wishes to specifically identify British citizens. In regard to voting rights, the Houses are not restricted in prescribing categories of people by law and neither is the Minister. In that sense the amendment is not necessarily required. Extensive legal advice was sought on the voting rights of British citizens resident in Ireland in a post-Brexit scenario. The initial opinion advised that European case law prior to the coming into force of the Lisbon treaty in 2009, which we discussed already, suggested that member states had a degree of discretion in extending voting rights to third country citizens resident in their territories, subject to compliance with certain limits. We spoke about close links. The Senator and I referred to the *Spain v. the UK* case, which concerned Gibraltar. Several other judgments have taken a similar line.

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The position changed utterly with the coming into effect of the Lisbon treaty. Article 14.2 of the Treaty on European Union states, “The European Parliament shall be composed of representatives of the Union’s citizens”, and “Representation of citizens shall be degressively proportional”. The corresponding article in the preceding treaty, the treaty establishing the European Economic Community, provided that the European Parliament, “shall consist of representatives of the peoples of the States brought together in the Community”. There has been a change. Off the top of my head I do not know of judgments of the European Court of Justice on that particular aspect of the treaty since the coming into effect of the Lisbon treaty.

Moreover, Article 9 of the Treaty on European Union provides:

Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.

Article 10 states, “Citizens are directly represented at Union level in the European Parliament”. Article 39.1 of the Charter of Fundamental Rights of the European Union provides, “Every citizen of the Union has the right to vote and to stand as a candidate at elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State.”

In the absence of post-2009 case law which directly addresses this issue, the initial legal advice concluded that it may be possible for member states to allow citizens of third countries resident in their territories to vote in EU elections. A more prudent view is that the 2009 amendment to Article 14.2 of the Treaty on European Union and the prospective 2018 amendments to Article 1.1 of the Act of 1976 separately and together create a minimum requirement of Union citizenship to vote and stand in elections to the European Parliament. Further legal advice was sought, which concluded definitively that any proposal to enfranchise British citizens resident in Ireland after the withdrawal of the UK from the Union for the purposes of the European elections would be inconsistent with the law of the European Union.

Amendment put and declared lost.

Section 8 agreed to.

NEW SECTIONS

Acting Chairman (Senator Gerry Horkan): Amendment Nos. 7 and 8 have been ruled out of order as they are not relevant to the provisions of the Bill.

Amendments Nos. 7 and 8 not moved.

Senator Alice-Mary Higgins: I move amendment No. 9:

In page 10, between lines 11 and 12, to insert the following:

“Report and review of European electoral register

9. (1) The Minister shall, within 30 months of the passing of this Act, initiate a report and review on the potential extension of the European electoral register to include Non-EU citizens resident in the State.

(2) Within 8 months of the initiation of such a report and review, the Minister shall lay the report and review before both Houses of the Oireachtas.”

I will speak very briefly because I am under time pressure, as are others. We had an opportunity to discuss this earlier. I thank the Minister of State for engaging on the issues. I regret that we were unable to come to agreement. This amendment simply asks that there be a report and review. It is asking the Government to look further into these issues. The Minister of State may not be able to accommodate the proposals I have put forward but I ask that he consider accepting the need for a report and review on this. I hope he will accept the amendment, which would give him space in the context of a review of the extension of the electoral register to reflect on various issues. If he is unable to accept the amendment, I hope that he might indicate that he intends to investigate these issues further and consult others across the House, particularly if we enter a period in which we may have a large cohort - 50,000, as mentioned by him - of UK citizens. These are adults living and working in Ireland who will be very much affected by EU laws and who feel disenfranchised from that process. This is why we need to examine all angles. I accept that the Minister of State has sought advice at this point. The amendment is intended to ensure that he will continue to engage and seek solutions.

Deputy John Paul Phelan: I am not in a position to accept this amendment but I accept the point made by the Senator. We are carrying out an extensive exercise on reform of the register in general. Later this year, we will have a referendum on the issue of presidential election voting rights for citizens overseas. The report of the Seanad reform group recommends the possibility of extending the franchise to people living overseas. A lot of work is being, and will be, done over the next period on voting rights for different categories of people, be they Irish citizens or not. While I cannot accept the amendment, we will implement its spirit. I have no problem accepting the idea of a more thorough analysis of the voting entitlements of different categories of residents in the State and Irish citizens overseas.

Acting Chairman (Senator Gerry Horkan): Is the amendment being pressed?

Senator Alice-Mary Higgins: Yes.

Amendment put and declared lost.

Section 9 agreed to.

TITLE

Acting Chairman (Senator Gerry Horkan): Amendment No. 10 has been ruled out of order.

Amendment No. 10 not moved.

Title agreed to.

Bill reported without amendment, received for final consideration and passed.

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

Senator Jerry Buttimer: Tomorrow at 10.30 a.m.

The Seanad adjourned at 7.25 p.m. until 10.30 a.m. on Thursday, 7 March 2019.