



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Máirt, 16 Aibreán 2019

Tuesday, 16 April 2019

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Machnamh agus Paidir.
Reflection and Prayer.

Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: I have received notice from Senator Maria Byrne that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Health to provide an update on the appointment of a neurology clinical nurse specialist for the University Limerick hospital group.

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

The need for the Minister for Housing, Planning and Local Government to give details of the targets set for local authorities in 2019 in relation to the delivery of affordable homes to purchase and rent.

I have also received notice from Senator Ian Marshall of the following matter:

The need for the Minister for Justice and Equality to give an update on the publication of legislation to provide for enhanced co-operation with legacy inquests in Northern Ireland.

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

The need for the Minister for Public Expenditure and Reform to make a statement on the assessment criteria, policy and procedures in the awarding of State contracts to successful tenderers from outside the State

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

Nithe i dtosach suíonna - Commencement Matters

16 April 2019

Health Services Staff Recruitment

An Cathaoirleach: I welcome the Minister of State, Deputy Finian McGrath.

Senator Maria Byrne: I thank the Cathaoirleach. The Minister of State is very welcome. I rise today to ask about the recruitment of a specialist MS nurse for the mid-west region. In a report that was commissioned, it was recommended that three to four nurses were necessary for the region but at the moment we have none and one would be a bonus. When I last raised the issue, I was told, as were the people involved in the MS society, that someone would be in place in the second quarter of 2019, but as of yet there has been no advertisement for the position, and there seems to be no movement in filling the position. A recruitment ban was announced recently by the Minister, and people are very afraid that this position will not be filled. Perhaps the Minister of State will give an update on the situation. People who suffer from MS have to go to Cork and different places around the country to access the services of a specialised nurse, so if there were one in the region, it would be of great benefit to them.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Senator Byrne for raising this very important issue. I welcome the opportunity to address the House on this matter on behalf of the Minister for Health, and to provide an update on progress made on the proposal to recruit a clinical nurse specialist in neurology at University Hospital Limerick, UHL. I am advised that the UL hospital group recognises the need for a clinical nurse specialist in neurology and it has been deemed a priority post for the hospital group. In that regard, I am pleased to inform the House that the UL hospital group has made the funding available for this post, and it is anticipated that the post will be filled by the third quarter of this year. The UL hospital group is engaging with the HSE recruitment service in relation to this post. I have also been informed that the recruitment campaign for the clinical nurse specialist post in neurology is progressing, and I have been advised by the UL hospital group that the advertisement for this position is pending. It is envisioned that the post will be advertised in May 2019 and filled by the third quarter of this year.

The national clinical programme for neurology has developed and published a model of care for neurology services. This model of care provides a framework for neurology services to be delivered with an integrated service approach, which is in line with international best practice. Implementation of the new model of care will see an increase in the number of consultant neurologists and nurse specialists, including clinical nurse specialists, in neurology and other healthcare professions, and this will address waiting times. The new model of care will see an increase in the number of consultant neurologists, nurse specialists, including clinical nurse specialists in neurology and other healthcare professionals and this will address waiting times. The purpose of the clinical nurse specialist post is to improve and enhance the care of patients and their families by developing services, and to assist overall in optimising quality and continuity of care. The clinical nurse specialist is required to work as a key member of the multidisciplinary team in the hospital providing physical, psychological and emotional support to neurology patients and their families. They act as a liaison between community services, primary care teams and other agencies. The national clinical programme for neurology proposes implementation of the new model of care over a period of five years. This will significantly improve access for all neurology patients in the mid-west. The implementation of the new model of care is a work in progress. I can confirm that the University Limerick hospital group has recognised the need for this specialist nursing post and is treating the recruitment for this post as a priority.

In addition, looking to the future, the national clinical programme for neurology has developed a new model of care for neurology, the implementation of which will improve service provision incrementally over the next few years not only in the mid-west but nationally.

Senator Maria Byrne: I welcome the fact that it is at last being advertised. Twelve months ago I was told it was going to be advertised. That is why I raised the matter again today but I am glad that it will be advertised by May. It will be disappointing for some people that it will be quarter 3 before somebody comes in but now they know that it is a priority for the university hospital and it is recognised that a nurse has to be put in place. Perhaps it is time that I started lobbying for a second one because it has taken so long to fill the post. I know it is not the Minister of State's fault but it is disappointing that it has taken so long for the recruitment process to happen.

Deputy Finian McGrath: The bottom line is that it is a priority and it will be delivered and it is being advertised in May. The UL hospital group has recognised the need for recruitment of a clinical nurse specialist in neurology and funding has been provided for the post. I am confident that the new clinical nurse specialist post will help improve and enhance the care provided to neurology patients and their families. It is a priority for me. I will give this my utmost support because I am a strong supporter of this clinical nurse specialist service. It will be developed, not just in the mid-west but it will be rolled out nationally. The post is being advertised and it will be delivered shortly.

Social and Affordable Housing Provision

Senator Victor Boyhan: Will the Minister of State with responsibility for local government confirm the details that have been set out by the Department of Housing, Planning and Local Government in consultation with the chief executives of all 41 local authorities in respect of the delivery of affordable housing? We know, and it has been a major plank of the Rebuilding Ireland policy, that the Government envisages the roll-out of a national affordable housing scheme and it is disappointing to say that, despite being three years on from that, we do not have a national affordable housing scheme in place. There are several reasons for that but they are not all the Minister of State's fault. We need to keep the focus on and deliver affordable housing for purchase and affordable homes for renting, particularly in the cities and the Dublin area. People know there are great difficulties in just renting a home at an affordable and sustainable price. There is a national problem that needs to be addressed.

It came to my attention recently that there was a draft affordable scheme of priority proposed and brought by the management in Dún Laoghaire-Rathdown County Council. I understand it was rejected across the political lines, including by councillors from the Minister of State's own party and those from other parties and none, because they had what they described as major difficulties with the flexibility of the scheme. I am talking about the draft affordable scheme of priority for affordable housing. The argument, apparently, is that there is not sufficient flexibility locally in terms of the charges and other issues around all of that. I think we have a difficulty and I ask the Department to look specifically at this local authority. It is the one I know best, the one I live in and the council on which I served. This is only a very recent development and I know the Minister is aware of it. We need to look at the pitfalls and concerns expressed by elected members of this council. I understand it was unanimous across the board. They raised concerns. I do not know the legitimacy of those concerns or the detailed reasoning

behind them. I understand that the director of housing on this council sent the draft report with comments back to the Minister, and that the Minister will have to come back to the council at some point.

I am mindful that in most local authorities there will only be one more council meeting before the local elections. Some councillors will not be re-elected and some will; there will be substantial changes across the 31 local authorities, no doubt. The key, substantive issue is that of affordability. What specific targets has the Government set? We have to talk about targets and keep monitoring them, otherwise we are not going to see the delivery of affordable homes to purchase and rent. Perhaps the Minister of State will enlighten me further. I ask him to relay to the Minister that we might look at Dún Laoghaire-Rathdown specifically because it is the only one I know that has been sent back to the Minister at this point. Perhaps there are lessons to be learned from it and perhaps there are not but we should look at it. If everybody is rejecting a scheme of priorities and holding up an affordable scheme in a local authority, it has to be an issue of concern both to the Government and to the local authority in question.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I thank the Senator. I am taking this matter on behalf of the Minister, Deputy Eoghan Murphy. Having read through the response that is provided by the Department, I am not sure it will deal with some of the issues that Senator Boyhan has raised.

One of the Government's key priorities is to address issues of housing affordability. To this end, a multi-stranded approach is being taken to support those low to middle-income households in achieving home ownership. In terms of affordable purchase, last year, my colleague, the Minister, Deputy Eoghan Murphy, commenced the relevant provisions of Part 5 of the Housing (Miscellaneous Provisions) Act 2009. This provided a statutory basis for the delivery of the affordable housing purchase scheme. The Minister also made regulations last month, on foot of which local authorities are now moving ahead to develop their schemes of priority, which they will use to manage the allocation of affordable housing that becomes available in their local areas.

The €310 million serviced site fund, SSF, was announced in the last budget, with the core objective of achieving significant delivery of affordable housing. Under the serviced site fund, at least 6,200 affordable homes will be facilitated over the next three years. As part of the first tranche of this funding, in December 2018, ten projects were approved for €43 million of funding under the serviced site fund's first call for proposals. This will result in the delivery of over 1,400 homes in urban centres with clear affordability challenges in locations across Cork and Dublin. Details of these schemes and their locations are available on the Rebuilding Ireland website and it is expected that the first tranche of affordable homes will come on-stream next year. A second call for further applications under this fund was issued last week. As a result of this, 19 local authorities which carried out economic assessments to identify affordability issues in their areas will be in a position to make applications for funding support for a further bundle of projects to deliver affordable homes to purchase or rent. Furthermore, some 2,350 affordable homes are in the process of being delivered on mainly publicly-owned lands supported through the local infrastructure housing activation fund, LIHAF. An additional 5,600 homes will benefit from a LIHAF-related cost reduction, some of which are already coming to market. Again, details of these schemes and their locations are available on the Rebuilding Ireland website.

Aside from affordable housing purchase options, the Government has also committed to supporting a new cost rental model. Under the heading of cost rental, the provider supplies

accommodation and charges rents sufficient to cover the capital costs associated with delivery, with the ongoing commitments related to the management and maintenance of the development. Cost rental is a model that is delivered at scale in a number of European countries and which in the long term has been shown to help stabilise rent cost fluctuations and deliver security of tenure. To drive delivery, a number of important cost rental pilot projects are being advanced. They include the Enniskerry Road site in Dún Laoghaire-Rathdown and the site of the former St. Michael's estate in Inchicore, where 50 and 330 homes, respectively, are to be developed. The contract for the work on the Enniskerry Road site is expected to be awarded later in quarter two of this year.

Separately, the Department is engaging with the National Development Finance Agency, the European Investment Bank and the Land Development Agency on the issue of cost rental, with a view to examining the optimum funding and delivery options and establishing a consistent national approach to support delivery at scale in Dublin and other urban areas. The work of the Land Development Agency will also be of crucial importance in delivering more affordable and cost rental housing. The initial portfolio of sites to which the agency has access has the potential in the short to medium term to deliver 3,000 affordable homes in line with the Government's policy of achieving 30% affordable housing on State lands generally.

In parallel, the Dublin local authorities continue to progress a number of other significant housing projects on publicly owned lands, including the redevelopment of O'Devaney Gardens and a site on Oscar Traynor Road in Dublin city, yielding approximately 280 affordable homes. Taken together, programmes are in place under which nearly 18,000 affordable homes or homes with a LIHAF-related reduction will be delivered. In addition, it is important to note that, in terms of affordability, over 11,200 households have been supported through the Rebuilding Ireland home loan and the help-to-buy scheme, demonstrating the Government's commitment to using a range of mechanisms and initiatives to support households in addressing the affordability challenges they face.

On the specific issue raised by the Senator in Dún Laoghaire-Rathdown, I do not have the full facts, but it appears remarkable, in the absence of some glaring omission, that a council would vote not to approve an affordable housing scheme in its area, particularly when Dún Laoghaire-Rathdown is one of the areas facing major affordability issues. I will endeavour to get the Minister to respond directly to the Senator on the question of what will happen next.

Senator Victor Boyhan: The real concern is those two pages do not address the question of targets, the principal question I asked. I use the term "targets" because I read a circular on the RTE news website recently in which the Taoiseach was quoted directly as saying it was important that targets be set for the 31 local authorities. Nowhere in this response which was drawn up by a civil servant are targets mentioned. We can keep admitting that we have problems, but if we do not set targets for delivery across the 31 local authorities, how can improvements be measured?

I am reminded by my colleague, the former Minister for Justice and Equality, Senator McDowell, that 14 years ago Shanganagh Castle was sold to the local authority for the delivery of housing. The site has been sat on it ever since and nothing has been done about it. There is a major affordability crisis in the area. We also have the Central Mental Hospital in Dundrum where approximately 36 acres of State lands are being sat on. I have singled out two State sites, for neither of which are there major plans for the delivery of affordable housing. The clock is ticking. We have to deliver affordable houses, for both purchase and rental.

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I thank the Minister of State and ask him to convey to the necessary authorities in the Customs House the need to respond to me this week with some explanation or rationale as to why Dún Laoghaire-Rathdown could not accept or agree to some compromise for an affordable housing priority draft scheme.

Deputy John Paul Phelan: I do not have much of a response, other than to say I will relay the Senator's comments to the Minister. The Senator was a member of Dún Laoghaire-Rathdown County council until four years ago. The Shanganagh Castle site-----

Senator Victor Boyhan: I know that.

Deputy John Paul Phelan: Ultimately, in the delivery of local authority housing it is the local authority that is supposed to be the primary driver, though sometimes that is not the case.

Senator Victor Boyhan: I agree.

Deputy John Paul Phelan: The Shanganagh site may have the potential for 540 homes overall and Dún Laoghaire-Rathdown County Council is required to carry out a cost-benefit analysis and financial modelling exercise under the public spending code, which sounds like the language of the Department of Public Expenditure and Reform.

Senator Michael McDowell: The delay charter.

Deputy John Paul Phelan: I accept the point about a site being owned for 14 years but I will ask the Minister, when he is dealing with Dún Laoghaire-Rathdown in his response, to see where Shanganagh fits in.

Senator Victor Boyhan: I thank the Minister of State. I appreciate that.

Northern Ireland

Acting Chairman (Senator Gerard P. Craughwell): I welcome the Minister to the House.

Senator Ian Marshall: I thank the Minister for Justice and Equality for his attendance in the House. I ask him to provide an update on the publication of the proposed Bill to provide for enhanced co-operation with legacy inquests in Northern Ireland. The Kingsmill massacre was a heinous crime. It was an affront to humanity and an attack on all the good people who lived and worked in the small sleepy townland of Kingsmill near Whitecross in south Armagh. I remember the atrocity vividly as an eight year old boy growing up a few miles from where the carnage took place. It was described as one of the deadliest mass shootings of the Troubles in a vicious parade of tit-for-tat murders in a small geographical area where the scale of the loss of human life was unimaginable.

On 5 January 1976, on a dark, cold winter's evening, a minibus with workmen travelling home after a day's work was stopped on the side of a lonely country road by armed gunmen. The workmen were ordered out and lined up against the minibus. The one Catholic on the minibus was ordered to run away and the 11 remaining passengers were faced with summary execution and slaughtered in cold blood. There was no self defence and no chance. One man, Alan Black, survived despite having been shot 18 times and he has survived to this day, no doubt reliving the horror many times over on a daily basis. The local community was in a state

of shock.

Last week in Belfast, Judge Brian Sherrard heard representations from stakeholders on the ongoing debate on whether the inquest into Kingsmill should name the two deceased suspects in the case. These were two individuals who were in receipt of on-the-run comfort letters. Judge Sherrard also made reference to the Birmingham bombings inquest, in respect of which senior IRA figures in Dublin had authorised the naming of four deceased suspects, names which the inquest subsequently published. He appealed for anyone with information on Kingsmill to release this to the families or the authorities and to give answers to some of the questions that have tormented the families for over four generations.

During the hearing, counsel for the coroner, Sean Doran QC, noted that the Dublin authorities gave assurances that a Bill allowing the coroner to travel south to question Garda officers would be progressed in September 2018 but unfortunately, there appears to be little or no advancement of this. Alan Kane QC, counsel for some of the families, made the point that families had lost hope, partly as a result of the apparent lack of appetite in Dublin to move on this, but also because of concerns that any further written questions regarding the massacre to the Dublin authorities would be a distraction from the lack of progress on the Bill.

When this was reported last week in the *Belfast Newsletter*, Philip Bradfield noted that the newspaper had contacted the Irish Department of Justice and Equality, which had responded that the drafting of the Bill was “at an advanced stage” and would be published very soon. Criticism was also levelled at the Northern Ireland Office for a failure to present a witness to provide evidence on the on-the-run scheme, even though contact had been made as far back as February.

This atrocity goes down as one of the darkest episodes in the Troubles across the province. Families, torn apart with grief and loss, have felt abandoned by the State on both sides of the Border. These families, as passive onlookers to other inquests and inquiries, namely, the Bloody Sunday inquiry, Ballymurphy, the Birmingham pub bombings and, as recently as yesterday, the developments in the Daniel Hegarty case, feel completely abandoned and left behind with a sense of unfairness and a feeling that there is absolutely no regard for their redress, for closure for them, for answers to their questions or an opportunity to get whatever small degree of comfort or closure they rightly deserve, 43 years later.

3 o'clock These people are living this horror on a daily basis. It never goes away and it never will go away. The wrongs cannot be righted nor their loved ones returned but what can be done is to hasten the progress of this Bill to assist with answers to questions, to assist with the legal process and to demonstrate to these families that there is no hierarchy of loss, pain or suffering, that there is no hierarchy of victims and that all victims' families deserve answers and closure.

What is the status of the Bill? What is the reason for the delay and when can the House expect to see the advancement of the Bill? Could the Minister give assurances to the families of the Kingsmill massacre victims that no stone will be left unturned to answer their questions and to facilitate the coroner in his attempt to fill the information gaps in the 43-year struggle fighting for answers. Furthermore, I appeal to the Kingsmill massacre inquest in Belfast to release the names of the suspects in this case.

If there is any degree of humanity or compassion in those responsible for this atrocity, they should see fit to authorise the release of the suspects' names. The release of names in the

Birmingham inquest has set a precedent, not only to identify those responsible but to take the suspicion and stigma away from those in the locality mistakenly labelled as perpetrators. There is no doubt this one act was a defining moment in the history of south Armagh and it drove a wedge of mistrust between communities that would take decades to heal. This Bill will not bring back the deceased, but it will go some way to reassure the families that they are as important as others and like others, they too deserve answers.

Minister for Justice and Equality (Deputy Charles Flanagan): I thank Senator Marshall for raising this important matter, which I understand refers to the criminal justice (international co-operation) Bill. I acknowledge his work on these issues. His membership of this House is important. He provides an invaluable perspective on many issues, not least those concerning the legacy of the dark days of horrific violence on our island. I thank him for giving me the opportunity to update the House on an issue he and I have discussed many times. I had the opportunity of visiting the site of the Kingsmill massacre on a country road, as Senator Marshall outlined and to reflect also on the poignant monument near Whitecross. I acknowledge the Senator's deeply personal recollection of the horrors of the atrocity at Kingsmill, and I assure him of my sincere personal commitment to ensuring the Irish Government plays its part in implementing the commitments of the Stormont House Agreement, the negotiation of which I was closely involved in, in my then role of Minister for Foreign Affairs and Trade.

I published the general scheme of the criminal justice (international co-operation) Bill in December 2017, following approval by the Government. This proposed new legislation is an important further step in the Government's ongoing commitment to implement measures to address the legacy of the Troubles on this island and to support the victims of the Troubles and their families. In addition to enhancing the co-operation provided to coroners' inquests in Northern Ireland into historical Troubles-related deaths, these proposals will further underpin the Government's commitment to full co-operation with the framework of measures set out in the 2014 Stormont House Agreement. The proposed legislation will provide for a mechanism for coroners in Northern Ireland who are conducting inquests into Troubles-related deaths to hear testimony from Garda Síochána witnesses under existing Irish law. The Bill will also extend the provisions of the Garda Síochána Act 2005 to allow the Garda Commissioner to enter into co-operation agreements with non-police law enforcement bodies outside the State. That will be an important element in our co-operation with the legacy institutions to be established under the Stormont House Agreement, namely, the historical investigations unit and the independent commission on information retrieval.

I must emphasise that this legislation is seeking to enhance further co-operation in addition to the considerable assistance which has already been facilitated by the Government and the Garda authorities. In respect of the ongoing inquest into the horrific Kingsmill murders, the Government, in June 2015, approved specific legal arrangements to enable the transfer of material to the Northern Ireland coroner. These specific legal measures were made in response to the absence of an existing formal, legal mechanism that would have allowed the Garda authorities to transfer relevant material outside the jurisdiction. In accordance with those legal arrangements, the Garda authorities have provided the Northern Ireland coroner with all relevant documents in their possession and have responded to his follow-up queries.

I strongly agree with Senator Marshall when he speaks about there being no hierarchy of victims. He is right, and I agree with that fully. The Bill is now at an advanced stage of drafting. A considerable amount of legal work has been undertaken to ensure that, once enacted, this legislation will deliver on the Irish Government's commitment to fully co-operate with legacy

inquests in Northern Ireland. I expect to publish the Bill before the summer recess. On the basis of previous experience with North-South related legislation I would expect broad support from all Members of the House. I am confident that the Bill will progress swiftly through the legislative process and I will be seeking the co-operation of Senators at that point before we embark on the summer vacation.

Senator Ian Marshall: I thank the Minister for coming into the House and for his response, which I fully accept. I understand there is movement on this issue. As I said, there is no hierarchy of victims but for any parent in Northern Ireland who buried a child or any child who buried a parent as a consequence of the Troubles, it is an unthinkable situation. No one can bring back the victims or rewind the clock but if we are serious about reconciliation and an agreed future we must get answers to questions and some degree of closure for the families, irrespective of their background or political persuasion.

Deputy Charles Flanagan: Dealing with the legacy of the Troubles on this island is a difficult task. There are no easy solutions. I want to emphasise, however, that the Government is and always has been fully committed to the provisions of the Stormont House Agreement on addressing the history of the violent conflict in Northern Ireland. It is a matter of regret that the political impasse in Northern Ireland has somewhat delayed the establishment of the framework of measures as set out in the Stormont House Agreement. However, the Government remains fully committed to their implementation. We are continuing to work with the British Government and the parties in Northern Ireland to give effect to these measures.

I agree with what Senator Marshall said about families and the need to address these issues. At the outset of his contribution, he indicated that families were losing hope. I want to say here in the Seanad this afternoon that families should not lose hope. Families need answers. Families need our help. I am very hopeful that once the measures provided for in the Stormont House Agreement have been put in place they will provide an opportunity for the families of the many persons killed during the Troubles to access further information about those deaths where they wish to do so. The criminal justice (international co-operation) Bill will be an important element of the Irish Government's commitment to this process. I look forward to bringing this legislation into this House before the summer and continuing to work with Senator Marshall and colleagues across the aisle in the Seanad.

Acting Chairman (Senator Gerard P. Craughwell): As there is a vote in the Dáil, I ask the Acting Leader to suspend the House until 3.15 p.m.

Senator Gabrielle McFadden: I so propose. Is that agreed? Agreed.

Sitting suspended at 3.09 p.m. and resumed at 3.15 p.m.

Public Procurement Regulations

Acting Chairman (Senator Gerard P. Craughwell): The Minister of State is welcome to the House.

Senator Robbie Gallagher: The Minister of State is very welcome. Four State contracts are under way in Monaghan town at present, all of which have been secured by contractors from outside the State. I understand the requirements of the State tendering process but is there

a need for a review of that process to ensure absolute fairness? Local people in Monaghan naturally are asking questions about the process that resulted in this happening and whether it is truly fair and just. They are asking whether it is not strange that in awarding four State contracts, not a single contractor from Monaghan was successful. After all, they employ local people, buy their materials from local suppliers and pay rates. People need assurance that the current system of assessment is truly effective. They need to be assured that the same criteria are used fairly for all tenders. There needs to be absolute assurance that there are no loopholes, that is, that the current criteria of the tendering process do not give contractors from outside the State any unfair advantage. Are there adequate inspections during and at the end of such contracts to ensure the criteria have been adhered to by the successful contractors? People must be assured that there is a level playing pitch and that the Department is doing all it can to ensure this is the case.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon): I am taking this matter on behalf of the Minister for Finance and Public Expenditure and Reform, Deputy Donohoe. Public procurement is a key part of the Government's overall reform agenda. The public procurement process is governed by EU legislation and national rules and guidelines. The aim of these rules is to promote an open, competitive and non-discriminatory public procurement regime that delivers best value for money. It is important to point out that this regime also works to the benefit of Irish suppliers wishing to supply goods, service or works in other EU member states. When carrying out procurement procedures, contracting authorities require suppliers to comply with a wide variety of legislation in areas that would include taxation, social policy, the environment and employment law. Compliance with the legislation covering these areas is rightly a matter for the relevant Departments or agencies or both involved in the particular procurement process. Public procurement regulations require applicants to meet certain standards when applying for public contracts. That applies across the board.

The criteria upon which contracting authorities may exclude applicants from the award procedure of public contracts are set out in the European Union (Award of Public Authority Contracts) Regulations and the EU public procurement directives of 2014. Before an applicant is excluded for certain breaches, the applicant may make a case and provide supporting evidence as to why it should not be excluded. The contracting authority must consider this evidence before deciding whether to exclude or include an applicant. In addition, the qualifying tenderer must submit signed declarations stating that none of the circumstances, for example, participation in a criminal organisation, corruption, terrorist offences etc. outlined in Article 57 of the procurement directive apply. Contracting authorities may also require applicants for public contracts to declare that they have not breached their obligations in the fields of environmental, social and labour law established by European Union law, national law, and collective agreements or by the international environmental, social and labour law provisions listed in annexe X of the procurement directive. These requirements are set out in the template documents used in tendering for goods and services, which have been developed by the Office of Government Procurement in conjunction with the Office of the Attorney General and the Office of the Chief State Solicitor.

A comprehensive interpretation of the public procurement directives, Public Procurement Guidelines for Goods and Services, has been developed to improve consistency and promote best practice in the application of the public procurement rules. In addition to developing guidance and providing advice to contracting authorities, the Office of Government Procurement

has responsibility for developing and setting out the overarching policy framework for public procurement in Ireland. In this regard, the Office of Government Procurement has developed the national public procurement policy framework which consists of five strands, including legislation, Government policy, the capital works management framework for public works, general procurement guidelines for goods and services and more detailed technical guidelines, template documentation and information notes, as issued periodically by the Office of Government Procurement. This framework enables a more consistent approach to public procurement across the public sector by setting out the procurement procedures to be followed by public bodies. The framework supports contracting authorities, including the four key sectors, namely, health, education, local government and defence, individual Departments, offices, commercial and non-commercial State bodies, and entities which are subsidised at a rate of 50% or more by a public body, when awarding contracts for works, goods and services. It enables public bodies to adopt procedures to meet their public procurement requirements and facilitates compliance with EU and national procurement rules. While the Office of Government Procurement guidelines facilitates and enables compliance with public procurement rules, it is the responsibility of each contracting authority to ensure that they adhere to these rules.

Senator Robbie Gallagher: I thank the Minister of State for his response. As I am sure he can appreciate, it is very frustrating for a local contractor who does not see one, two or three but four contracts going to contractors from outside the State, bearing in mind that these jobs are not very big to start with. It is frustrating for people who are left wondering why their tender was not successful. I understand what the Minister of State has said but it is important that the rules and guidelines that are in place for the awarding of these contracts are adhered to. The Minister of State stated in conclusion that “it is the responsibility of each contracting authority to ensure that they adhere to these rules”. I seek an assurance from the Minister of State that there are adequate checks and balances in place to ensure the contracting authority is doing what it is meant to be doing, which is to ensure that the people who are successful in these contracts, to whom I wish good luck, adopt the same rules and regulations as others.

Deputy Ciarán Cannon: I agree wholeheartedly with the Senator about requiring that every single contractor tendering for a project in Ireland, irrespective of from where the contractor emanates, is subject to the same set of terms and conditions and is required to comply with the regulatory regime underpinning the contracting process here in Ireland. The Senator referred to oversight. The Department of Public Expenditure and Reform requires those charged with the delivery of public works to comply with the public spending code and the capital works management framework. That sets out the high-level principles that apply to project governance, in particular the procedures that must be followed by bodies with delegated sanction for capital expenditure - those being the awarding bodies I mentioned earlier. All projects are required to complete the review stages set out in the code before sanction is given to go to tender. That process is undertaken between the sponsoring agency and the sanctioning authority.

This is topical and a timely intervention on the part of the Department. A review of the public spending code is under way in the Department. As elements of the review are completed the associated updated guidance will be published. Work is ongoing on updating the requirements for the various stages required in the process of selection, appraisal, approval and delivery of capital investment projects. That review of the public spending code will be completed in the first quarter of this year.

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

16 April 2019

An tOrd Gnó - Order of Business

Senator Catherine Noone: The Order of Business is No. 1, motion re arrangements for the sitting of the House on Wednesday, 17 April 2019 and Thursday, 18 April 2019, to be taken on the conclusion of the Order of Business, without debate; No. 2, Gaming and Lotteries (Amendment) Bill 2019 – Order for Second Stage and Second Stage, to be taken at 4.45 p.m. and to adjourn at 6.30 p.m., with the contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes; and No. 3, Aircraft Noise (Dublin Airport) Bill 2018 – Committee and Remaining Stages, to be taken at 6.30 p.m.

Senator Catherine Ardagh: First, I would like to extend my sympathy and that of the Fianna Fáil group to the residents of Paris and the people of France on the burning of Notre Dame cathedral last night. I presume most of us have spent some time in Paris and photographed the cathedral which is one of the most iconic churches in the world. It is a real shame that it has burned down. I hope it will be rebuilt at speed.

I would like to comment on the announcement made by VHI that it will cover the cost of some high-tech drugs for its private cancer care patients. However, some of the drugs will not be available to cancer patients being treated in the public healthcare system. As someone whose family was struck by cancer, the announcement is sickening. It is unfair to think patients who are members of VHI will receive a different level of treatment. We have always held ourselves up as having one of the best cancer strategies and there was fairness when it came to cancer care. Oncologists are telling us that, from tomorrow, some patients suffering from the same illness will receive high-tech drugs, while others will not. That is hugely unfair. I ask the Minister for Health to comment on the matter as it is a source of huge concern.

I wish to discuss the issue of corporate governance. Obviously, we have all been fascinated by the goings on in the Football Association of Ireland, FAI. We learned that its own auditors had reported it to the Companies Registration Office, CRO, for breaches of accountancy reporting standards. The Office of the Director of Corporate Enforcement, ODCE, probably will come on board. For other organisations, we must ensure the ODCE is properly resourced to deal with these issues when it comes to investigating individuals in the context of corporate governance. The spotlight is on the FAI, but there many organisations of this type in the country. The ODCE has a long list of cases to deal with, but it is incumbent on us to ensure it is properly resourced to deal with the fallout from the discrepancies in corporate governance.

Senator Michael McDowell: I have a problem with the Order of Business in the time allocated for the Taoiseach's visit on Thursday. The nature of my problem is that an hour and a half has been allocated. Presumably, the Taoiseach will have the bones of half an hour to address us and a quarter of an hour at the end, with the remaining time to be divided between the spokespersons for the six groups represented in this House, who will have eight minutes each, leaving a pitiful amount of time for other Members of the House in which to contribute. I note that the schedule, as proposed, states Members may share time. How exactly can one share three minutes? I do not know. Even in being very economical in making speeches, it is not really dignified to expect Members of a House of Parliament to make a point in 90 seconds. I, therefore, object to the allocation of time proposed.

The other day I heard a member of the Government say on radio that the judicial council legislation and the capping of damages were being held up in this House in considering the Judicial Appointments Commission Bill. That is simply false. The Judicial Appointments

Commission Bill has passed through Committee Stage and the only thing holding it back is the Government's consideration of Report Stage amendments. The Bill has had a fair wind in this House. It is completely false to give the public the impression that consideration of the question of civil liability and damages is being held up because of the length of time it is taking to consider the judicial appointments commission legislation. The time allocated to debate the Bill is a matter for the Government, as is the order of priority of legislation.

The third point I wish to make is that this House is now more than halfway through its expected term and we have made very little progress on its reform. The people of Ireland voted to retain this House and they were told by the then Taoiseach, Deputy Enda Kenny, that he would embark on a programme of reform. It was included in the programme for Government that he negotiated. That was nearly the end of the story because nothing was done about it until the Taoiseach established a group chaired by me, despite the opposition of the Minister for Transport, Tourism and Sport, Deputy Ross. The group produced a report. Appended to the report was legislation, drafted by a draftsman paid for by the Department of the Taoiseach, to implement the reform on a phased basis, with nothing rushed. Nobody in the House was likely to be affected by it for a term and a half at least. Most Members, if they are re-elected, are assured of two further terms in the House if they play their cards correctly.

In those circumstances we have surely reached a stage now where something should be done about this. It is cynical to the greatest extent to see this simply left aside and put on a shelf. It is about time we confronted the issue. I must now make it a public issue. I have been reluctant to do so but the only way to get action on it is to bring it to the attention of the public, which I intend to do. I have limited powers of attracting publicity but I will deploy such powers as I have in that respect to ensure some progress is made, one way or the other, with that legislation.

An Cathaoirleach: Your powers to attract public attention have not diminished much in the last 20 years, Senator. I call Senator Conway-Walsh.

Senator Rose Conway-Walsh: You stole my line, a Chathaoirligh. That is what I had intended to say. I would not describe them as limited.

On behalf of the Sinn Féin team I send solidarity to the citizens of France on the destruction of Notre Dame cathedral. Everybody watched what was happening there last night with sadness.

I wish to propose a change to the Order of Business with regard to the Aircraft Noise (Dublin Airport) Bill 2018. This Bill is far too serious to be pushed through Committee and Remaining Stages. I propose that we take Committee Stage this evening and I ask Fianna Fáil, in particular, to support the Sinn Féin amendments. We should not proceed beyond Committee Stage of the Bill this evening due to its importance and the impact it will have on the lives of people who are living around Dublin Airport.

I also wish to commend the community employment, CE, supervisors who have once again gathered outside these Houses to put their case forward. Their case, which was agreed at the Labour Court ten years ago and in a cross-party motion last year, is to give simple pension entitlements to CE supervisors and workers. It is no more complicated than that. These are workers who have not had a wage increase for the last ten years. It is scandalous that they have to come here to protest for workers' rights. I am fearful of the impact that the threatened five-day strike which they feel compelled to carry out will have on communities throughout the country

in the future.

I wish to speak on broadband and the betrayal of rural Ireland. It is an absolute betrayal, but it is not a betrayal that occurred today or yesterday. It is a betrayal of rural Ireland and everything to do with it by this Government, the last Government and the Fianna Fáil Government before that. I have said several times in the House that Fianna Fáil sold our main telecommunications company, leaving us at the mercy of French and Australian multimillionaires. The centralisation and privatisation policies of both Governments have betrayed rural Ireland for decades. It must stop. We only have to look at the western rail corridor development, which is badly needed. My colleague, Matt Carthy, MEP, had secured the backing of the European Parliament to have the western rail corridor as a priority in the report for consideration. It then went into secret talks and the bureaucracy of the European Commission where it was blocked. Had the Irish Government wanted it, it could have ensured that the western rail corridor development remained on the table for the funding. When the questions were put to the Minister for Tourism, Transport and Sport, Deputy Ross, as to why the western rail corridor was removed, he cited confidentiality clauses. We see this time and time again, hiding behind supposed confidentiality clauses. Only last week, the Government was criticising a prominent public figure for not answering serious questions in front of the committee but when it comes to rural Ireland, the same behaviour is acceptable. MEPs from many other European countries saw the urgent need for the rail transport development in the west and voted in favour of it. Then behind closed doors and in full view of the Fine Gael-led Government, it disappeared.

I ask the people in the west to ask the candidates from Fianna Fáil and Fine Gael what exactly happened to the bid to have the rail corridor included in that round of funding. What is going on in respect of rural Ireland is disgraceful. It has to stop. Nice words do not cook the goose.

An Cathaoirleach: By way of clarification, is Senator Conway-Walsh proposing a formal amendment to No. 3 on the Order of Business that only Committee Stage of the Aircraft Noise (Dublin Airport) Regulation Bill 2018 be taken today?

Senator Rose Conway-Walsh: That is correct.

An Cathaoirleach: That clarifies that. Next, I call Senator Norris.

Senator David Norris: If my Sinn Féin colleague, Senator Conway-Walsh would like it, I will very happily second her proposal, if I am not usurping Sinn Féin's place.

I wish to express my great sadness at the partial destruction of Notre Dame cathedral, one of the saddest aspects of which is the very large destruction of medieval glass in the rose windows. These can never be replaced and it is really sad. I know that some people have said there are plenty of poor people in Ireland and we should look after them but we should remember it is a monument to European spirituality - I am not Roman Catholic but it is part of my heritage - and we should all be proud to help in the restoration process.

I wish to refer briefly to the question of what is going on in the Joint Committee on Tourism, Transport and Sport. I understand that today, Deloitte & Touche has suddenly realised the FAI has broken sections 281 and 282 of the Companies Act 2014. Where was it when all of this was going on? The situation in the FAI was catastrophic. Where were these auditors, what were they doing and were they asleep on the job? Why did they not alert somebody to it? Why have they now just discovered that they cannot sign off because there are irregularities? This happened in 2017. We already know that the FAI treasurer thought there was only

one bank account. There were 24 bank accounts. How could one possibly have anything other than completely chaotic financial reporting in those circumstances? I would like to ask the Deloitte people whether they were the crowd who were involved in auditing the banks just before the bank crash. I think somebody should audit Deloitte & Touche and see whether that firm is worth a damn, because it looks to me as if it is not and I do not think we should be employing that firm in the light of its appalling track record.

Senator Paul Gavan: Well said.

An Cathaoirleach: I thank Senator Norris for his brevity.

Senator Gabrielle McFadden: Before I raise the issue I wish to speak on, may I say that I am sick, sore and tired of Sinn Féin Members standing up with their mantra that rural Ireland is forgotten. Sinn Féin believes that if its Members say something often enough, it actually becomes true. That is not the case. Rural Ireland is not dead and gone but is very much alive.

Senator Paul Gavan: The Senator's party closed the post offices.

Senator Gabrielle McFadden: What rural Ireland needs is strong representation to continue the progress that has been made thus far.

Senator Paul Gavan: The Garda stations were closed.

Senator Gabrielle McFadden: When Deputy Varadkar was elected Taoiseach, the first thing he did was create a Ministry and appointed a Minister with responsibility for Rural and Community Development, Deputy Ring. There is nobody better to shout for rural Ireland. I think that Sinn Féin Members think if they keep saying the same thing over and over, it will actually become true. That is not the case.

I wish to raise the one-day strike in February by community employment supervisors and assistant supervisors. This action was taken by them because of a ten-year dispute over their pensions. There are 1,250 community employment, CE, supervisors, with no access to any occupational pension scheme, despite a 2008 Labour Court recommendation in their favour. Before the strike in February, SIPTU wrote to the Minister asking him if he would meet with it to discuss the implementation of the Labour Court recommendation. Thus far, it has not received a reply so I ask the Deputy Leader to use the good office of the Leader to request that the Minister reply, perhaps meet these supervisors and find a way of fixing this for them. We all know about the wonderful work that is done in communities around the country, including in rural Ireland, by these supervisors.

Senator Gerard P. Craughwell: There are 950 CE schemes around the country, 22,000 trainees and 1,250 supervisors who have been treated in the most appalling way. In 2005, there was an enhanced redundancy deal offered and accepted through a Labour Court agreement, which would have given the retiring supervisors statutory redundancy plus 3.35 weeks. What have we done with it? Nothing. Where are we with them? Nowhere. It is somewhat ironic to hear the Government side talk about the irony of what is going on here with the supervisors.

Senator Gabrielle McFadden: The Senator does not have a monopoly on it.

Senator Gerard P. Craughwell: The Minister should meet these people. The Minister-----

An Cathaoirleach: Senator McFadden is very obstreperous today. Relax.

16 April 2019

Senator Gabrielle McFadden: I am irritated.

An Cathaoirleach: She is normally very calm.

Senator Marie-Louise O'Donnell: She is a gentle soul.

Senator Gerard P. Craughwell: The Minister is obliged to meet these people and fobbing them off is simply not good enough. There is a forum in place under the Department of Public Expenditure and Reform, there is a chairman to that forum and that chairman should at least be available to them. I ask the Deputy Leader to ensure that the chairman contacts the union responsible for the CE supervisors to ensure that a meeting takes place.

I often speak on the Defence Forces. Some €92 million was returned to the Exchequer while soldiers cannot live. Next week we will see soldiers parade in O'Connell Street and we will all talk of our pride in our Defence Forces. Pride? We could not care less about them. We are allowing them to live in poverty so there is no pride in our Defence Forces and there is no respect for our Defence Forces. Giving back money at a time when people cannot afford to live on the miserable pittance they are paid is no respect for anybody in uniform. I wonder how we would feel if we finish up having to protect our borders again in this country. I wonder how we feel every time one of our soldiers, airmen or naval personnel is killed while serving overseas. The Irish Defence Forces have given an honourable and distinguished service to this country and what do we give them in return? Nothing. The Public Service Pay Commission is soon due to report and I sincerely hope it gives the Defence Forces the respect that countless Governments have failed to give them.

I would love somebody to explain to me what it means when a chief executive officer, CEO, or a vice president or whatever name was given to the man in the FAI steps aside. What does that mean precisely?

Senator Michael McDowell: Stepside Garda station.

Senator David Norris: Hear, hear. The Minister for Transport, Tourism and Sport, Deputy Ross, is at it again.

Senator Gerard P. Craughwell: What exactly does it mean? Will he step back in? Is this like Lanigan's ball and he will step out for a little while until all the dust settles and then he will step back in again? At the end of the day, somebody might explain it to me because God help me, I am a little bit slow and I do not understand.

An Cathaoirleach: I might ask the Senator to give way or step aside for the next speaker.

Senator Gerard P. Craughwell: I will give way at this stage.

Senator Paul Gavan: I am glad that the protest at lunchtime today was raised. I have a particular personal interest in this because it was the first campaign I worked on as a SIPTU trade union official. It frankly beggars belief that 11 years on, successive Governments have ignored the recommendations from their own Labour Court, the highest industrial court in the country. This Government is very happy to lecture people for ignoring Labour Court recommendations. It lectured the nurses on that for months. Despite this, it has ignored this Labour Court recommendation for eight years. Before that, Fianna Fáil ignored it for three years.

Here is the thing. These people are not well-paid. When they retire, they have nothing to

fall back on. Having spoken to the workers outside the gates of this building, I cannot underestimate their anger. They know, unfortunately, it is a fact that under this Government, this place is a cold house for working people and trade unions. They cannot even get a meeting with the Minister. The Minister for Finance did not even have the decency to reply or acknowledge that they have asked for a meeting after 11 years. They are absolutely right to go on strike. They have no choice. They have tried every method. They have tried everything. A high-level forum was set up under the Lansdowne Road agreement to deal with this but this Government immediately ignored the agreement and has ignored it consistently since.

The Leader is not here today but, unfortunately, when I raised this issue back in February, he said that we cannot implement the recommendation because it would have financial implications that would be disastrous for the country. This is the view from the Government that spent billions on the children's hospital, so it is nonsense. It goes to reinforce that this Government in particular has contempt for working people and trade unions. They are left outside the doors. They cannot even get an acknowledgement from the Minister on this issue. I am calling on the Government to act immediately, bring those decent people from the union, SIPTU, into this building, and treat them with respect for the first time in 11 years.

Senator Marie-Louise O'Donnell: The first thing I would like to do is send out some kind of energy, even from a small space, to France and the beautiful Notre-Dame de Paris, which was up in flames last night. It reminded me of the great line by Milton from "Paradise Lost", because if I ever witnessed awe in my life, I witnessed it in Notre-Dame. I also witnessed reverence. I witnessed reverence from all walks of life and all peoples, colours, creeds and religions. I know the French are a great race and they will rebuild it. I think we should all help them, because if we want an example of elevation, magnificence, what it is to see magnificence and maybe have it in our lives, then it is Notre Dame.

I want to talk about something else this afternoon: the new cultural body of the banks. When I read this great article by Michelle Hennessy, I thought I was going to pass out. I was seriously going to pass out. The banks are now going to have a new body to improve their culture. The new body comprises themselves, including KBC, Ulster Bank, financial advisers, Permanent TSB, AIB, Bank of Ireland and representatives from financial services. There are many young people in the Public Gallery today. I do not see any young people in their 20s or 30s who cannot afford a tree house or a barn or who cannot afford to live under the stairs and yet who have studied and have jobs. I do not see any of them on the great board, which will be the new cultural way forward for our banks. I do not see any artists on this new great cultural board that is made up of the banks themselves.

Senator Aodhán Ó Ríordáin: They are con artists.

Senator Marie-Louise O'Donnell: They are not going to restore trust in me, although I do not know about the young people. They are a joke. They brought us into the red even though they are now back in the black. There is no one there. I was in a bank yesterday but I had to talk to machines. If they are going to restore my faith in machines, it is not going to happen.

I very much believe the people have to stand up against the banks once and for all. People should take all their money out of the bank, bar their salary, and put it in the post office, a plastic bag or maybe in a biscuit tin, because it is likely to be there when they go looking for it in several years. They beggared us and we are paying for the beggaring. We are choked every day by their inadequacies and profits. Someone needs to start taking this seriously and stand

up to them. Also, we might question how much they paid for their awful building down on the docks. To me, the idea of the banks having a cultural committee to change the sense of their own profiteering energy is simply the joke of jokes.

Senator Aodhán Ó Riordáin: I think we have collectively dismissed the idea of using a single-use plastic bag for our money. A biscuit tin is a far better idea than a plastic bag. I am keen to put that on the record in terms of climate action.

I support Senator Gavan in what he said about CE supervisors.

If it has not already been seconded, I second the proposal that we do not take Committee and Remaining Stages of the Aircraft Noise (Dublin Airport) Regulation Bill 2018 today. It is not necessary to ram through the legislation this evening. It is not fair, not right and not good parliamentary procedure, as the legislation needs to be teased out over a prolonged period.

When we talk about politics in this House, football may not be regarded as very important, but it does touch the lives of many people. I have just come from a briefing I hosted with Niall Quinn and others from the football family. One of the statistics that jumped out at me was that 30% of players in the League of Ireland had no qualifications beyond the junior certificate. That brought home to me why football was perhaps not powerful politically because the people who played the game were not powerful politically. They do not have a high level of education, as shown by the statistic I have given, and do not have many friends in the Houses. Other sports are more powerful politically as seen, for example, in the guaranteed and ring-fenced €55 million a year for the horse and greyhound sector. I think it received €89 million last year. While we argue over Sport Ireland's withdrawal of €2.7 million, it is nothing when compared with the millions and billions funnelled through Departments and these Houses. Once the circus moves on from the controversy over the Football Association of Ireland, FAI, its board and its former chief executive officer who is in the spotlight, politically we need to mind this sport because it is not being minded by those who are entrusted with the task of minding it. It needs many more political friends. Those who play the game generally come from disadvantaged communities and are more vulnerable; they are people whom politics does not necessarily reach or touch or represent, as well as others. While today's news about the board is welcome, we need to take a new direction to have a fresh start for a sport that is so important to so many in this country.

Senator Colm Burke: I am concerned about the charges imposed by local authorities on voluntary organisations, especially sports clubs, in developing new facilities. Where a club seeks planning permission for the development of playing pitches or a clubhouse, charges are imposed on it. Local authorities now seem to be requiring sports clubs to complete roadworks on the public road. In a pre-planning meeting one club recently had with a local authority it was told that it would have to complete the footpath from the village to the sports facility. The estimated cost of the work is €100,000. I am shocked that local authorities are collecting charges from developers to provide backup supports which include playing and recreational facilities. It is wrong that money raised by a sports club from the local community is being used to put in place infrastructure the local authority should be putting in place. We need to consider this issue and change the legislation to the effect that if a voluntary organisation, whether it be a GAA club or a soccer club, is providing facilities for a community, it should not have to pay planning charges as now required. The local authority is requiring such organisations to carry out infrastructural works which are its responsibility. I am asking that this matter be debated and that the Minister would come here. I was recently at a playground opening where the local

community put in €100,000, a lot of it raised voluntarily, and a lot of it through the LEADER programme. The total sum paid by the local authority for that playground facility was €8,000 out of €100,000. I do not think that is good enough. It is wrong that facilities like this are being built 15 or 20 years after the housing development rather than at the same time, and then the local authorities are penalising the people who work voluntarily to provide these facilities. We should have a debate on this matter in the House.

Senator Victor Boyhan: I commend Deputy Hildegard Naughton and the Joint Committee on Climate Action. They published a very robust response and a report in respect of the Citizens' Assembly and climate change. It is a very effective report which shows that the Oireachtas is listening to the many young people who have protested in recent times about climate change. This has been an ongoing issue. The Oireachtas has responded to that. As an Oireachtas, we can collaborate well and prove to the citizens that we are responsive and we do listen. This committee has done amazing work and needs to be congratulated across the board. I particularly acknowledge the work in chapter 8, which deals with agriculture, forestry and the peatlands. It makes some very strong recommendations, especially on the issue of incentivising farmers, who are in the main custodians of our environment, through financial incentives under the Common Agricultural Policy. That is a very welcome move. I ask every Senator to pick up a copy of the report. I was there at the launch.

I wish to raise the issue of the Taoiseach coming to the House this Thursday. I welcome him and respect that he is the Taoiseach and Leader of the Government. It is always a good opportunity to listen to what he has to say. Having done some preparatory work in anticipation of his visit, I want to address a number of the issues he touched on and the commitments and promises he made to this House. It appears that there will be a shortage of time in terms of the allocation for Members to speak. People can share but it is very tight. The motion proposes that the Taoiseach will address the House, as is right and proper. It also proposes that he will have 15 minutes to conclude. One does not need to be a mathematician to deduce the time remaining for a 60 Member Seanad. It is important that we have an opportunity to listen to what the Taoiseach has to say, but I also know him to be a man who likes to listen and hear back. We may be constrained in this House today by Standing Orders, and I respect those too. I appeal to the Taoiseach that he may listen in and he himself may use an opportunity to seek to extend his period of engagement on Thursday. It is my intention this afternoon, as leader of the Independent Seanad group, to write to him to this effect. I respectfully ask the Deputy Leader to use her good office to have discussions with the Taoiseach's office to see if it is practically possible to extend his engagement by one hour. That is a matter for him, the Deputy Leader and the House, and I respect that. It is also a matter for the Clerk of the Seanad. It is important that we have a positive engagement with the Taoiseach and that he is open and receptive to listening to and engaging with us.

Senator Robbie Gallagher: Last week, to mark World Parkinson's Day, a demonstration was held outside the gates of Leinster House. The people there were calling for more support and a right to access specialist care. Research clearly shows that there should be one Parkinson's nurse specialist for every 300 patients, yet in Ireland in 2019, there are only five specialist nurses for 12,000 people. Parkinson's patients are expected to travel abroad for deep brain stimulation surgery, a life-changing procedure that should be available in this country but, sadly, is not. Despite the fact that there is no cure for these people, they are not automatically eligible for the long-term illness scheme. The association itself is not in receipt of any core funding from the State. It shows that more needs to be done to assist these people suffering

from this life-changing disease. The Minister for Health should be asked to look at this issue so that funding can be provided for these people.

Senator Máire Devine: I support the amendment to the Order of Business. As Easter is almost upon us I wish everyone here a happy Easter. I will be here for the next two days but may not be able to be at the Order of Business. Senator Ó Ríordáin spoke about nurses. The deal that has been done is being put before the nurses by the Irish Nurses and Midwives Organisation, INMO, and the Psychiatric Nurses Association, PNA, to see whether it will be accepted and whether they will agree to call off the industrial action they are entitled to take.

Easter is almost here, and I pay tribute to nurse Margaret Keogh, who was the first casualty of the 1916 Rising in the South Dublin union, now St. James' Hospital. I will also pay tribute, as I do every year, to nurse Elizabeth O'Farrell, who surrendered on behalf of the Irish Citizen Army on Moore Street. It is important to recognise the rebel nurses we have had and still have in the country.

Senator David Norris: Except that they were rebels and traitors.

An Cathaoirleach: Before I call the Leader to respond, I would like to be associated with the expressions of sympathy and remorse in terms of the terrible fire that took place in Paris late yesterday evening and this morning. As Cathaoirleach I met Ms Hélène Conway-Mouret, who is Vice President of the French Senate, and expressed on behalf of all Senators here the concern of this State.

Senator David Norris: Well done.

An Cathaoirleach: As has been said, this is not just a loss to France but a loss for the whole of Europe and the entire world. More than 800 years of history has gone up in flames, and it is very sad. As Senator Norris said, some of the medieval architecture-----

Senator David Norris: I referred to the medieval glass.

An Cathaoirleach: -----can never be replaced. I want to put that on the record.

Senator Catherine Noone: I join the Cathaoirleach in expressing my sadness at events in Notre-Dame. What we saw last night in Paris was surreal. There was some talk about how good it was that nobody died, but to me the 800 years of history and beauty and the sheer human skill that went into creating that iconic beauty means that this is a very sad event for Paris, and for anyone who has been lucky enough to be in Paris to visit what was and will be again a very beautiful cultural institution. Senator Ardagh, among others, raised that issue.

The VHI and the cancer drug issue is certainly of concern, but it is important to point out that when it comes to the availability and the use of medicines in public hospitals, there is no distinction between public and private patients. The system in operation in public hospitals run by the HSE ensures that a situation can never arise where a private patient gets a drug that a public patient would not get. This has come about as a result of the VHI's policy on private patients, which is small comfort to those who would like access to the drug, or indeed those whose lives depend on receiving that drug. I assume that the system, which I believe is flawed in many ways in terms of how it reviews drugs to be funded, will review this drug for public patients. I am very strongly of the view that if a drug is available that can improve the lives of cancer patients, then it should be made available to all patients.

Many Senators raised the issue of the FAI and the fallout there has been in terms of corporate governance. As a lawyer it seems to me that there are very serious allegations about breaches of the Companies Act. Breaches of this kind occur very rarely. I imagine there will be continuing fallout from this. As Senator Ó Ríordáin said, one would be concerned about the effect on the ordinary player and it must be very disillusioning for small clubs around the country to watch this unfold. A natural progression would be a renewed focus on improving the game, from the point of view of funding and from a structural point of view in terms of how it is managed. Some questions Senators have raised are being answered. Senator Craughwell asked what stepping aside would mean. New terms are being brought into use each day regarding this fiasco. We need to watch and wait and ensure this does not happen again.

Senator David Norris: What about the accountants? Are they any use?

Senator Catherine Noone: I cannot comment on Deloitte and Touche or any other accountants. I imagine that any accountants would have been able to spot these glaring inadequacies in the structure. It seems unorthodox, to say the least, that there were 24 bank accounts but I cannot comment because I do not know the full details.

Senator Michael McDowell: What is the difference between stepping aside and side-stepping?

Senator Catherine Noone: We could have a debate all day on that. Senator McDowell asked about the time allocated for the Taoiseach's address on Thursday. That has been a long-standing arrangement and the Taoiseach's diary is arranged well in advance. I can understand why Senators might like to make a contribution but the Leader's office has been in touch and it is not possible to have an extension to the meeting on Thursday. We will seek another opportunity to interact with the Taoiseach in early course and whenever he can make himself available.

Senator Gerard P. Craughwell: Perhaps Government Senators could desist from speaking, leaving time for others.

An Cathaoirleach: Please allow the Acting Leader to respond.

Senator Catherine Noone: Perhaps Senators could talk to one another about how to get succinct questions across. As Senator Boyhan pointed out, the Taoiseach is a very listening person and if people do not make lots of statements and avoid repetition, it could be possible to get more time. I have the impression that we generally want to say what we have to say here. The Taoiseach could come back to us if he does not have enough time, as Ministers do on a regular basis. It is not possible to extend the time on Thursday but I imagine it will be quite adequate to get through a good number of issues.

The point on the Judicial Council Bill was well made. There will be an opportunity to speak to the boss man about Seanad reform on Thursday.

Senator David Norris: Loud laughter ensues.

Senator Catherine Noone: Senator Conway-Walsh moved an amendment to the Order of Business regarding Committee Stage of the Aircraft Noise (Dublin Airport) Bill 2018. There is no end time on the Bill this evening and we can continue speaking as long as Members wish. There is no suggestion of guillotining it.

Senator David Norris: What about amendments for Report Stage?

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Senator Gerard P. Craughwell: We need time to submit amendments on Report Stage.

Senator Catherine Noone: I am not willing to accept the amendment. I understand the point about amendments on Report Stage but the order of the House which I have moved envisages us sitting until whatever time we wish this evening for Committee and Remaining Stages.

Senator Gerard P. Craughwell: It is highly undemocratic.

Senator David Norris: Will there be provision for a break to allow us to-----

Senator Catherine Noone: The Leader can come in and arrange for a break for Senators.

Senator David Norris: It is a typical Ross mess.

Senator Gerard P. Craughwell: It does a terrible disservice to the people living in the proximity of the airport.

An Cathaoirleach: The Acting Leader has outlined the position and if Senators are not happy, they can vote on it.

Senator Catherine Noone: This is my position. There is no wish on the part of the Government to stymie any debate on it. If Senators wish to stay here until 12 midnight, that can be facilitated.

Senator Conway-Walsh, along with other Senators, raised the issue with CE supervisors. I will relay the comments of Senators to the Minister on that. There should be interaction between the Minister and those workers and, as Senator McFadden said, it would be reasonable to meet at least, to allow a discussion to be had. I do not think a reply has been received regarding meeting with the Minister, which is something that should happen. I will pass on the Senator's comments in that regard to the Minister.

Senator Norris also raised Notre Dame. We are all very sad about that. He also raised the FAI. I responded to his comments about the accountants that were in place since 2017, and I understand the reason for those remarks.

Senator McFadden also raised the CE supervisors issue on which she has been working. I made my response to that. Senator Craughwell also raised the CE schemes and the Defence Forces, as he does regularly in the House. He indicated that the Public Service Pay Commission is due to report. Senator McFadden has been in touch with the Taoiseach whom she has asked to speed up the process so that the report would come sooner rather than later. We will have to await the outcome of that.

Senator Gavan also raised the CE supervisors, an issue to which I have responded. Senator Marie-Louise O'Donnell also eloquently expressed her sadness on Notre Dame. I understand her frustration when speaking about the banks. One needs to pick a particular bank to be able to interact with a person. That is very frustrating. Perhaps there is something positive in the fact that the banks have recognised they have problems that they need to address but who knows if they will improve their behaviour towards people who use their services.

An Cathaoirleach: I am finding it difficult to hear the Acting Leader. Radio Luxembourg seems to be butting in.

Senator Catherine Noone: Senator Ó Ríordáin also referred to the CE supervisors and the

Aircraft Noise (Dublin Airport) Regulation Bill. I referred to the valid points he made about the FAI, ordinary soccer players and the funding that should rightly be improved.

Senator Colm Burke raised an interesting point about voluntary organisations being charged large fees, up to €100,000, for carrying out works on a public road. That would be useful legislation for him to introduce in consultation with the Department. It is an important issue to highlight and it is one we could also debate in the House.

Senator Boyhan complimented the Joint Committee on Climate Action. We compliment all colleagues, especially those in this House, who partook in that very useful and worthwhile committee. It shows the effect of cross-party committees in these Houses. We have much work to do and the committee highlights a roadmap for that. He also expressed his dissatisfaction with the length of the Taoiseach's visit on Thursday, which I addressed.

Senator Gallagher raised World Parkinson's Day. Until last week I did not realise one could not access brain stimulation therapy in this country.

Senator David Norris: No, one cannot. One has to go to Bristol.

Senator Catherine Noone: It is shocking. That is something we should debate in this House with the Minister, following on from the protests of the Parkinson's organisations last week. Senator Devine, as a nurse, rightly wants to pay tribute to Margaret Keogh and others who were trailblazers in their field. I bid her a happy Easter now in case I do not get to say it to her in advance of Easter.

An Cathaoirleach: Senator Conway-Walsh has moved an amendment to the Order of Business, which was seconded by Senator Norris: "That Committee Stage only of the Aircraft Noise (Dublin Airport) Regulation Bill 2018 be taken today." Is the amendment being pressed?

Senator David Norris: Yes.

Amendment put.

The Seanad divided by electronic means.

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

Amendment put:

The Seanad divided: Tá, 14; Níl, 22.	
Tá	Níl
Bacik, Ivana.	Ardagh, Catherine.
Boyhan, Victor.	Burke, Colm.
Conway-Walsh, Rose.	Burke, Paddy.
Craughwell, Gerard P.	Butler, Ray.
Devine, Máire.	Buttimer, Jerry.
Gavan, Paul.	Byrne, Maria.
Humphreys, Kevin.	Coffey, Paudie.
Marshall, Ian.	Coghlan, Paul.

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McDowell, Michael.	Conway, Martin.
Nash, Gerald.	Daly, Mark.
Norris, David.	Daly, Paul.
Ó Donnghaile, Niall.	Feighan, Frank.
Ó Ríordáin, Aodhán.	Gallagher, Robbie.
Warfield, Fintan.	Hopkins, Maura.
	Leyden, Terry.
	Lombard, Tim.
	McFadden, Gabrielle.
	Noone, Catherine.
	O'Donnell, Marie-Louise.
	O'Mahony, John.
	O'Reilly, Joe.
	Reilly, James.

Tellers: Tá, Senators Máire Devine and Paul Gavan; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

An Cathaoirleach: Is the Order of Business agreed?

Senator An Cathaoirleach: Agreed.

An Cathaoirleach: No. 1 is a motion regarding arrangements-----

Senator Michael McDowell: The Order of Business is not agreed.

Senator Jerry Buttimer: I thought it was agreed.

An Cathaoirleach: There is too much noise in the Senate. If people want to chat they should move out.

Question, "That the Order of Business be agreed to", put.

The Seanad divided by electronic means.

Senator Rose Conway-Walsh: I call for a walk-through vote.

An Cathaoirleach: Anyone who calls a walk-through vote and is not a teller I am disallowing it. I am moving on, please.

Senator Jerry Buttimer: Hear, hear.

(Interruptions).

Senator Rose Conway-Walsh: I called for a vote.

Senator Jerry Buttimer: The Senator is not a teller.

Senator Máire Devine: We called for a walk-through vote.

Senator Jerry Buttimer: No, the Senator did not call it.

An Cathaoirleach: Sorry?

Senator Rose Conway-Walsh: I called for a walk-through vote.

Senator Jerry Buttimer: The Senator cannot do so.

Senator Rose Conway-Walsh: I asked for a walk-through vote.

An Cathaoirleach: The Senator cannot do so as she is not a teller.

Senator Catherine Ardagh: It is too late.

Senator Jerry Buttimer: Senators should know the rules of the House.

An Cathaoirleach: A Senator must get more than five Senators to stand up so I just cannot allow this.

Senator Jerry Buttimer: It is a case of people making up the rules as they go along.

Senator Maria Byrne: One might-----

An Cathaoirleach: Proceed as it is two and one. The rules are that one of the tellers must decide if he or she wants a walk-through vote or not.

Senator Paul Coughlan: Immediately.

An Cathaoirleach: It has to be done spontaneously as the result is announced.

Question again put:

The Seanad divided: Tá, 19; Níl, 16.	
Tá	Níl
Ardagh, Catherine.	Bacik, Ivana.
Burke, Colm.	Boyhan, Victor.
Burke, Paddy.	Conway-Walsh, Rose.
Butler, Ray.	Craughwell, Gerard P.
Buttimer, Jerry.	Devine, Máire.
Byrne, Maria.	Freeman, Joan.
Coffey, Paudie.	Gavan, Paul.
Coughlan, Paul.	Humphreys, Kevin.
Conway, Martin.	Marshall, Ian.
Daly, Paul.	McDowell, Michael.
Gallagher, Robbie.	Norris, David.
Hopkins, Maura.	O'Donnell, Marie-Louise.
Leyden, Terry.	Ó Céidigh, Pádraig.
Lombard, Tim.	Ó Donnghaile, Niall.
McFadden, Gabrielle.	Ó Ríordáin, Aodhán.
Noone, Catherine.	Warfield, Fintan.

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O'Reilly, Joe.	
Reilly, James.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Gabrielle McFadden and James Reilly; Níl, Senators Victor Boyhan and Michael McDowell.

Question declared carried.

5 o'clock

Sitting Arrangements: Motion

Senator Jerry Buttimer: I move:

That, notwithstanding anything in the Standing Orders relative to Public Business:

(1) The Seanad shall meet at 10.30 a.m. on Wednesday, 17th April, 2019 and the following arrangements shall apply:

- (a) Standing Orders 29 and 30 shall stand suspended;
- (b) the Order of Business shall be taken at the commencement of public business.

(2) The Seanad shall meet at 10.30 a.m. on Thursday, 18th April, 2019 and the following arrangements shall apply:

- (a) Standing Orders 29 and 30 shall stand suspended;
- (b) there shall be no Order of Business;

(c) the business to be taken shall be confined to the items set out in the Schedule to this paragraph and, accordingly, no other business shall be taken unless the Seanad shall otherwise order on motion made by the Leader of the House or such other Senator as he may authorise in that behalf.

Schedule

Statement by An Taoiseach, Leo Varadkar T.D.

The proceedings in respect of the Statement by An Taoiseach shall commence at 10.30 a.m. and shall conclude no later than 12 noon, and shall consist of:

- (a) an opening Statement by An Taoiseach,
- (b) a contribution not exceeding 8 minutes from Group Spokespersons (time may be shared),
- (c) a contribution not exceeding 3 minutes from other Senators (time may be shared),
- (d) a contribution not exceeding 3 minutes from the Leader of the House,

(e) a concluding response of not less than 15 minutes by An Taoiseach.

Civil Registration Bill 2019 [Dáil] – Second Stage.

The proceedings on the Second Stage of the Civil Registration Bill 2019 [Dáil] shall commence at 12.15 p.m.

(3) The Seanad on its rising on Thursday, 18th April, 2019, shall adjourn until 2.30 p.m. on Wednesday, 8th May, 2019, and the Order of Business shall be proposed at 3.30 p.m.”

Question put:

The Seanad divided: Tá, 14; Níl, 21.	
Tá	Níl
Burke, Colm.	Ardagh, Catherine.
Burke, Paddy.	Bacik, Ivana.
Butler, Ray.	Boyhan, Victor.
Buttimer, Jerry.	Conway-Walsh, Rose.
Byrne, Maria.	Craughwell, Gerard P.
Coffey, Paudie.	Daly, Paul.
Coghlan, Paul.	Devine, Máire.
Conway, Martin.	Freeman, Joan.
Hopkins, Maura.	Gallagher, Robbie.
Lombard, Tim.	Gavan, Paul.
McFadden, Gabrielle.	Humphreys, Kevin.
Noone, Catherine.	Leyden, Terry.
O'Reilly, Joe.	Marshall, Ian.
Reilly, James.	McDowell, Michael.
	Norris, David.
	O'Donnell, Marie-Louise.
	Ó Céidigh, Pádraig.
	Ó Donnghaile, Niall.
	Ó Ríordáin, Aodhán.
	Warfield, Fintan.
	Wilson, Diarmuid.

Tellers: Tá, Senators Gabrielle McFadden and James Reilly; Níl, Senators Victor Boyhan and Michael McDowell.

Question declared lost.

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Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: To clarify, because of the outcome of the vote, the Commencement debate and the Order of Business will proceed as normal tomorrow. The House can decide tomorrow what will happen on Thursday, but tomorrow's business will proceed as normal.

Gaming and Lotteries (Amendment) Bill 2019: Order for Second Stage

Bill entitled an Act to amend the Gaming and Lotteries Act 1956 and to provide for related matters.

Senator Martin Conway: I move: "That Second Stage be taken now."

Question put and agreed to.

Gaming and Lotteries (Amendment) Bill 2019: Second Stage

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

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I am very pleased to have the opportunity to take Second Stage of the Gaming and Lotteries (Amendment) Bill 2019 in Seanad Éireann.

Senator David Norris: I do not mean to interrupt, but I wonder if we can have a copy of the Minister of State's script.

Acting Chairman (Senator Paudie Coffey): Copies are on the way.

Senator David Norris: Thank you.

Deputy David Stanton: The Bill seeks to address certain deficiencies in the conduct of gaming and lottery activities regulated under the Gaming and Lotteries Act 1956. Senators will agree that the provisions of the Act are, for the most part, outdated and require modernisation. The Bill proposes a number of interim reform measures for the licensing and regulation of gaming and lottery activities conducted under the 1956 Act, pending the development of comprehensive reforms in a revised gambling control Bill. Work on the comprehensive reforms is under way, although it will take a little time to bring my proposals to fruition. They will be based on the report of the interdepartmental working group on the future licensing and regulation of gambling. The report reviews the 2013 general scheme of the gambling control Bill and developments since and was approved by the Government on 20 March 2019. It is available on the website of the Department of Justice and Equality.

The amendments to the 1956 Gaming and Lotteries Act proposed in the Bill provide for significant modernisation of the provisions of the Act. They provide greater clarity and certainty for all promoters and participants involved, primarily in local fundraising efforts, to assure the

best conduct in the promotion of gaming and lottery activities. We are all involved in our local sports clubs and community organisations to a greater or lesser extent and know how important they are to our local communities. I am sure Senators will appreciate the need to ensure worthwhile and necessary fundraising activity is supported, while also ensuring the permit and licensing process is as clear as possible for promoters.

Let me highlight the primary features of the Bill to amend the 1956 Act. It will modernise the permit and licensing regime for local gaming and lottery activities; standardise the age limit for participating in all activities under the Gaming and Lotteries Act and for betting with the tote at 18 years of age; assist in combating potentially fraudulent behaviour; provide an improved application process, setting out more clearly the conditions required to be met by promoters of gaming and lottery activity, whether to a Garda superintendent for the issuance of a permit or to the Revenue Commissioners or the District Court for a licence; increase, for the first time since 1956, the now archaic stakes and prize limits for licensed gaming activities and machines; for the first time, set out a clear distribution ratio for how the proceeds are allocated in prizes to beneficiaries and in promoter expenses for those lotteries held under District Court licence; and modernise the offences provisions of the 1956 Act.

Senators will be aware that the issue of the licensing of gaming machines and premises has been the subject of much media attention and many parliamentary questions in recent months. There have been contentions made about the issue of District Court certificates and Revenue Commissioners licences in areas where there appears to be no local authority resolution in place permitting gaming in accordance with sections 12 and 13 of the 1956 Act. As some matters are still before the courts, we should be careful in commenting on them. I point Senators to the recommendations contained in the report of the interdepartmental working group on the future licensing and regulation of gambling which would transfer all future responsibility to a new regulatory authority. Senators should also note that, increasingly, gaming as an activity is moving to an online environment and that traditional arcades are diminishing in importance.

I will now address the main provisions of the Bill. Section 1 states the principal Act is the Gaming and Lotteries Act 1956. Section 2 includes a number of amended or additional definitions in the principal Act to ensure greater clarity and reflect the modernisation of the Act. Section 3 replaces section 4 of the Gaming and Lotteries Act 1956 and provides that it is an offence to promote gaming without a permit or licence. Section 4 of the Bill inserts a new section 9A into the 1956 Act. This section sets out the application process for a permit for gaming for either charitable or philanthropic purposes or for the benefit of the promoter. This approach replaces the previous primarily location-specific approach to gaming at circuses, carnivals and in licensed premises contained in sections 6, 7 and 9 of the 1956 Act. The section further sets out the various conditions that will apply to gaming promoted under a permit issued in accordance with the Act by a Garda superintendent. The maximum stake and prize allowed is €10 and €3,000, respectively. The superintendent will be required to maintain a register of all gaming permits issued, revoked and suspended in his or her district.

Section 5 substitutes a new section 14 for that section of the 1956 Act. The amendment concerns essentially the updating of maximum allowable stake and prize amounts. These are increased from 3 cent and 50 cent to €10 and €750, respectively. There is a new regulation making power for the Minister for Justice and Equality to amend stake and prize amounts. The section further makes it an offence to accept a stake from a person under the age of 18 years.

Section 6 amends section 15 of the 1956 Act in a number of respects. The deletion of sec-

tion 15(3) arises directly as a consequence of the repeal of the existing sections 6, 7 and 8 of the Act. The amendment of section 15(4) arises due to the amendment of the stakes and prize limits in section 14 and the regulation-making power contained therein, as well as the offence of allowing persons under 18 years of age to engage in gaming.

Section 7 inserts a new section 19A into the 1956 Act that will require the Revenue Commissioners to establish and maintain a register of gaming licences. This approach is derived from the analogous requirement on Revenue under section 18 of the Betting (Amendment) Act 2015.

Section 8 substitutes a new section 26 for that section contained in the 1956 Act. In accordance with the new section, it will be an offence to promote any form of lottery activity without a licence or permit having been issued in accordance with the Act.

Section 9 inserts a new section 26A into the 1956 Act. This section is based on the provision in Part B of the approved general scheme of the gambling control Bill 2013 for *de minimis* lotteries not requiring a licence or permit, but promoted for the benefit of a charitable or philanthropic purpose and not for promoter benefit. Such a lottery would not require a permit or licence, the prize would be limited to €1,000, and no more than 1,500 tickets at a maximum price of €5 could be sold. This would be useful for those wishing to conduct a raffle on the night at local events.

Section 10 inserts a new section 27A into the 1956 Act. This section is based on the provision of the general scheme of the gambling control Bill 2013, which allows for the use of sales and marketing promotions which may involve a lottery element. Such activities will not be subject to a permit or licence, providing the conditionality in the section is satisfied, which includes no cost of purchase, and a total prize value of €2,500 is permitted.

Section 11 inserts a new section 27B into the 1956 Act. This new section details the process involved in an application to a Garda superintendent for a lottery permit. The section further sets out the conditions and requirements involved following the issue of a lottery permit. The section maintains the current weekly prize fund amounts of €5,000 for lotteries held under a Garda permit. Each Garda superintendent will be required to maintain a register of all gaming permits issued, revoked and suspended in his or her district.

Section 12 substitutes section 28 of the 1956 Act with a new section. This section sets out the application process for a lottery licensed by the District Court. It is intended to ensure that the court is provided with sufficient notice and full details of the proposed lottery activity. The section further provides for the conditions that will apply to a lottery licensed by the District Court. The section maintains the current maximum prize amount of €30,000 under a District Court licence. The section does, however, make provision for a prize fund limit of €360,000 where a one-off annual lottery is promoted under a District Court licence. This provision is advanced from the 2013 general scheme of the gambling control Bill.

Section 13 amends section 30 of the 1956 Act, by relocating the penalty provisions contained therein to an amended section 44, as inserted by section 18 of this Bill. Section 14 substitutes section 33 of the 1956 Act with a new section concerning information to be contained on lottery tickets. The previous reference in section 33(1) of an exception for sections 23, 24 and 25 concerning private lotteries, lotteries at dances and concerts and at carnivals and other events, is deleted. However, provision is made for the exclusion of new sections 26A and 27A

from the provisions of subsection (1).

Section 15 amends section 37 of the 1956 Act. The current seizure provision in section 37 of the 1956 Act relating to unlawful gaming instruments as defined in the Act is now extended to gaming machines. The seizure provision would also apply to instruments or machines not being operated in accordance with a licence in a revised subsection (1).

Section 16 amends section 41 of the 1956 Act, by relocating the penalty provisions contained therein to an amended section 44, as inserted by section 18 of this Bill. Section 17 amends section 42 of the 1956 Act by extending its provisions to include gaming machines in addition to gaming instruments.

Section 18 substitutes section 44 of the 1956 Act with a new offences section. Penalties for all offences, existing or new, under the 1956 Act, as amended, are located in one section. The possible sanctions that might be imposed on conviction are updated. Corporate bodies are also subject to the consolidated penalty provisions under section 44.

Section 19 substitutes section 46 of the 1956 Act with a new section. The section provides that a court may suspend or revoke a permit or licence upon conviction for an offence under the Act. An appeal to the Circuit Court is provided, with the decision of that court being final. There is also provision for notification to the Revenue Commissioners and An Garda Síochána of such decisions.

Section 20 amends section 47 of the 1956 Act by providing that the current forfeiture provision for gaming instruments be extended to provide also for forfeiture of gaming machines used in the commission of an offence under the Act or in the case of a conviction under section 4 of the 1956 Act. Section 21 amends section 48 of the 1956 Act by extending the provision for the court to order destruction of documents relating to a lottery to provide also for destruction of documents relating to a gaming activity. Section 22 amends section 50 of the 1956 Act and provides for the regulation making power with regard to the keeping of accounts and other records of permits for gaming and lotteries issued by the Garda to be vested now in the Minister for Justice and Equality rather than the Garda Commissioner, who will be consulted in the matter.

Section 23 inserts a new section 50A into the 1956 Act. A regulation-making power for the Minister for Justice and Equality was inserted into section 28A of the 1956 Act through section 51 of the National Lottery Act 2013. As the repeal of section 28A is proposed, this regulation-making power is restated in this section.

Section 24 details the sections of the 1956 Act proposed to be repealed by the Bill. The section also contains a transitional provision dealing with lottery permits in force at the time of the proposed repeal of section 27 of the 1956 Act.

Section 25 amends the Totalisator Act 1929 by inserting a new section 4A into that Act. This new section introduces for the first time an age limit for betting on the tote of 18 years. The penalties imposed under subsection (2) mirror those contained in the Betting Act 1931 for engaging in betting transactions with persons under the age of 18 years. Section 26 provides for the Short Title, collective citation and commencement of the Act.

In summary, the amendments I have proposed will have the effect of modernising and clarifying the provisions of the Gaming and Lotteries Act 1956. We all accept that, while it has served us well, this is an outdated law. I inform Senators that it is my intention to introduce a

small number of amendments of a technical nature on Committee Stage. I appreciate that there may be questions as to why I have not gone further with my proposed amendments. I accept that the legislation in this area is outdated and that there is a need for a more radical overhaul than is proposed. I am confident that a revised gambling control Bill, when published, will address the deficiencies in the current gambling regulatory infrastructure. In the meantime, as always, I look forward to the debate on the current proposals with my colleagues in the Seanad. We are open to constructive suggestions and criticisms. I really mean that. I hope, with the co-operation of all sides, we can facilitate the swift passage of the Bill. I commend the Bill to the House.

Senator Catherine Ardagh: Gabhaim buíochas don Aire Stáit as ucht teacht go dtí an Seanad. Fianna Fáil will support the Bill but believes far more is needed to address the problem of gambling. Two issues concern me. The first is why this Bill is taking priority over the gambling control Bill. There was much reference in the speech of the Minister of State to that Bill, yet we are not discussing it in this House today. The argument has been put forward that it needs more work to progress it, but if we were serious about tackling gambling in this country we would not be discussing this Bill but would be discussing the gambling control Bill. I am disappointed that Bill is not before us today.

I am concerned that gambling in this country will go underground and will not be regulated at all if institutions such as card clubs are closed down. I do not agree with any form of gambling but it would be a dangerous development if such activities were moved underground.

The measures within the Bill primarily concern updating and modernising the regulation of gaming and lotteries, including the updating of stake and prize limits. The Bill also proposes to standardise the minimum age for participation in gaming and lottery activities at 18 years of age. In the gambling control Bill, it would be important to have some sort of centralised system and I urge the Minister of State to consider that. It could monitor cases where, for example, a person tells a bookie not to accept a bet from him or her for more than a certain amount.

I welcome the fact that gaming and lottery activities will be curtailed to those who are 18 years of age and over. While these changes are necessary, our time would be better spent debating the gambling control Bill today. Plans for gambling regulation stretch back to December 2010 when Fianna Fáil, when in government, published an options paper. These plans were developed into draft legislation in 2013. No legislative progress has been made since then. We acknowledge the Government has agreed in principle with the introduction of a gambling regulator and the publication of the report of the working group. However, progress to date has been slow.

Fianna Fáil has initiated its own gambling control Bill and put forward detailed proposals for such a regulator. In the absence of a firm timeline for the introduction of such a regulator by the Minister, Fianna Fáil will table amendments for the introduction of a regulator. Fianna Fáil will also put forward amendments to address issues concerning unregulated offshore operators and the national lottery. Fianna Fáil is committed to socially responsible gambling. The Government has had ample opportunity to consider these issues and Fianna Fáil is looking for action on them.

Senator Gerard P. Craughwell: The Minister of State, as always, is welcome to the House, particularly to discuss this important topic. There have been some solid developments since we last debated this during my Private Members' motion on the regulation of gambling

on 27 February 2019. For a start, the report of the interdepartmental working group on the future licensing and regulation of gambling was submitted to the Government, and the Cabinet approved a plan to establish a gambling regulatory authority. To the uninformed listener or viewer, this might have sounded like a radical and progressive development, but we all know the Bill to make this happen has been languishing on a shelf for the past six years.

While it is acknowledged that the gambling control Bill in the form first envisaged by the Government in 2011 is now out of date, this is the legislation on which we should be focusing as a matter of urgency rather than on this Bill which is, at best, a piecemeal measure and, at worst, likely to be subject to legal challenge in the European Court. With a focus on prohibition rather than regulation, it will be seen by many as a regressive rather than progressive step by the sector.

I commend my colleagues in Fianna Fáil who brought forward their own gambling control Bill as a Private Members' Bill. It proposed a comprehensive new unified licensing and regulatory framework for gambling. It provided for the creation of 43 new licences, covering both land-based and remote gambling activities, as well as for a regulator under the jurisdiction of the Department of Justice and Equality. The Bill had great merits. A failed attempt to introduce piecemeal measures to address gambling concerns in Part 13 of the general scheme of the courts and civil law (miscellaneous provisions) Bill 2017 has now re-emerged as the Bill before us today.

The Minister of State described the Gaming and Lotteries (Amendment) Bill 2019 as an interim measure until the new gambling control Bill is brought forward. With respect, an interim measure almost eight years since the idea of a gambling control Bill was first discussed by the Government would be laughable if it was not such a serious matter. The interim horse has long since bolted and the introduction of this Bill will have serious unanticipated and, perhaps, unintended consequences for the industry.

The Bill, as proposed, creates a gaming permit which is primarily designed to facilitate fundraising for charitable or philanthropic purposes. Conditions attached to the permit include that a gaming permit will not be issued to a person for any kind of gaming in which, by reason of the nature of the game, the chances of all the players, including the banker, are not equal. The stake in each game will not be more than €10 for each player. No player may win more than €3,000 in each game, whether that game is conducted in a single or multiple events. No stake will be hazarded by the players with the holder of the gaming permit, other than a charge for the right to take part in the game. Not more than 5% of the total proceeds of the ticket sales will be retained by the holder of a gaming permit in respect of any game.

What this will translate into in reality is the annihilation of an entire segment of the gambling sector. The conditions attached to the gaming permit are of no commercial value and will oblige all 40 private member clubs across Ireland to cease trading. Added to this, the Bill also establishes a gaming licence as a means of enforcing local council directives outlawing gaming at an amusement hall or funfair in its administrative area. The conditions attached would likewise lead to the closure of approximately 100 amusement halls or funfairs. Overall, we are looking at job losses of approximately 3,000 throughout the country, depriving the State of income derived from VAT at 23%, corporate taxation, income tax and employer social contributions, not to mention the impact on tourism. Representatives from the private member clubs and the amusement halls are all in favour of regulation. In fact, they have been lobbying the Minister of State and the Department for more than a decade. They are not in favour of

prohibition or measures which would effectively make their businesses commercially unviable, however.

It is a concern that the Bill's consequences are at variance with the recommendations of the interdepartmental working group report which recommended gambling and gaming should be regulated rather than prohibited. We are now the only one of 28 EU member states which does not regulate gambling in this fashion. By passing this legislation which prohibits rather than regulates, we are running contrary to industry best practice and what international research across Europe is telling us. If this legislation is passed and restrictions are placed on access to a gaming licence for amusement halls based on geographical region, it will be in breach of EU legislation as interpreted by the European Court of Justice in 2014. I am concerned no regulatory impact assessment has been provided for this Bill and there was no opportunity for meaningful consultation with the sector before it was introduced. Will the Minister of State advise me why these were not undertaken? I have serious concerns about the way this Bill is being described and framed to be positive when the consequences are disastrous. The Minister of State said the Bill will make arrangements for the better promotion of lotteries, updating certain stake and prize limits and standardising the minimum gambling age at 18. In reality, the Bill will provide for the *de facto* prohibition of land-based gaming in favour of online betting.

If there is an elephant in the room, it is the online betting sector which gets no mention in this Bill, despite assurances to the contrary three months ago. In December 2018, the Minister of State told *The Irish Times* he planned "to amend the 1956 Act, which deals mainly with gaming machines in amusement arcades, to include the burgeoning area of online gaming". Why has he not included online gaming and what has changed in three months? The Minister of State is creating a situation where online betting and online gaming remains an unregulated activity. The lack of regulation in Ireland enables online service providers to beam their service into the State without any obligation to offer self-exclusion facilities, time-out facilities or to oblige new customers to set maximum spending limits when opening an online account. In other EU member states, unlicensed online operators are denied access to their citizens by Internet service provider, ISP, blocking. We have nothing comparable here, despite the technology being available to do so.

Common sense tells us that if private member clubs, amusement halls or arcades are put out of business, people will continue to seek opportunities to gamble and game. We already know those with Internet access and mobile devices will migrate to online gaming sites where the known risk of developing a gambling problem is three times greater than in land-based venues. The Bill effectively hands unfair commercial advantage to online operators on a plate. To gamble online, a credit card or debit card is typically required to access funds with which to gamble. The use of credit with no predetermined limits for the purposes of gambling will encourage individuals to gamble beyond their means. Research tells us there are already approximately 45,000 people suffering from a gambling addiction in Ireland. Ireland ranks third in terms of gambling losses *per capita* after Australia and Singapore. However, it ranks first in terms of online gambling losses *per capita*. I am very worried about the vulnerable persons in society who will be drawn into underground or back-street facilities where they could be exposed to sharp practices and moneylenders offering credit at exorbitant rates.

In February I said the scale of online gambling was fast becoming a crisis of epic proportions. I have since been gathering statistical information to back up this statement. The findings are frightening. It is anticipated that the global online gambling market will generate revenues of more than \$74 billion by 2023, with a jump of over 47% in revenue between now and 2023.

Our own Paddy Power is one of the top five online providers in the market and the top products are online betting, online casino and online lottery. In that context, I cannot understand why other European countries have successfully regulated the online industry and we have not. The Government is creating the illusion that it intends to regulate or is in the process of regulating it, but the reality is that, sadly, we are no further down the road than we were in 2011, despite the seismic shifts in technology, behaviour and online availability.

I regret that we are spending valuable time on legislation that will do more harm than good. It will undermine livelihoods, put the Government at risk of a legal challenge in the European court, offer zero consumer protection and steadfastly ignores and will contribute to an ever-increasing rise in online problem gambling in Ireland. I am sure that is not the legacy either the Minister of State or the Government wants to have. I am aware of the Minister of State's deep concerns about gambling. I believe he genuinely wants to do something about it, but I am not sure-----

Acting Chairman (Senator Paudie Coffey): We are way over time. I have allowed the Senator flexibility.

Senator Gerard P. Craughwell: I thank the Acting Chairman.

Senator Martin Conway: I, too, welcome the Minister of State. It is worth pointing out that for a long time, before 2011, very little happened in trying to regulate gambling. We would not be where we are but for the Minister of State and the forensic knowledge he built up when Chairman of the then Joint Committee on Justice, Defence and Equality which did a significant body of work in this area. In his period in office he has advanced significantly with the report he brought to the Cabinet at the end of March. The Government is committed to having a gambling regulator because, as Senator Craughwell stated, online gambling is a very serious problem which is developing at breakneck speed. We must have an appropriate professional and internationally in tune response to it. Setting up a gambling regulator will not be an easy piece of work. We are talking about recruiting up to 100 people to engage in highly specialised work to ensure they will not alone keep up with developments in modern technology but also move ahead of it to try to deal with the consequences of gambling. That piece of work is ongoing.

My understanding of the purpose of the legislation is that it seeks to tidy up previous legislative measures. It has not really been designed to deal with online gambling. That is a much more serious problem that requires a significant body of work to be done to deal with it. Until now, any young fellow at a race meeting could legally place a bet with the tote. This legislation will ensure young people will have to be 18 years of age before they can do so. It is fair to point out that the tote has voluntarily adopted an age limit of 18 years in the placing of bets.

I am concerned about the running of raffles at sports events that we all attend. I attended one at the weekend, as I am sure other Members did, at which we paid €5 or €10 for a cloakroom ticket. I do not know whether it is appropriate, as a colleague of mine pointed out, to legislate for the buying of a cloakroom ticket. That might be going a step too far, but perhaps it might be better to go a step too far to prevent unintended consequences.

I am open to correction, but I believe every Member of the House wants to see the activity of gambling dealt with and properly regulated to ensure people will gamble for enjoyment, not because of an addiction or any other need. I hope the House will not divide on the legislation on Second Stage and that Members will table amendments to improve it. Knowing the Minister

of State as I do, he will engage with Members from all sides to ensure sensible amendments that will enhance the legislation are tabled in order that we can achieve our common goal, which is to protect citizens, while ensuring we are fair to those who make a livelihood out of gaming and gambling and that the local GAA or soccer club lottery can operate to continue to provide vital financial support a club needs to ensure children and young people can play an active role in sport and society.

This legislation is very important, but I acknowledge that it is only a start in addressing the issue of gambling. However, we have to start somewhere. The Minister of State has made a significant start with the interdepartmental report that was brought to the Cabinet. This legislation marks the start of a process to bring Ireland into line with best international practice in this area.

Senator Rose Conway-Walsh: I welcome the Bill which I know is an interim measure as the Government intends to bring forward much more fundamental legislation to regulate gambling. The placing of caps of €10 and €750 on stakes is to be welcomed. The Bill allows the Minister of State to amend these limits in the future. That is important. It is also important that he engage regularly with those dealing with the consequences of problem gambling to see if the limits are having the desired effect.

The fact that the Bill seeks to amend legislation dating from 1956 shows that it is badly needed. Has the Cabinet seen and discussed the recommendations made by the working group that examined the general scheme of the 2013 gambling control Bill? In much of the lobbying on the legislation I have been asked why the Government did not introduce the more comprehensive gambling control Bill. We have the scheme of a Bill, had years of engagement with all relevant bodies in the sector and the report of the working group, but it was uncertain from the Minister of State's comments in this House in February in responding to a
6 o'clock Private Members' Business matter whether the Government had accepted the need for an independent, self-financing regulator as opposed to one that would be attached to the Department of Justice and Equality. When the control of gambling Bill is eventually brought before the Oireachtas, we will have to remember that it will primarily be to prevent harmful gambling and regulate the many people who enjoy gambling safely. Many do gamble responsibly. There are also responsible people in the gambling industry who have followed voluntary codes of conduct on age limits, etc. in the absence of legislation.

Before any final decision is taken on the gambling control Bill I ask the Government to reflect on its method of collecting data for the prevalence of problem gambling. Recently flawed and dated figures were released by the HSE which were at variance with new and anecdotal evidence. In good faith they cannot be used as an accurate basis for policy formation. The Government used different criteria to assess and identify the scale of problem gambling from those used in separate surveys in the North of Ireland and by the British Gambling Commission.

Is the Government honestly saying that the problem gambling rate in Dundalk is 0.8%, but the problem gambling rate in Newry is 2.3%? This is why an all-Ireland approach to such issues is vital. Sinn Féin wants to see an all-Ireland approach and that is why my party colleagues such as Sinéad Ennis MLA and Deputy Ó Laoghaire have recently launched an all-island policy document around problem gambling and I also want to acknowledge again the work done by Lynn Boylan, MEP on this subject at a European level.

Two separate gambling prevalence surveys carried out for the North of Ireland produced

similar results by identifying a problem gambling rate of over 2%. The Government here wants us to believe that on the other side of the invisible line, the problem rate is 0.8%. We are talking about identical products, people and cultures but the Government believes the situation dramatically changes once one crosses the Border. We need a dedicated problem gambling survey with a straight comparison with the North, with Scotland, with Wales and with England. Furthermore, the data released in March are nearly five years old and are not good enough to base policy formation on. The South of Ireland has the highest online gambling losses in the world *per capita* and the third highest gambling losses overall *per capita*. The recent figures the HSE released do not reflect this and it would make one think that there is not a problem here. On Committee Stage, we will introduce amendments relating to concerns around gambling addiction and the lack of measures in this Bill to tackle it.

I know from dealing with the Minister of State and from working with him on the Domestic Violence Act that he is open to producing the best legislation possible and I know he understands the seriousness of the problem of gambling addiction as well. I also acknowledge the Minister of State's work in the project that I attended last Friday in the National Museum of Ireland - Country Life in Castlebar. That work with the school in Ballina and with the Traveller's journey is of great importance and it is particularly important in the times when we have moves to the extreme right and all of the negatives that are going on in society so I acknowledge the Minister of State's contribution to that.

Senator David Norris: At the outset, having read the information surrounding this legislation, I have to say that I was rather against it but I will not be calling for a vote. I will just see as the debate proceeds and as we get through Committee Stage and look at amendments and so on and so forth. I have been reassured by the comments that some of my colleagues have made on the Fianna Fáil side and on the Opposition side because if this legislation is intended to outlaw amusement arcades, to close gambling houses and to make various restrictions to prohibit rather than regulate, then I am all for it. There is far too much gambling in this country.

The reason I was concerned was because the note that was provided by the Cathaoirleach's personal assistant said that the Bill ensures "an important public interest in assisting the better promotion of gaming and lotteries." I would have thought we have had enough promotion of these matters already, particularly gaming and gambling. It is shocking what is going on. The explanatory notice and financial memorandum also says: "This modernisation will serve an important public interest is assisting the better promotion of gaming." I certainly do not want to see the better promotion of gaming so I gather this is all a lot of flummery to conceal the real intention of the Bill, which is to restrict gambling and I certainly hope that it succeeds in this.

I am concerned because the Minister of State has said that there have been contentions made on the issue of District Court certificates and Revenue Commissioners' licences in areas where there appears to be no local authority resolution in place permitting gaming, and then he says there is a court case so that we cannot comment too much on it. I have to say that I am quite happy with the provisions. If it is not legally possible to operate gaming machines in the city of Dublin, then that is the situation. It should be enforced and that is where the problem is. Then the Minister of State said that:

Section 4 of the Bill inserts a new section 9A into the 1956 Act. This section sets out the application process for a permit for gaming for either charitable or philanthropic purposes or for the benefit of the promoter.

Does this open the way for the vulture funds, because the Government has allowed the vulture funds to register as charitable institutions?

Then we have the question of the current seizure provision in section 37 on unlawful gaming, as defined in the Act. It is now extended to gaming machines. I understood that it already covered gaming machines. I was very surprised by a Sinn Féin colleague and friend expressing gladness at the raising of the limits, but they are enormous and vast increases. From 3 cent to €10 is bad enough, but from 50 cent to €750 clearly raises this situation beyond the question of gaming for amusement. If one is looking to win €750, it is not just amusement, there is a profit motive there so we are in danger at that point.

If we look at the situation as it exists at present, operators all over the country, but particularly in Dublin, are being openly allowed to flout the law. I would be delighted if Dr. Quirkey's Good Time Emporium was closed down, if Fitzpatrick's Casino on Parnell Street was closed down and if the whole bloody lot of them went. They are a disgrace to the main street of a European capital city to have nothing but knickers shops and gambling casinos in the street. Tens of millions of euro in licence fees, moneys which could fund much-needed addiction services, are not being collected. There is every reason to question whether VAT is being properly collected. Questionable licensing decisions have been made in the District Licensing Court and I will confine myself just to saying that because that is one of the matters that is under consideration.

Garda activity in applying the law has virtually come to a standstill and the Revenue Commissioners, which have been active of late, have questions to answer as to why the excise services have waited so long to become active. We have had some Revenue raids and in those raids, machines were seized. One operator lost machines from premises on O'Connell Street and in Phibsborough. While Revenue has been active in recent times seizing gaming machines in a number of high-profile raids, there are still questions to answer. Why has it taken so long to take action? Many of the premises raided in Dublin have been openly operating since 1988 when Dublin Corporation, as it then was, banned gaming machines in the city. It is absurd. It is a classic Irish situation. Dublin Corporation banned gaming machines from the city but we have a proliferation of them. Over the past ten years they have multiplied all over the place.

I have to say that I am not particularly proud of Paddy Power as a business. It is a very efficient business but it leeches onto people and a lot of these big gambling houses actually give money to gambling addicts to feed their addiction. In the operations that have taken place, why were only a small proportion of the gaming machines in operation seized? If the Revenue go in and there are illegal gaming machines, why does it not seize the whole bloody lot? I gather that the Minister of State is on our side in this matter. Other than seizing machines, what further action will be taken? As mentioned earlier, it is possible that many of the gaming machines operating in areas such as Dublin city, where Part III of the 1956 Act is not operable, are being passed off illegally as amusement machines. With the rising of the prize money, they certainly cannot be passed off in this way again. If that is the case, it raises further serious questions for the Revenue Commissioners, the licensing authority for both gaming and amusement machines, such as why this is happening, when we will see its staff consistently applying the Revenue compliance manual and how the takings of amusement machines are being treated for VAT purposes. All takings of amusement machines are liable for VAT. If machines that are registered as amusement machines are being treated for VAT purposes as gaming machines, Revenue could be under-billing the operators to the tune of hundreds of millions of euro annually. These are some of the problems that currently exist in the system.

I applaud the Minister of State for having taken up this problem, even though it is an interim measure as he says himself, so to a certain extent it is just a stopgap. I am relieved to discover that under the apparent promotion of gaming, there is an attempt by the Government to restrict gambling. I hope some of these businesses will be put out of operation. I remember receiving a letter some years ago from a constituent who was running some kind of gaming facility and she was concerned the law would inhibit her and she had a certain number of people employed. I wrote back to her and said I do not approve of gambling and that I was sorry but I could not take up her case because I believe in being honest with people. A bit of an innocent flutter on the Grand National or putting a couple of pence in a gaming machine satisfies the amusement part, but when people get into a situation involving amounts of €10,000, €15,000, €30,000, €50,000 or €100,000, it is a terrible disease. If, as my colleagues suggested, the Minister of State is facing up to this squarely, I salute him for so doing and I look forward to that in our further examination of the legislation.

Minister of State at the Department of Justice and Equality (Deputy David Stanton):

I thank colleagues for their observations and I look forward to further discussion on the legislation. The Bill I have proposed will have the effect of modernising and clarifying the provisions of the Gaming and Lotteries Act 1956. As Senator Conway-Walsh said, it is time to update this outdated law. Of that there is no doubt.

Everyone commented, and rightly so, on the reason we are not bringing forward the gambling control Bill now. It would be my dearest wish to bring it forward if I could, but I can tell colleagues it is extraordinarily complicated. We have spent the past year intensely studying this area and working on it with an interdepartmental group. We have published a report for everyone's information in order that people can reflect on it. We will have further consultation with the sector on this area shortly. We are consulting widely on it, but it is extraordinarily complicated and we want to get it right.

Setting up an office in the Department of Justice and Equality to regulate an operation which, nationally, could be worth anything between €6 billion and €8 billion per annum was not the way to go. It must be independent. To answer Senator Conway-Walsh's question, the intention is to set up a regulator completely independent of Government, with the usual caveats with respect to reporting to the Oireachtas and acting under the law. It must be robust. This is what they have done in other jurisdictions where it is independent, robust and properly resourced and established from day one. That is what we want to do. Unfortunately, that is not easy. It is a big operation. We have to put in place not only complex legislation but also a regulator to do the inspections, the enforcing, the advising and all that goes with that. As colleagues said, this area is expanding into the online sector in a big way, so it is getting more complex than it was and it is even more complex than it was in 2013 when we examined it at that time. The heads of a Bill were published then, not a Bill, as Senator Craughwell said. As colleagues will be aware, there is a big difference between publishing the heads of a Bill and drafting and bringing forward legislation, especially in the case of a Bill as complex as this one.

This legislation is an interim reform measure. The Government has agreed the plan for a comprehensive reform of our gambling, licensing and regulatory system. The Government has seen, debated and accepted the report. My Department is working to bring forward revised modern legislation to address comprehensively the deficiencies in our current gambling, licensing and regulatory infrastructure.

Everyone is rightly concerned about problem gambling. Senator Norris, who is leaving us

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now, spoke about it as a disease. That is probably close to the mark in one way, but it is also an illness, a sickness or an addiction in some sense, which is a health issue. In every country where they have robust regulation they still have the issue, as Senator Norris pointed out, of the problem gambler to a greater or lesser extent, as we have here. Therefore, it is a health issue. In the heads of the 2013 Bill, in the legislation we will be bringing forward and in the gambling control report, the idea was mentioned of setting up a fund to assist the treatment of, support for and provision of help for people with this problem of gambling addiction. We can go so far with regulation, but at the end of the day this is an addiction and it needs to be looked at as a health issue.

Senator David Norris: I thank the Minister of State for his response.

Deputy David Stanton: On the issue of the gambling prevalence study, it was a Department of Health study and, I understand, an all-Ireland study. I cannot comment on its findings here, but my colleague in the Department of Health may do that at another time. A new study for 2018 to 2019 is being carried out that will update the study's findings which were published recently, and it is hoped that will be to hand pretty soon.

With respect to this legislation, it is more robust in updating the 1956 Act. The question of gambling institutions going underground, which was raised, is a matter for enforcement by the Garda. All gambling and lottery activities promoted will require a permit or licence, and that is provided for. The self-exclusion register was mentioned. That will be considered in the revised gambling control Bill. The Fianna Fáil Bill was a replication of the 2013 scheme. The debate on it at that time was useful, but I want to go much further than merely setting up an office in the Department of Justice and Equality. That is why it is taking time and the reason it is so complicated, because we want to do it correctly.

I thank Senators for their contributions. I am pleased, as I understand it, that people are accepting this legislation, which is important at this time. I commend the Bill to the House.

Question put and agreed to.

Committee Stage ordered for Tuesday, 23 April 2019.

Sitting suspended at 6.20 p.m. and resumed at 6.30 p.m.

Aircraft Noise (Dublin Airport) Regulation Bill 2018: Committee and Remaining Stages

An Leas-Chathaoirleach: I welcome the Minister, Deputy Ross, to the House after what I notice, from watching the screen, has been a busy day for him.

Section 1 agreed to.

SECTION 2

Senator Gerard P. Craughwell: I move amendment No. 1:

In page 6, between lines 8 and 9, to insert the following:

“ ‘Balanced Approach’ means both the International Civil Aviation Organisation’s (ICAO) agreed hierarchy of measures designed to reduce the adverse impact of aircraft noise on those living in the vicinity of an airport, described as ICAO’s ‘Balanced Approach’ and the recommendations for aircraft noise published in the World Health Organisation’s report Night Noise Guidelines for Europe 2018, produced at the request of the EU’s Environmental Ministers;”.

An Leas-Chathaoirleach: Amendments Nos. 1, 12, 14, 19 and 21 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Gerard P. Craughwell: I welcome the Minister to the House. This amendment seeks to create a balanced approach. Having been at St. Margaret’s at 5 a.m. and listened to aircraft coming and going, it is clear to me that the noise is horrendous. I am aware that there is a facility in place to purchase properties that are directly in the flight path. However, there is some question about how those properties will be valued. There is also an acceptance by the residents in the area that there has to be some noise, and they are willing to accept a change to the amendment that was made, namely, amendment No. 85 tabled by Deputy Clare Daly. They accept that that amendment would effectively close the airport. However, they are not prepared to accept the levels of noise envisaged going forward and are looking for a reduction in the proposed number of night flights.

We are trying to change the Bill so that it is in some way acceptable to our colleagues. The Minister will know that there are a number of amendments to be discussed tonight, and that the Government defeated a proposed amendment to the Order of Business in which we tried to stop the taking of Report Stage. We wanted this Bill to get proper scrutiny in the Seanad; that is the role of this House. Sadly, we do not feel that the Bill will now get the type of scrutiny to which the residents of the area are entitled and which the legislation deserves. That is disturbing, to say the least. In pushing through the Bill in this way, we feel that the democracy of legislation, and how legislation is guided through both Houses of the Oireachtas, has been compromised on this occasion. I appreciate that the Minister does not set out the timetable for Committee Stage or Report Stage, but when both stages are pushed together, leaving no time between Committee Stage and Report Stage to resubmit amendments, some of us are left with the feeling that this is no more than a charade. Many of us, and I will let others speak for themselves, feel that what we are going through here is a charade. Given the support of the Fianna Fáil Party for the legislation, we feel, frankly, there is no way that any amendment has any chance of being accepted by the Government side. Therefore, I wonder why I am standing here and what I am hoping to achieve. I will leave it at that for the moment.

Senator Niall Ó Donnghaile: Cuirim fáilte roimh an Aire. The Minister is welcome. Like Senator Craughwell, I would have much preferred a debate that allowed for a broad, appropriate and necessary scrutiny of these amendments and this legislation as it moves forward. As has rightly been acknowledged, that has nothing to do with the Minister and he does not set the clár for this House.

An Leas-Chathaoirleach: The Senator is speaking on the amendment.

Senator Niall Ó Donnghaile: I will come to the amendments very rapidly. Given the importance of the issue, this debate will be watched and all of the amendments will be followed and scrutinised closely, as will the positions of the various groupings in the Seanad. It became clear earlier this afternoon, when we sought to have the appropriate timescale given to this

debate, what some of them have chosen to do, and I am sure that will be noted, not least in the areas most impacted by this legislation.

Senator Craughwell has outlined the rationale behind amendment No. 1 very eloquently and I do not need to elaborate further. With regard to the grouping, amendments Nos. 12 and 14 are Government amendments which are essentially deletions of Deputy Munster's amendments on Report Stage in the Dáil. I understand why the Government would do it but I would have thought it would come in and offer a straight deletion, and not offer any kind of alternative or opposing view. It is just a bit of bad form. Obviously, as one would expect, we will be opposing amendments Nos. 12 and 14 at this Stage.

Senator Kevin Humphreys: I welcome the Minister to the House yet again. Senator Craughwell outlined the concerns of the local residents in regard to the noise element. We understand it is the development of an international airport. However, the members of the local community have been quite reasonable and they are really looking for safeguards which are covered by these amendments.

As has been outlined, amendments Nos. 12 and 14 are disingenuous, given the manner in which they are being put forward. In effect, what we are seeing this evening is a guillotine. I had hoped to have a debate and discussion with the Minister on many of the amendments.

An Leas-Chathaoirleach: There is no time limit on the debate.

Senator Kevin Humphreys: If the Chair will let me get there, I will explain where I am going with this.

An Leas-Chathaoirleach: The Senator mentioned the word "guillotine".

Senator Kevin Humphreys: There is technically a guillotine that Fianna Fáil facilitated earlier today. I had not meant to put my amendment to a vote. What I wanted to do was hear the Minister's response and possibly put in additional amendments on Report Stage but I am being excluded from that. What we have this evening is a veneer of democracy that has been facilitated by Fianna Fáil. As a matter of fact, Fianna Fáil has even facilitated this Bill going back into the Dáil on Thursday so the full expectation is that this will be rammed through tonight. I do not intend to give this Bill the credibility of saying it was properly scrutinised in the Seanad because, given the manner in which it is going to go through tonight, it has not been. We will not have an opportunity to table amendments on Report Stage and we can only deal with what is in front of us.

I will support the amendments of my colleagues. I disagree with the manner in which amendments Nos. 12 and 14 have been dealt with in the proposals. I am disgusted by the manner in which this is being rammed through the House.

Senator David Norris: I welcome the Minister back to this House, where he previously distinguished himself. I am also concerned at the undermining of democracy by the intention to take all Stages today. That leaves us no time whatever for submitting amendments on Report Stage and this is obviously a curtailment of democracy, of which I very strongly disapprove.

Amendment No. 1 states:

“ “Balanced Approach” means both the International Civil Aviation Organisation's (ICAO) agreed hierarchy of measures designed to reduce the adverse impact of aircraft

noise on those living in the vicinity of an airport, described as ICAO's 'Balanced Approach' and the recommendations for aircraft noise published in the World Health Organisation's report Night Noise Guidelines for Europe 2018...".

This was produced at the whim or instruction of the environment Ministers of the EU. It is worth putting on the record of the House exactly what the World Health Organization report states in this regard, namely: "For average noise exposure, the GDG strongly recommends reducing noise levels produced by aircraft below 45 dB [...] as aircraft noise above this level is associated with adverse health effects." The Minister may not recollect this but I put on the record the last time that the difference between 45 dB and 55 dB is not just a 10 unit increase but a massive increase, and when one gets to 60 dB, it is vast and is about 16 times what is recommended. The report continues: "For night noise exposure, the GDG strongly recommends reducing noise levels produced by aircraft during night time below 40 dB [...] as night time aircraft noise above this level is associated with adverse effects on sleep." Therefore, it is a health issue. It continues:

To reduce health effects, the GDG strongly [I emphasise that it states "strongly"] recommends that policy-makers implement suitable measures to reduce noise exposure from aircraft in the population exposed to levels above the guideline values for average and night noise exposure. For specific interventions the GDG recommends implementing suitable changes in infrastructure.

One of the people from whom I received the text of this report is a resident in the area affected by high levels of noise and he and his family have been living there for some time. He said that while the lowering of the limits may have some consequences for the DAA and the management of air traffic at the airport, it is imperative that the health and well-being of the communities living close to the airport are fully considered. He points out he is a local resident and father of a young family who already experience sleep disruption from aircraft noise on an almost nightly basis. This is the lived experience of people in this area. This man has to cope with children who are unable to sleep because of the noise of the aircraft. He says he finds the rather disingenuous, unbalanced and frankly arrogant approach taken thus far by the Minister, Deputy Ross, the DAA and their supporters in regard to the new runway and this Bill very unsettling indeed.

I would like to point to another of the amendments that is included in this group, amendment No. 12, which states: "In page 11, to delete lines 2 to 4." This relates to section 9(2)(c). Section 9 reads as follows:

(1) The competent authority shall ensure that the noise situation at the airport is assessed in accordance with the European Communities (Environmental Noise) Regulations 2018 (S.I. No. 549 of 2018) and the Environmental Noise Directive.

(2) The competent authority shall ensure that the Balanced Approach is adopted where a noise problem at the airport has been identified and, to that end, shall further ensure that, as appropriate.

What the Minister is seeking to delete, at section 9(2)(c), is the following: "the likely effect of the identified noise mitigation measures and operating restrictions (if any) is thoroughly evaluated in relation to its projected impact on the well-being and health of local residents;". Can a responsible Cabinet Minister bring to this House an attempt to remove something that

deals with the health and well-being of residents? This is an astonishing thing to do. I want the Minister to explain what it is that is wrong with this paragraph that requires deletion. Surely we want the maximum information in this area. We are looking for facts. We are looking to understand what is the situation on the ground for these residents.

I strongly oppose amendment No. 12 which is absolutely disgraceful. I do not understand how a Minister can have so little regard for the health and well-being of constituents. I will be very surprised if Fianna Fáil does not come on board on this issue because I know that Senator Mark Daly who is here representing his party made all kinds of promises to the people of St. Margaret's about what he would not do and all the rest. Let us see some action by him.

Senator Máire Devine: I wish to speak to the amendments to which I am a co-signatory, particularly amendment No. 21. Who is the Minister to take away the well-being and health of local residents at the stroke of a pen and absolutely dismiss their distress, physical and emotional health and well-being? In so doing he is ignoring the World Health Organization guidelines on noise, particularly at night. Amendment No. 21 is a no-brainer. It states, "The competent authority shall direct the airport authority to ensure that average noise exposure at night is reduced below 40dB Lnight, such levels to be revised in accordance with WHO guidelines". Does the Minister believe the WHO guidelines are incorrect? Does he think the WHO put them in place for the good of its health? It certainly put them in place for the good of communities such as those which surround Dublin Airport. I met the residents of those communities. They are red-eyed, weary and on sleeping tablets. Their children are driven demented at night and sick for school during the day. They have no peace. One's home is one's castle. It is the place where one goes for rest, quiet and recuperation and to feel secure. That is not the case in communities surrounding Dublin Airport such as St. Margaret's, The Ward and other areas, the representatives of which have contacted Sinn Féin on this issue.

I will not give the Minister a bye on this issue and certainly will not give a bye to Fianna Fáil. I do not know what it was doing. Where are its Senators? What were they doing when they voted against a Sinn Féin amendment to the Order of Business by electronic means and in a walk-through vote? Then they did not know what they were doing when agreeing to the Order of Business. First they first voted "Níl" which suddenly became "Tá". Shame on them.

The Minister is rushing the Bill through. Much legislation that originates in the Seanad is delayed and kicked down the road. However, in this case the Minister is upping the ante and we, as legislators, have no choice but to go along with it because the Minister, Fianna Fáil and Fine Gael have decided that the Bill must be rushed through against the norms and values of democracy. The people own the country. The Minister is not respecting that fact. I am not sure why he is pushing the Bill through. I can only hazard a guess at his motivation.

An Leas-Chathaoirleach: I wish to correct the Senator. As she is aware, the House decided to take Committee and Remaining Stages of the Bill today.

Senator Máire Devine: I stand corrected in that regard, but I still think we are doing democracy a disservice. We are also doing a disservice to the residents who live in the areas surrounding Dublin Airport and the future generations who will be affected when the airport wishes to bare its teeth and expand further, which will lead to further noise infiltration to the surrounding area. Shame on the Minister. I am aghast that Fianna Fáil has only one Senator in attendance and is allowing this legislation to be progressed without standing up for democracy and the well-being of communities in that area.

An Leas-Chathaoirleach: Does Senator Craughwell wish to make an additional point on this group of amendments?

Senator Gerard P. Craughwell: I went to St. Margaret's at 5 a.m. to meet residents of the area. I listened to aircraft taking off every three to four minutes. I discussed issues such as sleeplessness and children finding it difficult to find comfort. The people of St. Margaret's are genuinely decent and have concerns for their own welfare, but they also understand the Minister's need to develop Dublin Airport. For example, they understood amendment No. 85 tabled on Report Stage in the Dáil would, by restricting the decibel average to 40dB by night and 45dB by day, make the airport unworkable. They were prepared to adjust their thinking on that issue. They were anxious to meet those involved in making the decisions. I understand the Minister met some of the local communities. Clearly, the people of St. Margaret's believe there has not been enough engagement with them.

I stood on the lawn of a resident's house listening to aircraft taking off. It is horrendous to be under an aircraft when it takes off. The house was relatively well insulated, with good double-glazed PVC windows and so on. We were standing in the sitting room of the house and in the middle of a conversation when one very big jet took off. While it was passing over the house, I could not hear the person who was speaking to me. More importantly, one of the residents had a decibel measuring instrument which hit 89dB while the aircraft was taking off. I understand the 45dB or 40dB requirement is an average over time.

Dublin Airport is about to become a hub. There is no doubt that British Airways which bought out Aer Lingus intends to use Dublin Airport as such because it has clearance for transatlantic flights. Travellers from the east could land at a hub in Dublin and fly straight back out to travel to the United States. A hub involves aircraft arriving and taking off very early in the morning in order to meet the turnover requirements. As Members are aware, there is a desire for aircraft to be on the ground for the minimum period. An aeroplane flies in and no sooner have the passengers disembarked when it turns around and flies back out again.

The noise levels at Dublin Airport are intolerable. I could not live in those conditions. There must be further engagement and I am deeply disappointed that that has not happened. As I stated, the Minister has no control over the ordering of business in the House which took its own decision today. Some Senators opposed the Order of Business and tried to amend it.

An Leas-Chathaoirleach: Correct.

Senator Gerard P. Craughwell: We did not succeed in that regard. I have spoken to the Minister about these matters and found him to be reasonable. If Committee Stage were to take its normal course, we might have an opportunity to make viable changes to the Bill. However, the coalition of Fianna Fáil, Fine Gael and the Independent Alliance has decided that the Bill is going through. I fully appreciate the desire of the Government to push the Bill through, as it must look after the development of Dublin Airport. I do not criticise it in that regard. However, Fianna Fáil needs to state where it stands on this issue. Will it vote against each amendment on the clár? If it intends to do so, let us stop trying to pretend that this is a democratic choice; rather, let the Bill go through and allow those who will go before the residents of St. Margaret's in the next election to face the music for the decision taken tonight. We need to know where Fianna Fáil stands. I, therefore, ask Senator Mark Daly who is present to set the record straight.

An Leas-Chathaoirleach: Does Senator Norris wish to make an additional point?

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Senator David Norris: I was astonished to learn in the course of this debate that houses were still being built in this area. What, in the name of God, are the planning authorities doing in allowing the building of houses where they know that there are risks to health? I find it astonishing and condemn the planning authorities for allowing such development. It is a disgrace that they have allowed it to happen.

I referred to amendment No. 12. Amendment No. 14 is more direct and explicit in completely undermining any consideration of the impact of aircraft noise on health.

7 o'clock The Minister proposed deleting section 9(12)(f) which provides for “an assessment of the impact of the decision on the well-being and health of local residents”. This completely undermines any consideration for the health and well-being of residents. It is astonishing. What is Fianna Fáil’s attitude to this?

An Leas-Chathaoirleach: Its Members will have their turn.

Senator David Norris: It is legitimate for me to ask what the Fianna Fáil position is on this. I would also like to know what Senator Reilly’s position is on this as he is a medical doctor. Has he no care at all for the health and welfare of the-----

An Leas-Chathaoirleach: Members can speak for themselves.

Senator David Norris: I wish they would. They have been silent so far.

An Leas-Chathaoirleach: Everybody will be allowed the opportunity.

Senator David Norris: Let us have them up on their feet.

An Leas-Chathaoirleach: Thank you, Senator.

Senator David Norris: I find it quite extraordinary that a Minister would attempt to remove an assessment of the health and well-being of local residents. That is breathtaking.

I do not suppose there is anybody from the media watching this debate. I wish there was. I wish they would put on the front page of the newspapers and in the radio columns that the Government, along with this Minister, aided and abetted by Fianna Fáil, are determined to obviate and neglect the health and well-being of local residents. I find that absolutely astonishing.

Senator Niall Ó Donnghaile: I agree with Senator Craughwell on the votes which transpired today and the shameful stance from Fianna Fáil. I also agree that some of its Members’ faces will be reddened when they face communities in that area.

This goes beyond electoral politics, however. We are talking about children in their beds. Senator Norris outlined the instance of a young family. These are caregivers who are not getting the proper respite, sleep and rest they need. There are people whose working lives are being disrupted, who must get up early in the morning to contribute positively to the life of the State. I hope the residents send Fianna Fáil a message because it has sent the residents a message tonight through its shameful actions. Fianna Fáil does not give a damn about the residents’ health and well-being.

Like Senator Norris, I cannot understand why there could be any issues with amendment No. 21. I hope Members will support it, not least the Government Members and their colleagues in Fianna Fáil. It states “The competent authority shall direct the airport authority to

ensure that average noise exposure at night is reduced below 40dB ..., such levels to be revised in accordance with WHO guidelines.” That provides an opening, wriggle room and an opportunity to revise and reassess these requirements should that be the case. That is the kind of space one must create for engagement with all of the key stakeholders, not least the residents affected. That is what the amendment seeks to do.

On a much lesser scale, I live a five-minute drive from Belfast City Airport. I know what it is like to have flights going over the top of one’s house late into the evening and early into the morning. I despair for the Dublin Airport residents facing the incomprehensible approach being taken to this legislation by Fine Gael and Fianna Fáil. Not only are they in for more of the same but potentially they are in for worse if we do not get the opportunity to appropriately and adequately scrutinise this legislation, as well as amend it as necessary.

Senator James Reilly: I want to respond to some of the issues raised, in particular those about trying to get this Bill through quickly to ensure we can appoint a noise regulator which everyone wants, in particular the people of Fingal.

Members have also spoken about the health and well-being of the people of Fingal. There are 19,000 people directly employed by Dublin Airport, of whom 80% live in Fingal. Their well-being is contingent on the airport operating. There are 47,200 people in total in Fingal who are employed as a result of the economic activity which goes on at Dublin Airport. There are 98,000 people, outside of the original 19,000 people, who are indirectly employed as a result of activity at Dublin Airport.

Senator Craughwell has been straight in talking about his visits to St. Margaret’s where the people acknowledge that, if we were to follow Senator Ó Donnghaile’s suggestion of having it lower than 40 dB, then the airport could not operate.

In his previous contribution on Second Stage, Senator Norris referred to a letter written by Fingal County Council in which it questioned its suitability to be the noise regulator.

Senator David Norris: Yes.

Senator James Reilly: He rather disingenuously ignored a further letter from the council several months later.

Senator David Norris: It was a political direction.

Senator James Reilly: It clearly outlined that it was satisfied and perfectly able to do the job.

Senator Máire Devine: On a point of order, this has nothing to do with the amendment.

Senator James Reilly: I did not interrupt Senator Devine.

Senator Máire Devine: Senator Reilly is not speaking to the amendment.

Senator James Reilly: I am.

An Leas-Chathaoirleach: It is not a point of order.

Senator James Reilly: Fingal County Council was quite satisfied it was in a position to carry out the job.

Senator David Norris: There were two completely contradictory statements. The latter was given after political pressure was put in it. That is interesting. Gombeen politics.

Senator James Reilly: Senator Norris is a great believer in democracy when it suits him. He is not such a strong supporter when it does not.

A Senator: Senator Reilly should withdraw that.

Senator James Reilly: I will not withdraw it. Senator Norris shouts down and interrupts everybody from whom he has a different opinion. He cannot allow people to speak.

Senator David Norris: So does Senator Reilly.

Senator James Reilly: No, I do not.

Senator David Norris: I do not care a damn what he says.

Senator James Reilly: I did not interrupt the Senator once during his contribution tonight but he has interrupted me three times.

Senator David Norris: The Senator was certain.

Senator James Reilly: As we are speaking to the amendment on noise and decibels, 30 dB is whispering at a distance of 1 m, while 40 dB is the average office environment or living room. Others have compared it to the noise of a babbling brook.

Senator Niall Ó Donnghaile: Would the Senator like to try to sleep with that noise?

Senator James Reilly: A noise level of 50 dB is the interior of car at low speed while 60 dB is a normal conversation at a distance of 1 m. I do not think I am shouting here.

Senator David Norris: Will the Senator give us the source of these statistics?

Senator James Reilly: I have just put my hand over the microphone. I am sure Senator Norris can still hear me perfectly well. He is suggesting Dublin Airport, however, cannot operate with noise levels over 45 dB.

Senator David Norris: Will the Senator give us the source of these statistics?

Senator James Reilly: I made it very clear to the Senator that if that level of noise were applied to Frankfurt Airport, in which there are 894 flights per day, it would be reduced to about ten flights a day.

At least Senator Craughwell was honest in his contribution and what reasonable people understand. If one wants to make specious arguments, speaking to guidelines which are not standard or a legal requirement anywhere in the world - the report itself spoke about the evidence being thin on the ground - then so be it. In the meantime, to those who are concerned about the health and well-being of the people of Fingal, some consideration should be given to them-----

Senator David Norris: Why is the provision for the health and well-being going to be removed from the Bill?

Senator James Reilly: This is the fourth time I have been interrupted. I suppose empty vessels make the most noise and not just aeroplanes.

I fully support the Minister's amendments. I will support the removal of amendments which seek to render Dublin Airport and all those who work in and around it redundant.

Senator Niall Ó Donnghaile: At least the Senator is talking about his intentions.

Senator Gerard P. Craughwell: I just want to play something from my mobile phone.

An Leas-Chathaoirleach: Hold on. It is not appropriate to play something on a mobile phone.

Senator Gerard P. Craughwell: It is highly appropriate.

An Leas-Chathaoirleach: It is not.

Senator Gerard P. Craughwell: We should hear-----

An Leas-Chathaoirleach: No, the Senator cannot.

Senator Gerard P. Craughwell: It is highly appropriate that we should hear what a normal sitting room conversation sounds like at 60 dB or at whatever number of decibels I measured it at.

An Leas-Chathaoirleach: I am sorry, but I am afraid the Senator is not in order. I am advised that it is not in order.

Senator Gerard P. Craughwell: I could play for Senators-----

An Leas-Chathaoirleach: The Senator can play it outside, but I cannot allow him to do so here.

Senator Gerard P. Craughwell: I could play for Senators the sound of the jets flying over a house.

An Leas-Chathaoirleach: Only Members may contribute to the debate.

Senator Gerard P. Craughwell: I accept what the Leas-Chathaoirleach says and accept his ruling.

An Leas-Chathaoirleach: I thank the Senator.

Senator Gerard P. Craughwell: I acknowledge that Senator Reilly has deep concern for the residents of the area in which he lives and those who work at Dublin Airport. I am concerned about the 19,000 who have jobs there. I am also concerned about the future of the airport. I am trying to balance my concern for the jobs at and the commercial interests of the airport with the interests of the residents of the area. I acknowledge that I am not 100% satisfied that we have taken on board the interests of what is a relatively small group of people in St. Margaret's. However, we cannot allow commercial interests to trump people's daily lives. I have been there and listened to the noise. It is not possible for someone to stay asleep in his or her bed at 5 a.m.; he or she is wasting his or her time pretending he or she can.

There are options on the table and the Minister has put more on it. The subject of one of my concerns, for example, is those who decide they want to sell their property and move to a quieter environment. We need to ensure the valuation available to them will not be based on the property in which they are sitting but on a comparable property perhaps 20 km away valued at

the same value plus 30%. To my mind, that would be fair. If I were to value a property in St. Margaret's in the morning, I would discount it by 70% or 80% on the basis that aircraft fly over it every few minutes. Things can be done.

I agree with my colleague. It is inappropriate to simply pull out amendments that have already been passed or reject amendments. Amendment No. 21 deals with the competent authority. There is suspicion about Chinese walls in Fingal County Council which is picking up €29 million in rates from Dublin Airport every year. Astronomical rates are brought in from the larger industrial area around the airport. From that point of view we cannot accept that Fingal County Council should be the competent authority to assess noise levels. I know that the Minister has been around the houses on this issue and think his back is to the wall on it. He must accept some other body as the competent authority, but can he suggest any other body that could be the competent authority? I want to try to meet him half way and do not want to impede the passage of the Bill. I know that I cannot do so because Fianna Fáil is onside. I would dearly like to know how much faith we can put in the competent authority. I am not sure we can put any in it.

Senator Máire Devine: I give credit to Senator Reilly for standing up for the people in the area in which he lives. He has made what he believes is the correct decision, obviously in support of the Government, which is more than Fianna Fáil has done. I refute the notion the Minister outlined in his first contribution that we have no interest in jobs and the ripple effects on the economy from the airport. That is disingenuous, if that is what he is saying, and that is partly how I interpreted it.

As Senator Craughwell said, what is the priority? Is it jobs at any cost or is it the health and well-being of communities, including their economic health and well-being? They need to be at the forefront. Rushing the Bill through makes a mockery of any discussion on how we can provide for the health and well-being of communities, including their economic health, because people need money in their pockets to be well and afford things to keep them in their community and happy.

Senator Craughwell mentioned that different solutions had been offered, as is the case in dealing with issues of homelessness, relocation and so on. It seems, however, that the Government wants to plough through with everything and allow no time to take a breath to understand what is happening in communities, with which we have sat down to listen to them. Fair play to Senator Craughwell who went to listen to the noise levels in the area. I do not know who else here has done that or who else has tried to get the Minister's ear. However, he has decided against the odds to push the Bill through, which is shameful.

Senator David Norris: I mean this in a non-contentious way, but I would like to ask Senator Reilly, through the Chair-----

An Leas-Chathaoirleach: I am trying to avoid going around. I am anxious to hear the Minister. Of course, the Senator is entitled to have his say and can ask a question through the Chair, but Senator Reilly does not need to answer it.

Senator David Norris: No, but obviously his silence would be revealing.

An Leas-Chathaoirleach: I respectfully say always trying to bounce off each other is not very helpful.

Senator David Norris: No, but Senator Reilly has given certain statistics.

An Leas-Chathaoirleach: The Senator is quite entitled to make his point.

Senator David Norris: I am challenging Senator Reilly to say from where they came. What are they? I can scarcely believe - in fact, I cannot believe - 40 dB is like whispering or that 60 dB is the average noise level in an office. I do not know what office the Senator inhabits, but it must be absolute bedlam if there is a constant noise level of 60 dB. I just do not understand it. I would genuinely like to know from where this information came because it sounds to me very like what that ghastly American President calls fake news. I do not believe it. I would like to know if it comes from a serious authority. Is there some weight behind it? Do they actually know what they are talking about? Who are the specious authorities the Senator so cavalierly floats in front of the attention of Seanad Éireann?

Senator Kevin Humphreys: I have listened to the contributions of many Senators and also spoken to Deputy Brendan Ryan about the matter. What hits me in the debate on the amendments is the utter and total breakdown in trust in the local community which extends further than St. Margaret's. People from Baldoyle and Portmarnock have also contacted my office. There is something rotten about this. I live in the city centre where there have been major infrastructural undertakings. Often when there is a sense of fear, there is a breakdown of trust and less willingness to have give and take. We should not just make economic arguments. The economic arguments were made about tobacco smoking and the Public Health (Alcohol) Bill. Members spoke about the effects of job losses and what would happen to communities when they lost jobs.

Senator David Norris: And about the Gaming and Lotteries (Amendment) Bill.

Senator Kevin Humphreys: The same is true of that Bill. There is a fundamental lack of trust. I have a skin in the game because I have a son who works at Dublin Airport. We need to recognise the indigenous community that has been there for a long time. We need to build trust with that community in order that when regulation is brought forward, it will be obeyed, recognised and monitored. From the very beginning we have seen that there has not been that trust. The manner in which the Bill is going through the House does not really say to people: Trust us, you will get a proper hearing and a proper debate because we are not going to get that in this House this evening. The Bill will be rammed through. My intention is to speak on section 3, on which we have tabled an amendment on the competent authority.

I think there is a fundamental problem of trust, in and around the airport.

Senator James Reilly: I wish to respond to Senator Norris.

Senator David Norris: I thank Senator Reilly.

Senator James Reilly: I appeal to him to listen on this occasion-----.

Senator David Norris: I am listening.

Senator James Reilly: -----rather than interrupting.

Senator David Norris: I could not interrupt the Senator.

An Leas-Chathaoirleach: All Members will speak separately. I am anxious to hear the

Minister, but Senator Reilly is in possession.

Senator James Reilly: I am anxious also and I do not wish to delay the Bill. If one checks the record of this House, Members will find that what I said was whispering at a distance of 1 m is around 30 dB, that the average office environment and living room was 40 dB not 60 dB and that normal conversation at a distance of a metre can be up to 60 dB. Let us keep to the facts of what I said rather than trying to attribute misinformation.

Senator Niall Ó Donnghaile: Will Senator Reilly state his sources for the record?

Senator James Reilly: I do have not them here in front of me, but I can get the sources.

Senator David Norris: Yes.

Senator James Reilly: I am as interested in people's health and their hearing being protected as anybody else. I thank Senator Devine for her contribution. She is known to be interested in mental health and she knows that mental health does not thrive when people lose their jobs. I am not purely focused on economic activity rather on a balanced approach that allows a regulator - and we are not speaking to the amendments around the new regulator, so I will not go there - set what are realistic, practical, pragmatic and safe levels, given the technology we have, without going to the extreme of going on one specific piece of information from guidelines from the WHO, for which I have nothing but the highest admiration. The WHO itself speaks to the thin spread of information around this, which for much of the time is subjective and that is a fact, nonetheless a very disturbing one for those who suffer from that fact. We have to have a balanced approach. We will have some people who will be very happy and thousands of jobs will be lost. It is not a case of either-or; we need a balanced approach that allows the new regulator to be appointed to address all of these issues and ensures that we as a Government and a people, nationally and internationally, encourage the development of quieter aircraft and better insulation in houses etc.

A point made by Senator Norris with which I agree is that it does seem astounding that people are granted planning permission to build houses within the contour that is known to be a very high noise area. The contour by the way has been reduced considerably in recent years by the fact that aeroplanes have become considerably quieter in the past 40 years.

Senator David Norris: I wish to make a comment. The record now shows that Senator James Reilly was unable to furnish the House with details of the source of his statistics.

An Leas-Chathaoirleach: I think he said that he did not have the information with him.

Senator David Norris: Yes, exactly, he was unable to provide them. That is exactly what I said. We do not need a gloss.

An Leas-Chathaoirleach: We will not get into an argument. I call the Minister.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank all Senators who contributed to this section.

Senator Máire Devine: Especially the one who did not.

Deputy Shane Ross: The debate is extremely constructive and I share - and I have been through this for a long time now - their concern about the residents. Forgive me if I said this

on Second Stage because I have debated this so often that I am not quite sure when I am repeating myself, but I have met residents from every group that has sought to meet me. I am not sure that I met the residents from St. Margaret's but I certainly met a group at the request of Senator Clifford Lee and Deputy Darragh O'Brien. Deputy Clare Daly asked me to meet a group of Travellers. I have agreed to meet groups at the request of Opposition and Government Members and will continue to meet them, if they feel that is useful. That was long before the noise regulator was finally chosen. This is constantly a problem and does not let us compete for sympathy with people who are confronted by this problem because everybody feels that. The problem has to be resolved and it will never be resolved in a way which is utterly satisfactory to everybody. That would be impossible.

I applaud the fact that Senator Craughwell went out to visit residents out at the airport. That is not some sort of phoney bombast that is produced in this House and the other House from time to time. He went out and found that he empathised with the residents and indeed came in and pleaded their case in this House. He said that it may not be effective or it may, but I cannot prejudge that, but there is a real case to be made for the residents who find themselves victims of noise which they find intolerable. I, as Minister, have to balance as everybody in this House does, that fact with the need to keep the airport open. It would be utterly crazy if I, as Minister, were to say that the interest of a very small minority merits an airport being closed or being unable to operate. My duty then is to the residents to alleviate the problem as much as possible to ensure that it is not excessive and to compensate them when they are in a situation which is very difficult for them to deal with. That is what we have tried to do in this Bill. I know there are justifiable criticisms on behalf of the residents and I thought the contributions from Sinn Féin were authentic and very sincere as was that of Senator Humphreys but they have to understand, and I think they do understand, that this is a matter of common sense, that we have to keep the airport open and what Senator Reilly said is absolutely true. He is a doctor, he understands health better than anybody in this House but to say that the actual decibels in this case are not acceptable would have an effect on the airport which would detrimentally affect the economy of the country, the neighbourhood and indeed the DAA which, for all its faults, employs one of Senator Humphreys's children and is operating a very successful airport, which we must keep open. We are determined that we should do so and it is the key to economic prosperity, it is a key to a great many tourists coming to this country and is something that must be given consideration and must not be treated in any *flaithiúlach* way. I do not suggest that any Senators are doing that and I respect fully what all Senators have said this evening but they have also to respect the fact that the Minister cannot be expected to take measures which would have such an effect on the economy that it could be utterly disastrous. We have to listen to voices of moderation and that is why we have appointed a regulator. Those who criticise the regulator will have to realise that some of his terms of reference are mentioned quite frequently in EU regulation No. 598/2014. Let me quote:

(11) The importance of health aspects need to be recognised in relation to noise problems, and it is therefore important that those aspects be taken into consideration in a consistent manner at all airports when a decision is taken on noise abatement objectives, taking into account the existence of common Union rules in this area. Therefore, health aspects should be assessed in accordance with Union legislation on the evaluation of noise effects.

Health is not being ignored at all, it is a very important part of the equation. We could debate forever what the acceptable decibel rate is, but we will leave that to the regulator and not to ourselves or anybody else. I acknowledge the concerns.

I would like to make it absolutely clear that the assessment of the health impact of aircraft noise is an integral part of this Bill. This Bill and the EU regulation underpinning it requires the noise regulator to take full account of existing EU law on health. It is important that this House understands that the issue of measuring and monitoring the health impact of aircraft noise has been discussed at length at each Stage of this Bill so far, and rightly so. It is a hugely important issue and local residents are entitled to understand what is in this Bill to protect their interests, including on the control of noise and its impact on their health.

Let me quote directly from Regulation 598, which underpins this Bill and applies fully in Ireland. Article 1(2)(a) of the regulation states that the purpose to the regulatory framework that Fingal will roll out is: “to facilitate the achievement of specific noise abatement objectives, including health aspects, at the level of individual airports”. The regulation also states:

The importance of health aspects needs to be recognised in relation to noise problems, and it is therefore important that those aspects be taken into consideration in a consistent manner at all airports when a decision is taken on noise abatement objectives, taking into account the existence of common Union rules in this area. Therefore, health aspects should be assessed in accordance with Union legislation on the evaluation of noise effects.

It is there in the directive - health is important. Health must be taken into account.

The Bill also makes specific cross-reference to the 2002 environmental noise directive and the 2018 environmental noise regulations, which leaves no doubt that these EU laws apply to the work of the noise regulator too. This reference was an amendment made on Report Stage in the Dáil following representations from Deputies Troy and Darragh O’Brien. Again, let me quote directly. The environmental noise directive and its updated implementing regulations from 2018 set out “a common approach within the European Union intended to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise”. By harmful effects, the directive means “negative effects on human health”. This is unequivocal.

As regards the amendments put forward by Senators to introduce changes to definitions and specific noise thresholds, I cannot accept them. These amendments would not have any practical effect on how the noise regulator will incorporate the assessment of health into its decision-making. It would have the effect of unilaterally amending what has been agreed at the UN’s International Civil Aviation Organisation, ICAO, and included in EU regulation. I am sure that it is well intended but it is not something that we can allow to pass into Irish law. Similar amendments have been proposed by Dáil Deputies at various points through the Committee and Report Stages of this Bill, which I have explained are not appropriate because they have the effect of amending an EU regulation. As we all should know, the national parliament of a member state is not able to amend an EU regulation. EU regulations are made and amended at EU level, through the EU institutions of which Ireland is a part, namely, the Commission, the Council and the European Parliament. I am sure this is not a deliberate attempt to cut across EU law but that is what this amendment does.

The main responsibility of the noise regulator is to adopt the balanced approach, as agreed at UN level and written into EU law, which entails undertaking an analysis of the various measures available to reduce noise through the exploration of four principal elements, namely, noise reduction at source, land-use planning and management, noise abatement operational procedures and operating restrictions as a last resort. It is not for Ireland to redefine the entire

balanced approach process. The focus of Regulation 598 is to apply the balanced approach when a noise problem is identified. This is set out in Recitals 3, 4, 9, 14 and 18 of the regulation. It is also set out in Articles 1, 2, 5 and 6 of the regulation. It is simply not permissible in national law to redefine the meaning of the balanced approach as set out in the EU regulation.

With regards to the proposed amendment to introduce a specific, fixed decibel limit for night-time, this too runs contrary to existing EU law. First, on a matter of principle, it undermines the principal policy objective of the Bill, which is to establish an independent noise regulator that will make evidence-based regulatory decisions based on technical assessments and public consultations. It is not appropriate that primary legislation includes a fixed threshold that in effect undermines the independence and expertise of the new regulator. That is what the regulator is for. A similar amendment was passed in the Dáil on Report Stage. That needs to be rectified because to allow the Bill to pass with these provisions included would be legally unsound. I am advised that inclusion of any specific threshold in the Bill amounts to the introduction of an operating restriction and, as such, is in direct contravention of everything EU Regulation 598 is trying to introduce. Government Amendment No. 19 will be moved later in the debate to remove specific reference to these guidelines, which were inserted on Report Stage in the Dáil.

It is not a question of whether the guidelines of the World Health Organization are right or wrong, rather it is about what is possible to implement, and in what timeframe and at what cost. These are all of the things being considered at EU level as part of the review of the 2002 environmental noise directive, which includes consideration of how to treat and reflect the WHO guidelines. I cannot stand over a Bill that pre-empts decisions about future EU regulations and directives on environmental noise.

Senator Mark Daly: I will comment on the point on which the Minister concluded. It is the issue in terms of the grouped amendments that includes amendment No. 21. It is very unusual to insert a specific figure in primary legislation, as the Minister has outlined, and that is why we are not supporting the particular proposal, along with the issue of the balanced approach report, the EU legislation and laws around that, and the rules of the World Health Organization. As Members will be well aware, discretion is given to authorities, as we are setting up in this, to regulate noise control and the levels of noise. As we all know, new information and facts become available. Like Senator Norris, I would be interested to hear from where Senator Reilly got his information.

Senator Kevin Humphreys: That is within the Sinn Féin amendment

Senator Mark Daly: As we all know, putting a specific number into primary legislation is very unusual.

Senator David Norris: Nonsense.

Senator Kevin Humphreys: Senator Mark Daly should read the Sinn Féin amendments.

Acting Chairman (Senator Diarmuid Wilson): Senators, please. Senator Mark Daly, without interruption.

Senator Mark Daly: The Minister pointed out the issue of EU directives.

Senator Kevin Humphreys: I urge the Senator to read the Sinn Féin amendments.

Senator Mark Daly: Nobody has addressed why these amendments comply with that.

Acting Chairman (Senator Diarmuid Wilson): Senators, without interruption please. Senator Craughwell can now make his case.

Senator Gerard P. Craughwell: I rise to support something Senator Reilly said a little while ago when he gave us some examples of decibel measures. For example, he said that leaves rustling on the ground is 20 dB. He rightly pointed out that a busy office would have a 60 dB sound level. The interesting figure for me is that a typical aircraft, at 3 miles post take-off, has a decibel rating of 90 dB. Three miles beyond the airport an aircraft flying over one's head will give a blast of 90 dB. Imagine what it is like if one lives 250 yd. or 1 mile from the runway. If it is 90 dB at 3 miles, then the noise level must be considerably higher at the point of take-off or in the area surrounding St. Margaret's. I cannot speak about anywhere else in Fingal. I can only speak about the place that I was in and I do know that the sound was horrendous.

I fully support the development of Dublin Airport. I have concerns about the noise regulator, which I have voiced several times already. I am seriously concerned about the residents on the ground and the insulation of houses to prevent noise. We cannot have people living in glass boxes. We cannot seal houses to the point where the inhabitants can never open their windows or have a barbecue in the back garden, the sorts of things that we enjoy in our own areas. We cannot force people into a situation where people are locked into a house. The alternative for people who are totally unhappy with the noise levels, which is already available, is to move from the area in what could be a very generous buy-out but I am not so sure it has the level of generosity that one would expect. My issue is as follows. Where is the benchmark to value the property if somebody has to move? Is the property to be valued by an auctioneer who is going to discount based on the fact that it is in a flight path, or is the benchmark within 20 km, far enough away to say that the sound would not impact on the value of the property? Maybe I am picking it up wrong but I think the Minister understands we are dealing with people who are several generations in the same place. All of a sudden, a commercial development has totally disrupted their lives. That goes back to something my colleague, Senator Humphreys, said about trust, engagement and being able to reassure people. Even at this late stage, if there is a small cohort of people in St. Margaret's who have not been met, they need to be met. We need to find a solution for them. The Bill is going to be rammed through tonight whether we like it or not. That is not the Minister's choice and I accept that. That is the Order of Business of the House as it was laid down today. The Minister has interest and care for his fellow human beings. If this Bill passes tonight, can we be guaranteed that the people in St. Margaret's are going to have engagement with the Minister and his officials to find a solution? I am full of foreboding that we are not going to have any impact on this Bill. I am asking for an assurance to the House that there will be engagement with those residents and that every effort will be made to resolve the issues they have. It is the human thing to do and the right thing to do. Any caring Government will want to do that. I accept that we are not going to impact this Bill tonight but I want to know we are going to deal with the residents in a fair and equitable way.

Senator David Norris: The Minister quotes from an EU directive which is outside his remit and to which, as far as I know, he made no contribution whatever. This EU directive suggests that there should be consideration of health, which the Minister is removing from the Bill. These are the very aspects that he is removing from it. I do not regard Fingal County Council as an appropriate regulatory authority at all. There is a clear conflict of interest. This directive suggests it should consider health but the Minister has removed the section that provides for an assessment of the impact of the decision on the well-being and health of local residents. How can they properly consider it when they are deprived of an assessment? It is expecting them to

make bricks without straw. They cannot do it. I do not accept what the Minister is saying at all. It seems to me that there is a clear determination to undermine health and well-being. Senator Craughwell is very amenable and very reasonable in what he says. If what he says about the residents is true, that they are prepared to compromise, although I am not sure how many groups are prepared to compromise, so be it. It does seem to me that there is something very underhand about the way in which the question of health is being treated.

Deputy Shane Ross: In response to Senator Craughwell, there is a scheme in place run by the DAA, as he knows, details of which I can supply to him afterwards or tomorrow if he wants. That is something which is based on current valuations, but I am not sure who values them. I am sure I can get details for the Senator. The key point is that the Bill gives control of the buy-out scheme to the independent regulator, and that is what it is meant to do. I will encourage the DAA, as I am entitled to do, I suppose, to continue to talk to and give as much reassurance and comfort as possible to residents who are discommoded, and to do so to the very last stage of this process, which will probably last many years. Of course I will. That is the very least I could do. A lot has been done and that should be acknowledged. I do not in any way suggest there is a perfect solution to this. There is never going to be a perfect solution to a problem of this sort. We are doing an enormous amount and will continue to do so. I applaud Senator Craughwell for keeping going on this, even at this late stage. These people presumably will need comfort for a long time to come.

I do not quite understand Senator Norris's point. I am not removing the ingredient of health as a criterion in this. Maybe the Senator misunderstood what I said. I am transposing an EU directive. Of course it is not something over which I have control. I am transposing it into Irish law so that it can implement EU standards of noise abatement at airports. If the Senator is saying I am removing health, I do not understand what he means by that.

Senator David Norris: I am saying these are the Minister's amendments.

Deputy Shane Ross: I will quote from the EU regulation for the Senator. I have to do this repeatedly. Annex II states:

The cost-effectiveness of envisaged noise-related operating restrictions will be assessed taking due account of the following elements, to the extent possible, in quantifiable terms:

- (1) the anticipated noise benefit of the envisaged measures, now and in the future;
- (2) the safety of aviation operations, including third-party risks;
- (3) the capacity of the airport;
- (4) any effects on the European aviation network.

In addition, competent authorities may take due account of the following factors:

- (1) the health and safety of local residents living in the vicinity of the airport.

That is transposing health as a principle. It is not removing it. I am not going to go on quoting the regulation but health is included and embedded in this principle.

Senator Kevin Humphreys: I take at face value the Minister's statement that he will encourage the DAA to have further engagement with residents. I will go back to what Sena-

tor Craughwell and I have said. There is an element of trust and a situation in which trust has broken down. I am taking it, because of the indications in earlier votes, that we are going to lose all our amendments, but I will make a direct appeal to the Minister. I would be happy to sit down with him on this. There are role models in respect of proper, good engagement in several Departments, where people have done good engagement in very difficult circumstances. Knowing how the votes are going to run here and that there has already been a vote in the Business Committee to take this in the Dáil on Thursday, I am very anxious that in some way we can work together to alleviate the problems of many of the residents. I much prefer to believe that we could have alleviated them through votes here in the House, but knowing how Fianna Fáil is going to continue to vote, I ask the Minister as an Independent Deputy to sit down with a number of us to see if we can work out mechanisms that would help the residents who are going through so many problems. I ask the Minister to give that commitment to the House.

Senator David Norris: The Minister is attempting to attract virtue to himself for transposing the EU directive, but as I understand it, he has to transpose the directive. It is part of the whole EU system that when directives are issued, they have to be transposed into domestic law. I do not award him any great virtue over that. The Minister cited a section dealing with cost-effectiveness. That is the principal intention of the section he read into the record. In the context of cost-effectiveness, the regulation states that they may take health into account. That is not very strong - they may - but that also leaves the possibility that they may not. It is not a guarantee at all, as the Minister was purporting to claim, and that makes it much more serious that he is removing the references to health that are in the Bill as presented.

Senator Niall Ó Donnghaile: I sense from the contributions from Senators Craughwell and Humphreys that there is a desire to try to get a resolution to this, given the political reality in the Chamber tonight. We would certainly not veer from trying to get the best result for residents in those circumstances. I still think it is important that these amendments are teased out. If that was done, I reiterate that it would be done under great duress and also great disappointment. As the Minister has acknowledged and will appreciate, we came sincerely to try to tease out this legislation and amend it as is our duty in this House. If I am reading the mood correctly, I sense that there is a desire to try to deal with the inevitability of tonight and also to try to acquire from the Minister a firm and tangible commitment that there will be further engagement. I am not as close to this issue as other people in this Chamber but I am very reluctant to let an important and worthwhile discussion on these amendments, and divisions if required, pass tonight without taking the necessary steps. I will not stand in the way of at least having some kind of result and positive outcome for residents and areas if that is being proposed by my colleagues. It is certainly worth debating if it is in order.

Deputy Shane Ross: If it is of comfort to Senator Craughwell, the Sinn Féin Senators, and Senators Humphreys, Reilly and Norris, I would be happy to give a commitment to continue a conversation if they wish to see what can or cannot be done after this.

Senator David Norris: That is certainly welcome.

Deputy Shane Ross: I will not commit to any actions at this stage but I know that the residents would probably appreciate if that happened. It would have to be done in a calm and serious atmosphere with no theatricals. I would be happy to do that because I recognise that in this House and the other House, despite the theatre associated with these sorts of debates, there are people who are representing their constituents as they should be, which is fine. It is a geographical motivation and even a political one, which is perfectly honourable. There are

others involved such as Senator Craughwell, though it does not seem to represent their constituency. Of course we could continue the conversation. I appreciate that Senators feel it has not got enough discussion in this House. That is a different matter and we might debate that a little later. To try to address some of the difficulties, as I said to Senator Reilly already, I would be happy to meet him and others to discuss this. That is a way forward. I do not know quite what I can do. I can certainly keep an eye on the DAA to see what it is up to and see that, once this Bill is passed, those who seem to be the losers or have difficulties created will not be ignored for evermore. I give that commitment to Members of this House.

Senator Gerard P. Craughwell: I appreciate what the Minister has said. I know when I am beaten and I accept that we will not get amendments through and this Bill will pass tonight. The Minister has given a commitment to at least be open. Senator Reilly lives in the constituency. We can arrange to have a meeting with DAA to try to find a way forward where we know that DAA will engage with residents in the area. Senator Reilly knows the area better than I do. I think there is a relatively small group that needs greater reassurance and engagement. If we can have that under the Minister's chairmanship, I think it is the best of a bad lot for me tonight. The best of a bad lot is better than nothing at all. I deeply regret that we find ourselves in the position that the House has put us in tonight, which is the Bill passing through all Stages in a short period. That is not the Minister's fault but ours.

Senator James Reilly: I thank the Minister for his offer. We will certainly take it up. I do not want this to be seen as a situation with winners and losers. We are trying to achieve a balanced approach that allows a critical part of our infrastructure, not just for Fingal but for the country, to continue to prosper, grow and provide jobs, and at the same time protect the rights of those who live near it and to protect them from the necessary noise that operating an airport causes. I want to see great efforts made to further reduce the noise from aircraft, which has happened quite a bit over the past 40 years. It has dropped by 20 dB overall. With that in mind, I hope that we can reach the compromise that people need. This is not just about St. Margaret's. Many people in Portmarnock are concerned about this too. They are reasonable people and we need to sit down to talk with them to try to get the best solution that we can while being realistic and acknowledging that we cannot shut down Dublin Airport.

Senator Kevin Humphreys: I thank the Minister for his response to my suggestion. I will sit down and mention the structures in question in detail. That is to endeavour to ensure that the residents will at least get something out of this. Like Senator Craughwell, I accept the figures here. This is not to undermine the debate or discussion on the amendments. The Minister is right that they are important. They need to be teased out, especially the next round of amendments. I certainly have a different interpretation from the Minister's of EU Regulation No. 598/2014 and we need to tease that out. I am anxious that we have what the Minister calls a piece of theatre. There was no better man than the Minister at giving theatre when he was over on this side. I mean that as a compliment rather than a criticism. Sometimes the focus can move off and the debate in the Dáil and Seanad moves on. The communities and people of St. Margaret's, Baldoyle and Portmarnock are left to pick up the pieces with nowhere to turn. To get something out of this, a defined structure would not solve every problem, but could alleviate some problems. The much maligned Dublin Docklands Development Authority had a community forum with a little muscle that made a difference to local communities in the long run during that development. There are templates of structures. Dublin Port is another. I could name many more. Maybe we could pick the best idea that would help local communities to get some respite. I thank the Minister for the offer I think he is prepared to make. I would certainly

like to work and build on that. I do not intend to speak further on this set of amendments.

Senator Niall Ó Donnghaile: Like Senator Humphreys, I do not intend to prolong this group of amendments any further. The Minister made a point and I agree with him. I do not want to lure colleagues into a false sense of security that we will just wrap up on this. I do not think anyone would expect us not to have votes where they are required, not least the residents impacted. We have got to the point where I think we have made the necessary political and local arguments that had to be made, and now is the time for us to move to the votes in the fashion that is required, to have an opportunity to show where the various groupings in this House stand on the amendments. The Minister said he has to do what he has to do but we have to do what we have to do in this House too.

As I said, I am not as close to this matter as other colleagues, but certainly we will engage positively and proactively on any arrangement that will flow from the debate tonight. I wish it well and every success on behalf of the residents. The Minister should do me a favour and promise me that he will bring Fianna Fáil representatives to that meeting in order that they can hear and understand the views of residents. They have not understood or even had the courtesy to articulate them here.

Senator Victor Boyhan: I will be brief. I have listened to the debate in my office.

Senator David Norris: What was the noise level?

Senator Victor Boyhan: We were not exposed to all noise levels because of the ruling made by the Chair which might have been right. I do not want to prolong the debate. I respect the Minister's view. He is transposing a directive of the European Union and has made the case clearly. I also heard Senator Reilly's comments. There is a time in politics when we must call a vote on an issue. It is not good enough to come here and just accept that somehow we will be defeated. We do not have to be, but if we are, so be it. We should remember that there are people listening. The media are listening and this debate will be reported on in the national press. There are two or three people in the Visitors Gallery.

Senator David Norris: I would not hold my breath.

Senator Victor Boyhan: We have received many emails and much correspondence about the matter, as I am sure the Minister is fully aware, as he would also have received emails about it. We should proceed and not be afraid to have votes. That is what democracy is all about in this House. Of course, it leads to accountability, as we cannot have people talking out of both sides of their mouth. They are in this Chamber when they want to be and outside it when they want to be.

Senator Niall Ó Donnghaile: Hear, hear.

Senator Victor Boyhan: We are paid handsomely and well to be representatives in Seanad Éireann.

Senator David Norris: Not at all. No, we are not paid handsomely and well.

Senator Victor Boyhan: It is our job to be present, mindful of our responsibilities and debate with and respect one another before moving on. I will stay here for as long as there are votes. We should proceed to have as many as possible and show where we stand on the matter.

Senator Rose Conway-Walsh: Hear, hear.

Acting Chairman (Senator Diarmuid Wilson): I remind Senator Craughwell that in Europe representatives are only allowed to speak for one minute.

Amendment put:

The Committee divided: Tá, 10; Níl, 21.	
Tá	Níl
Bacik, Ivana.	Burke, Colm.
Boyhan, Victor.	Burke, Paddy.
Conway-Walsh, Rose.	Butler, Ray.
Craughwell, Gerard P.	Buttimer, Jerry.
Devine, Máire.	Byrne, Maria.
Gavan, Paul.	Coffey, Paudie.
Humphreys, Kevin.	Coghlan, Paul.
Norris, David.	Conway, Martin.
Ó Donnghaile, Niall.	Daly, Mark.
Warfield, Fintan.	Daly, Paul.
	Feighan, Frank.
	Hopkins, Maura.
	Lombard, Tim.
	Marshall, Ian.
	McFadden, Gabrielle.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Reilly, Joe.
	Ó Céidigh, Pádraig.
	Reilly, James.
	Wilson, Diarmuid.

Tellers: Tá, Senators Gerard P Craughwell and Niall Ó Donnghaile; Níl, Senators Gabrielle McFadden and James Reilly.

Amendment declared lost.

An Cathaoirleach: Amendments Nos. 2 to 10, inclusive, 13 and 15 to 17, inclusive, are related and may be discussed together. Amendments Nos. 2 to 4, inclusive, 6 to 10, inclusive, 13 and 15 to 17, inclusive, are consequential on amendment No. 5. Amendments Nos. 7 and 8 are physical alternatives to amendment No. 6, while amendment No. 10 is a physical alternative to amendment No. 9.

Senator Kevin Humphreys: I move amendment No. 2:

In page 6, between lines 9 and 10, to insert the following:

“ “CAR” means the Commission for Aviation Regulation;”.

In the earlier debate we discussed EU Regulation No. 598/2014, of which section 13 states:

The competent authority responsible for adopting noise-related operating restrictions should be independent of any organisation involved in the airport's operation, air transport or air navigation service provision, or representing the interests thereof and of the residents living in the vicinity of the airport. This should not be understood as requiring Member States to modify their administrative structures or decision-making procedures.

Fingal County Council is not an independent authority because it should take into account the interests of the residents living in the vicinity of Dublin Airport, but the Minister is setting it up as the regulator, with the CEO in that position. This runs counter to EU Regulation No. 598/2014. Many examples were given to the Minister in the Lower House which he did not accept. I will press amendment No. 2 because the competent authority should be the Commission for Aviation Regulation. We debated this issue on Second Stage, while it was debated at length in the Lower House.

Senator David Norris: I completely accept what Senator Humphreys said. He makes a good point that the directive which the Minister quoted suggests the regulatory authority should be independent. It is perfectly obvious that the Dublin Airport Authority is not independent as it has a financial stake in the game. As Fingal County Council makes enormous amounts of money out of the airport, clearly it is not independent, as it is supposed to be. On the second letter, can I just say it was perfectly clear that Fingal County Council was not competent and that it lacked the expertise and properly trained staff? It could not have been clearer that it ruled itself out and then there was political pressure and of course it came out and said that it was competent. That is rubbish, nobody accepts that and nobody believes it.

Senator Máire Devine: I want to speak on amendments Nos. 2 to 10, inclusive. Many of them seem to involve the same matter, namely, the Commission for Aviation Regulation, CAR. The appointment of a noise regulator is in keeping with EU regulations and it is required to appoint such a noise regulator in airports over a certain size. The Minister complicated the issue and he failed to appreciate basic ground rules on the expertise required and what the remit of the noise regulator is. As we know, expertise is obviously essential. We just have to look at certain other projects that are ongoing, such as the national children's hospital, where the expertise was not there and it has proven to be essential given the overrun on cost and time and the impact it has had on the residents. Dare I say I am one of those residents who is impacted upon but I cannot really equate it with an ongoing lifetime exposure to noise for residents in the vicinity of Dublin Airport.

Dublin Airport has been directed to appoint a noise regulator and that has to be learned over time because it is obviously the first appointment but of equal importance is that it has to be independent, or seen to be so. Deputy Munster of Sinn Féin suggested that the Commission for Aviation Regulation was such a body but the Minister decided to ignore that advice and the advice of others that was put to him as well when he decided on Fingal County Council. The council has no record in the area of aviation. It is in receipt of at least 8% of its annual income from rates coming from the airport and the add-ons. It is down as 8% but we have worked out that when all the add-ons are put in it is 24%. That is an obvious conflict of interest. In those two crucial tests, namely, the independence and expertise, Fingal County Council does not meet those requirements. This is in no way a criticism of the staff of Fingal County Council. They have always done an excellent job. Rather, it is a criticism of the Minister. I expect that he might have learned from the first mistake, which was the choice of the noise regulator as the

Irish Aviation Authority, but that did not work out and the Minister casually shifted focus onto Fingal County Council. I still believe it was the wrong decision and I would hope that CAR would be listed as the competent authority.

Senator James Reilly: I wish to reiterate what I have said previously. Fingal County Council had its reservations, a period of nearly a year elapsed in which time there was ample opportunity for it to address its reservations, have them looked into and sorted, and it was quite happy at the end of it. It has made it very clear that it is happy with it. To state that because it collects rates, it has an immediate conflict of interest, is the same as to say it has a conflict of interest when it comes to planning. I do not believe it has a conflict of interest and I will protect and defend the reputation of Fingal County Council and its executive in this regard.

Senator David Norris: It was one of the parties involved.

Senator James Reilly: As I say, I will defend Fingal County Council's record and reputation and if it states that it is in a position to do this, it will do so in an exemplary fashion. Just as there is an appeal mechanism for planning decisions, there is an appeal mechanism in this Bill as well.

Others have raised the issue of CAR and I know the Minister has a comprehensive note and he will deal with that.

Senator Kevin Humphreys: In response to Senator Reilly, by no means am I questioning the reputation of Fingal County Council. What I am doing is trying to raise the issue of the statutory regulations under EU Regulation No. 598/14. I know that we have raised questions on AnnMarie Farrelly's letter from Fingal County Council, when it was sent and what was in it etc. It is not when it was sent and what second and third letters were sent. It is the definition. Fingal County Council, as it should, has: "an extensive remit in both shaping and determining the strategic direction of Dublin Airport through its land-use, planning and associated functions". However, that is a contradiction for it if it then becomes the noise regulator.

Following on from the adoption of the development plan, Fingal County Council has the local area planning. Planning is the total remit of Fingal County Council and it should be. There is no contradiction in it having a responsibility in planning, local area plans, development plans and master plans. Those are totally the remit of a local authority but the problem is when a local authority is given a contradictory function. How does the chief executive officer, CEO, act without direction from the local authority members? If we have learned anything from the disasters of the 2000s, it is that these type of regulations and Chinese walls do not work. There has to be an amount of clarity and that clarity is not there. As Fingal County Council said, in light of the existing complex and varied role that Fingal County Council plays, as outlined above, it is considered that the council may not be best placed to act as a competent authority for the purposes of implementation of Regulation No. 598/14, with particular reference to clause 13, which I pointed out.

On the rights and wrongs, this was a thoughtful position in 2017. As for what Senator Norris said, I do not know what political pressures were put on or if there were any but this flags up warnings and I am asking the Minister to tread very carefully on this because he could put Fingal County Council or the CEO in a dreadful and contradictory position of trying to balance one side with the other. A person cannot be asked to separate those particular roles because a CEO of Fingal County Council has responsibilities on areas and if a counter-set of responsibili-

ties is put on him or her, it puts that person in a very difficult and unfortunate position.

We are talking about teasing this out and I wanted to tease out this particular section with the Minister because I have real concerns on it. We could have explored and discussed whether CAR is the competent authority but that has been taken out of our hands given the Order of Business that was agreed. This is one of the amendments I would have put back until Report Stage to give us an opportunity to tease it out and see if there is a better way but as that will not happen, I will press the amendment. I have genuine concerns when one looks at the directive from Europe and when one looks at what Fingal County Council is being asked to do. There are contradictions there and the whole matter basically comes back down to trust.

I ask the Minister to rethink this. Unfortunately he will not get an opportunity to rethink it on Report Stage but if this is going back into the Dáil, I sincerely ask him to review it, look at it and interrogate it because he is going in the wrong direction. Ultimately, the Minister could be found to be wrong in the courts.

Senator David Norris: It has been said that Fingal County Council has had nearly a year and it has been able to address these situations. Whatever about the question of it having the talent or expertise, it is possible that over the course of the year, it has managed to scrape up some talent or expertise and has hired people and so on. However, there is no possibility that it can answer the questions about the fact that it is the planning authority. That is a classic conflict of interest, as the county council itself pointed out. It is easy enough to state that there has been a change in position since the issuing of the first letter, but I would like somebody to explain how on earth Fingal County Council can alter its position with regard to planning. There is a classic conflict of interest. The county council laid out in its first letter that there was a conflict of interest and it was not the right organisation to be noise regulator. What has changed within Fingal County Council to allow it to now state that there is no conflict of interest? The conflict of interest was there and the situation has not changed. The conflict of interest must, therefore, remain and Fingal County Council is lying about it.

Senator James Reilly: I ask the Senator to withdraw that accusation. Fingal County Council is not here to defend itself. The Senator slurs everyone in the council with that statement and he should withdraw it.

An Cathaoirleach: Although I do not condone his remarks, Senator Norris made the charge against a council rather than an individual. I would prefer if Senator Norris did not use such words. If he made such an accusation about a particular individual in the council, I would have insisted that he withdraw the remark.

Senator David Norris: I understand that. If it will satisfy Senator Reilly, I will withdraw the remark.

An Cathaoirleach: I thank Senator Norris.

Senator James Reilly: On behalf of the council, I thank Senator Norris for doing so because its reputation is important.

Senator David Norris: The council was not being accurate. I do not see how it could possibly be accurate in that regard.

Senator Paul Gavan: I have been following the debate from my office. For the most part,

it has been a very credible debate across all sides, with genuine concerns expressed. The one thing I do not understand is the rush. I am at a loss as to why Fianna Fáil sided with Fine Gael to ensure that we do not have ample time to debate the Bill and move to Report Stage on another day. Listening to the debate on the sections, it is clear that there is a significant amount in the Bill that needs to be teased out, but the Government, with the assistance of Fianna Fáil, is ensuring that it will finish all Stages this evening. That is not the way to do business. I am perplexed at the complete indifference of the Fianna Fáil Party to the debate this evening. Its only representative in the Chamber is from County Kerry. We are talking about Dublin Airport. I am at a loss as to what the people of north Dublin think about that.

What is the reason for the rush to pass this legislation? Senators on this side of the House are genuinely puzzled about that. The Minister can see that people across the Chamber are trying to be constructive - I include Senator Reilly in that, who, in fairness, has at least come to give his perspective in terms of north Dublin. I am at a loss as to why we must rush this through so quickly and why Report and Final Stages cannot be held on another day. That is what a proper debating parliamentary chamber would do on this issue. The people in north Dublin who are watching these proceedings must be at a loss regarding Fianna Fáil's absence from the debate this evening.

Deputy Shane Ross: I will first deal with the points raised by Senator Gavan, who asked about the rush to progress the legislation. The Bill has been discussed for a very long time-----

Senator Paul Gavan: Not in the Seanad.

Senator Máire Devine: Not in the Seanad.

Deputy Shane Ross: I will come to that. It was discussed in October at the Oireachtas Joint Committee on Transport, Tourism and Sport. I also discussed it earlier in 2018 when the Government decided on its approach. The committee subjected the Bill to pre-legislative scrutiny. I am quite happy to remain in the Seanad for as long as Senators wish to discuss the Bill. That is why I am here. The debate is open-ended. The issues addressed by the Bill have been in the political arena for many years and there have been many controversies attached to them, some of which are dealt with by this group of amendments. It is untrue that the Bill is being or has been rushed. Through the past year and a half, we were criticised over the delay in bringing the Bill forward. Now that the delay is over, people are complaining about the rush. It is somewhat difficult to understand that.

The Bill is urgent. Without it, there will be no noise regulator for Dublin Airport. The Bill provides the comprehensive, open and transparent process that we need. There will not be a noise regulator without the Bill. EU Regulation 598/2014 has been in place since June 2016 and, without saying anything out of order, we are, therefore, kind of late with this legislation. The Bill has not been rushed but, rather, was delayed through no fault of mine, any other politician or anybody else. It was delayed for legal reasons, as Senators will be aware, because the original choice of noise regulator was opposed by the Attorney General. It has been delayed many times and we need to move it on. The runway is now under construction and everybody, including local residents, needs clarity.

I have a significant amount of respect for what Senator Norris has to say. It is very important that what he says is responsible and I am grateful that he withdrew the accusation of lying which he made against Fingal County Council.

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Senator David Norris: It was an unparliamentary expression.

Deputy Shane Ross: It was good of the Senator to withdraw that remark.

It is somewhat difficult to accept the accusation of political pressure. I can state with hand on heart that I know nothing about such pressure and was never in touch with anybody in that regard. If political pressure were to come from anywhere, it would probably come from me because I am championing the Bill. To suggest that there was political pressure is wrong, wild and irresponsible. There are very good arguments in favour of various regulators and I have heard them all. It is incorrect to suggest that political pressure was put on the authority to change its mind. That is false. I know nothing about such pressure, and I would know if there had been any. I ask the Senator to bear that in mind.

Unfortunately, I cannot accept the amendments in this group. As I stated last week when introducing the Bill to this House, I firmly believe that Fingal County Council is best placed to undertake the role of noise regulator for Dublin Airport. The preparation of the Bill has always proceeded on the basis that any enactment must provide a solid and proven administrative structure that can deal with noise fully in accordance with Regulation 598/2014. That includes providing for effective interaction with existing planning development and environmental laws and regulatory frameworks. Fingal County Council was chosen as the competent authority because it has relevant expertise relating to planning, environmental matters and public consultation, as well as the critical mass to quickly absorb, skill-up and roll out a new function effectively. As it is a Government body, it does not operate to a commercial mandate but, rather, operates within well-established statute, agreed national policy parameters and local development frameworks. The issue of a conflict of interest does not arise. I simply cannot accept that a local authority is compromised by virtue of receiving rates. How is that a sustainable and reasonable argument?

Specifically on the matter of independence, there is no legal uncertainty around Fingal's independence in regard to Regulation 598/2014. The approach in the Bill is unequivocally in accordance with preamble (13) of regulation 598/2014 which states:

The competent authority responsible for adopting noise-related operating restrictions should be independent of any organisation involved in the airport's operation, air transport or air navigation service provision, or representing the interests thereof and of the residents living in the vicinity of the airport. This should not be understood as requiring Member States to modify their administrative structures or decision-making procedures.

By drawing on established local government structures, the choice of Fingal County Council was very much informed by a recognition of the benefits for all parties of setting out for aircraft noise regulation the same known, tried and tested administrative structures and processes which support planning and development such as, within local government, applying the approach to public consultation, appeals and application of environmental assessments.

Doing so offers the best means of securing a robust and rigorous process and one that can be relied on to deliver an informed decision. There are checks and balances in the Bill. The performance and actions of the noise regulator are governed by EU and national law. An Bord Pleanála has full step-in regulatory powers under appeal. There is provision for judicial review and, finally, there is provision in the Bill for independent, external periodic review of Fingal's performance as noise regulator.

With regard to the proposed amendment to designate the Commission for Aviation Regula-

tion as the noise regulator, the commission was examined as an option. However, the commission has no expertise or any existing statutory remit relating to environmental noise, environmental protection or planning and development, all of which are critical components of the Bill. In addition, it has no current capacity or experience of running the type of extensive public consultations required by Regulation No. 598/2014. Finally and importantly, the commission does not have the organisational capacity to absorb a substantive new function within a relatively short timeframe. The commission is a small economic regulator responsible for determining the maximum level of airport charges that can be charged at Dublin Airport, with some additional consumer protection functions, and has a staff of about 20. It simply would not be equipped to undertake the role of noise regulator in any reasonable timeframe.

Senator Kevin Humphreys: I thank the Minister. I should put it on record that I was not arguing a point about rates; I was arguing with respect to Regulation No. 598/2014, particularly clause 13 of that regulation. There is no solid and proven record in Fingal County Council being a noise regulator and it will have to develop its skill sets in that regard. Article 3(2) of the regulation states:

The competent authorities shall be independent of any organisation which could be affected by noise-related action. That independence may be achieved through a functional separation.

We do not have that functional separation in Fingal County Council. I have the greatest respect for Fingal County Council and for many councils for the work they do. However, a local authority should not be put in this position, as defined in the legislation being put through the House, and making the same person the planning authority and regulator for noise goes back to the worst days of Fianna Fáil. Fingal County Council is the competent person with the development plans, local area plans etc.

I am not happy that the Minister is putting a local authority in such a position. History bears it out that when we go down this rabbit hole, there are problems down the road. I beg the Minister to reconsider this amendment. It is not right to put Fingal County Council in this position. If we are to have a discussion on what would be a better authority other than the CAR, I would welcome such a conversation, but we are not in that position this evening. I will press this amendment and the Minister has gone in the wrong direction completely in this regard.

Senator David Norris: Regulation No. 598/2014 indicates the noise regulator should be independent and not be involved in any aspect of the airport's operation. Unlike Senator Humphreys, I believe the collection of rates is a significant interest. Of course it is in the interest of-----

Senator Kevin Humphreys: No, I said I did not mention rates.

Senator David Norris: He did not mention rates but I am mentioning them. It shows a clear vested interest. The council would obviously and correctly be interested in increasing revenue, so of course there is a vested interest. The council would also be involved with planning, which directly impinges on an airport's operation. It is perfectly clear that under that regulation, Fingal County Council would not be the most appropriate authority to deal with this matter.

Senator James Reilly: There are a number of issues. I go back to my original contention that this is very much like planning. One could argue that by giving planning permission for

various factories or businesses etc., there would be a conflict as rates would be collected from those businesses. Nobody would argue that in this House. Using that argument in the same vein with respect to a noise regulator does not carry weight.

I should clarify what Senator Devine has said. Rates are not 24% of Fingal County Council's income. The figure is 8%, not 24%, and I do not know where that figure came from.

Senator Máire Devine: It is 24%.

Senator James Reilly: I was asked earlier where I got my information on decibel levels and the comparisons. As Senator Craughwell demonstrated, they are freely available on the Internet and they are used internationally by sound engineers and hearing companies here and in the UK. They were put together for this matter by environmental consultants in the UK.

We need this regulator quickly. We need it for the people in Fingal who are concerned about their health and well-being, particularly their hearing. We have discussed the issue and I accept what people say and share their concerns. I want to equally put on record my concern for the tens of thousands of jobs around Fingal and beyond that depend on the airport. I can understand why sometimes Senator Norris makes expressions of cynicism as to whether anybody listens to what we say in here, but they do. Investors listen in particular. A €1.6 billion investment will take place in Dublin Airport over the next number of years to bring passenger numbers up to over 40 million and heading towards 50 million. There will be development on the air side, with the possibility of 18,000 jobs. They will look to see that the airport is functioning and the airport will bring that investment from companies. It makes the country attractive as a stepping stone to Europe and in the other direction as well.

I accept that people have concerns but as the Minister has already pointed out, the process has been ongoing for quite some time and it has been well debated. Perhaps it has not been aired as much in this Seanad as others would like but we must balance that fact with the people who are feeling insecure about investments, jobs, livelihoods and living in Fingal, particularly at a time when Brexit is facing down the barrel of a gun at us. We must consider all that entails, no matter how good an outcome for the country, aside from a complete reversal.

Senator Kevin Humphreys: By no means are we trying to delay this Bill but we have asked for a proper debate within the House. We are not talking about delaying this for months or weeks. I understand the Minister's frustrations arising from the many delays and roadblocks but we all want a noise regulator for Dublin Airport. We want the best we can get.

I am sorry but I have a different view from Senator Reilly. I was a councillor, like many Members here. The most significant work a councillor does when first elected is work on the development plan. Councillors, or at least those who are interested in representing the people, put hours and hours of work into developing a plan for their county or city.

Acting Chairman (Senator Gerry Horkan): It is probably weeks and months.

Senator Kevin Humphreys: Yes. Having worked on that development plan, one has a natural instinct to protect it. Councillors negotiate with management over countless hours of meetings. These meetings are a kind of sidebar to try to progress the development plan. Fingal County Council is responsible for the Dublin Airport local area plan, which is also a very important plan. Both officials and local councillors invest a great deal of time and effort in developing those plans. They therefore have a vested interest in both plans being successful.

These plans may not be in the interests of the regulator, however, so there may be a conflict. That is why the EU directive is laid out in the manner it is. Fingal County Council saw these complex positions in its considered view at the very beginning. I believe the Minister will have to reconsider the section. It is wrong. By no means am I saying that Fingal County Council is incompetent. I am just saying it is wrong to put it in this position because it will have invested a massive amount of emotional energy, time and effort in getting the area plan and development plan right. It should not be put in the position of having to undermine those plans through its work as the noise regulator.

I ask the Minister to reconsider this amendment. In the normal course of events I would have withdrawn the amendment and asked the Minister to reconsider on Report Stage, but we cannot do that this evening. Within the time we have, I ask the Minister to think it through in order to see how complex it is and the position in which he is putting Fingal County Council. The community living around the airport sees the complex position in which the Minister is putting the council by asking it to be both the regulator and the planning authority.

It is a very different situation from that Senator Reilly wishes to portray. The reality is that local authorities invest time in drawing up development plans, local area plans and development plans for the airport. To then be made regulator after doing all those plans for the airport is a contradiction. It is laid out as a contradiction in European law. The Minister and I interpret clause 13 of the introduction to the regulation and Article 3(2) of the regulation differently, but I still think that these sections make it clear that what the Minister is proposing is not the right option. I ask the Minister to take a minute, to think about it, and to consider whether he would prepared to look at an amendment to this section.

Senator James Reilly: I will be very brief. I was just going to say that we will have to agree to disagree but, unfortunately, Senator Humphreys went on to say that this Bill was directly in contravention of the EU regulation, which it clearly is not. Perhaps it was a slip of the tongue. It is late at night; that would be fair enough. I cannot, however, let that stand on the record of the House.

Senator Kevin Humphreys: Senator Reilly talks about the need for a noise regulator, about delays, and about rushing this Bill. If we do not get this section right, there will be further delay because it will end up in the courts. That is in nobody's interest. It is certainly not in the interests of the Department or the interests of the residents who would have to go through the stress of challenging this legislation. We should take a bit of time to reconsider. Senator Reilly is very diligent in his work and I ask him to go back and read clause 13 and Article 3(2) to see whether he interprets them in the same way I do.

Deputy Shane Ross: I will respond to one or two of the points that were made. Senator Humphreys mentioned this legislation ending up before the courts. This Bill was subject to the most intense legal scrutiny of any Bill I have taken through the Houses, judging by the amount of time it took to get in and out of the Attorney General's office. I am not apportioning blame in saying that, but applauding thoroughness. The first choice of noise regulator, the Irish Aviation Authority, IAA, was turned down by the Attorney General's office on the grounds that there was a question about its independence and the potential for a conflict of interest. That same office cleared Fingal County Council as a suitable regulator. That decision gave the council the all-clear in terms of its independence and in terms of any conflict of interest.

People can say the Attorney General was wrong. They are perfectly entitled to do so, al-

though I presume they would be able to put their legal credentials on the table when they do. People are perfectly entitled to take a contrary opinion to that of the Attorney General and to second-guess him on a legal matter. On occasion, they may be right. I could have gone ahead with the IAA against the Attorney General's advice but, without any doubt, that would have ended up before the courts within minutes. However, I did not do so. The reason I did not is that we were advised that it was legally unsafe. We were advised that the choice of Fingal County Council was legally safe, which is why we went ahead with it. The Attorney General addressed all issues around conflicts of interest and independence, issues which were raised eloquently and with perfectly good logic in this House. For my money, however, I back the legal expertise of the Attorney General over that of the Senators in this House. That is where I stand and where I feel protected and safe. I feel that I am on very strong legal ground on the issues of conflicts of interest, rates and independence.

Senator David Norris: Senator Reilly very decently put on the record that he got his information from some firm of environmental consultants. I challenge Senator Craughwell on the same matter because he quoted the same report. According to the Internet, the report was produced by the chemistry department of Purdue University. I therefore wonder about its authenticity.

Senator James Reilly: I will not respond to that speciousness.

Senator Kevin Humphreys: I understand that the Minister is obliged to take the Attorney General's advice. I do not have legal expertise. I just have experience of dealing with these issues over many years. I would like to hear the Minister respond as to how clause 13 and Article 3(2) are worked into the Bill. That is the line of questioning I have been following. I do not claim to be a solicitor or a barrister. I have, however, taken the time to go through this in some detail. That is the specific question I have been asking with regard to this area. I would appreciate it if the Minister would respond precisely on those two sections for the record of the House.

Deputy Shane Ross: As I have already told Senator Reilly, clause 13 is quite clear to me. I will read it out again. I have read it out already.

Senator Kevin Humphreys: No, I read it out.

Deputy Shane Ross: Despite whatever it says, I have been advised that there will a new office in Fingal County Council and that it will be independent. That is it. That is my legal advice.

Amendment put:

The Committee divided: Tá, 9; Níl, 19.	
Tá	Níl
Bacik, Ivana.	Burke, Colm.
Boyhan, Victor.	Burke, Paddy.
Craughwell, Gerard P.	Butler, Ray.
Devine, Máire.	Buttimer, Jerry.
Gavan, Paul.	Byrne, Maria.
Humphreys, Kevin.	Coffey, Paudie.

Norris, David.	Coghlan, Paul.
Ó Donnghaile, Niall.	Conway, Martin.
Warfield, Fintan.	Daly, Mark.
	Feighan, Frank.
	Hopkins, Maura.
	Horkan, Gerry.
	Lombard, Tim.
	McFadden, Gabrielle.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Reilly, Joe.
	Reilly, James.
	Wilson, Diarmuid.

Tellers: Tá, Senators Ivana Bacik and Kevin Humphreys; Níl, Senators Gabrielle McFadden and James Reilly.

Amendment declared lost.

Senator Niall Ó Donnghaile: I move amendment No. 3:

In page 6, between lines 9 and 10, to insert the following:

“ “Commissioner” means the Commissioner for Aviation Regulation;”.

Amendment put and declared lost.

Senator Kevin Humphreys: I move amendment No. 4:

In page 6, to delete line 20.

Amendment put and declared lost.

Section 2 agreed to.

SECTION 3

Senator Kevin Humphreys: I move amendment No. 5:

In page 7, line 10, to delete “FCC” and substitute “CAR”.

Amendment put and declared lost.

Amendments Nos. 6 to 10, inclusive, not moved.

Question, “That section 3 stand part of the Bill”, put and declared carried.

Sections 4 to 8, inclusive, agreed to.

SECTION 9

Senator David Norris: I move amendment No. 11:

In page 10, between lines 27 and 28, to insert the following:

“(1) Potential affected individuals, whether residential or business related, should be consulted at the pre-planning consultation stage, with applicant and planning authority, in relation to noise and consequential impact.”.

This is a fairly straightforward amendment because the Minister has indicated sympathy with the residents of this area who will be affected. He also said, and he is quite honest in this, that it is a situation that does not allow for a perfect solution for all the parties so one or the other will be inconvenienced and in a situation where industry and the economy of the country are involved, that is the decision the Government will take. However, it seems clear to me that the people who are affected have the right to be consulted with the applicant and planning authority on noise and consequential impact.

I ask the Minister to accept this amendment, particularly in light of the fact that it is giving an undertaking to this House that he will meet with those people. He did say they did not want any theatricality about it and that he wanted an honest and sober meeting and so on, but this amendment only puts into the legislation precisely something the Minister has already agreed to. It states that: “Potential affected individuals, whether residential or business related, should be consulted at the pre-planning consultation stage, with applicant and planning authority, in relation to noise and consequential impact.” That is a perfectly fair, reasonable and moral thing to ask.

Senator Kevin Humphreys: I formally second this amendment. If this is accepted it will give some input into future planning to the local community. On the basis of fair play and justice I urge that Senator Norris’s amendment would be accepted.

Senator Máire Devine: I want to speak in support of Senator Norris’s amendment. It is an absolute no-brainer. Residents and communities deserve the respect of each planning authority when there is a development as big as Dublin Airport in those areas, which will bring much to the area but which will also take away from the area. Respect for residents and communities is utmost and should be guiding us in everything we do.

Deputy Shane Ross: In the first instance, section 9 of the Bill deals with the process to be followed by the noise regulator, and not the planning authority. Any changes made to this part of the Bill should have no impact on planning provisions. Furthermore, section 9 directly reflects the provisions set out in Regulation No. 598/14, and for legal drafting reasons I cannot stray from the specific text of the regulation.

On the fundamental point made by Senator Norris, of the public being able to input into pre-planning consultation, I should state that there is no such provision in planning legislation for this to happen. It is certainly not appropriate for me, as the Minister for Transport, Tourism and Sport, to use my legislation to change the planning laws. As I understand it, the purpose of pre-planning within the planning Acts is to allow the applicant, whoever that may be, and the planning authority to have preliminary, advisory discussions on how to proceed with an application, including regarding any need for environmental impact assessments and appropriate assessments or both. Anyone with a planning application can avail of pre-planning consultation, be they large developers, small developers or individual home owners. This amendment would mean that these meetings would happen in an open forum. I see no purpose or logic to that.

I understand that the Senator is seeking to enhance transparency. This is hardly the way to

do that. Whenever a formal planning application is actually made, then there is full transparency. There is public notification and public consultation and, indeed, there is a requirement on the planning authority to make discussion from preplanning a matter of public record at that point.

In respect to deliberations on noise by the noise regulator, these will happen under full transparency. There are specific requirements to make all technical documentation public, to provide non-technical summaries of the data, which improves accessibility and understanding, and to hold open, public consultations. What the Senator is proposing is a fundamental change to the Planning and Development Acts. This legislation is not the appropriate place to make such a change.

Senator Kevin Humphreys: I can understand part of the response the Minister made to Senator Norris. The Minister is quite right. There is a preplanning application procedure within the legislation. Dublin City Council carries out preplanning application procedures prior to granting full planning permission so as to advise a future planning application. This also allows residents and the local community, where there is a site, to have a preplanning consultation prior to a planning application, which gives them an input into how they would see that site being developed in terms of a development or area plan.

While the precise wording of Senator Norris's amendment may not be correct, the good intention is there in terms of making it easier for local communities to have an input into and an influence on their living standards in terms of planning applications. Normally, what we would have done, had this not been guillotined with the assistance of Fianna Fáil or the House, is that we would have referred back to Report Stage to see whether we could have amended this to make it functional. Maybe the Minister might take a minute to think if there is a way or if there is a slight amendment that he or his officials could see to make this workable.

Acting Chairman (Senator Gerry Horkan): I am not aware there is any guillotine involved in this Bill.

Senator Kevin Humphreys: I beg your pardon. It is the decision of the House, assisted by Fianna Fáil, that all Stages are to be taken this evening, which means, after having had this discussion and conversation with the Minister, we cannot amend this legislation to try to make it stronger and better. We have not been given that opportunity this evening.

Senator David Norris: It is, in effect, a guillotine.

Acting Chairman (Senator Gerry Horkan): I thank Senators Humphreys and Norris. As Senator Norris does not wish to say anything else, I call the Minister.

Deputy Shane Ross: I do not doubt the good intentions of Senator Norris in this at all, but I repeat what I said. He is looking for a fundamental change to the Planning and Development Acts, and certainly this is not the right place for that. In reply to Senator Humphreys, everything that is available in the existing planning arrangements is available under this Bill.

Amendment put and declared lost.

Government amendment No. 12:

In page 11, to delete lines 2 to 4.

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Acting Chairman (Senator Gerry Horkan): Is amendment No. 12 agreed to?

Senator David Norris: No. The amendment is most definitely not agreed.

Amendment put:

The Committee divided: Tá, 18; Níl, 7.	
Tá	Níl
Burke, Colm.	Bacik, Ivana.
Burke, Paddy.	Boyhan, Victor.
Butler, Ray.	Devine, Máire.
Buttimer, Jerry.	Gavan, Paul.
Byrne, Maria.	Norris, David.
Coffey, Paudie.	Ó Donnghaile, Niall.
Coghlan, Paul.	Warfield, Fintan.
Conway, Martin.	
Daly, Mark.	
Feighan, Frank.	
Hopkins, Maura.	
Horkan, Gerry.	
McFadden, Gabrielle.	
Noone, Catherine.	
O'Donnell, Kieran.	
O'Reilly, Joe.	
Reilly, James.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Gabrielle McFadden and James Reilly; Níl, Senators Kevin Humphreys and David Norris..

Amendment declared carried.

Amendment No. 13 not moved.

Government amendment No. 14:

In page 13, to delete lines 2 and 3.

Amendment put:

The Committee divided: Tá, 17; Níl, 8.	
Tá	Níl
Burke, Colm.	Boyhan, Victor.
Burke, Paddy.	Craughwell, Gerard P.
Butler, Ray.	Devine, Máire.
Buttimer, Jerry.	Gavan, Paul.
Byrne, Maria.	Humphreys, Kevin.

Coffey, Paudie.	Norris, David.
Coghlan, Paul.	Ó Donnghaile, Niall.
Conway, Martin.	Warfield, Fintan.
Daly, Mark.	
Feighan, Frank.	
Hopkins, Maura.	
Horkan, Gerry.	
McFadden, Gabrielle.	
Noone, Catherine.	
O'Donnell, Kieran.	
O'Reilly, Joe.	
Reilly, James.	

Tellers: Tá, Senators Gabrielle McFadden and James Reilly; Níl, Senators Máire Devine and Niall Ó Donnghaile.

Amendment declared carried.

Acting Chairman (Senator Gerry Horkan): Amendment No. 15 cannot be moved as it relates to amendment No. 5 was defeated.

Amendment No. 15 not moved.

Section 9, as amended, agreed to.

Section 10 agreed to.

Amendments Nos. 16 and 17 not moved.

Section 11 agreed to.

NEW SECTION

Senator David Norris: I move amendment No. 18:

In page 37, between lines 3 and 4, to insert the following:

“Costs

12. Any costs incurred by individuals and community groups, should be borne by the applicant, and overseen by the competent authority, in relation to any aircraft noise related planning projects and permissions.”.

This amendment simply states that: “Any costs incurred by individuals and groups should be borne by the applicant, and overseen by the competent authority, relating to any aircraft noise relating planning projects and permissions.” This to me seems only fair. If people are inconvenienced by aircraft noise and they have to make a submission, why should they have to pay in addition to experiencing the pain and discomfort? It seems to me to be a perfectly reasonable amendment. I note my amendment No. 25 has not been grouped with this. It should have been as amendment No. 25 states: “Where aircraft noise severely impacts on individual residents, the affected residents, shall be permitted to have an independent health, environmental and noise

assessment conducted, with costs fully covered by the applicant, and to select experts of their choice, and reports submitted to the competent noise authority.” Again, this amendment deals with the expenses of individuals living in this area who are blighted. I do not see any reason they should be forced to pay out of their own pockets for these costs.

I will not be here to move amendment No. 25. If any Senators wish to do so they are welcome. I have spoken on these amendments and they seem to be reasonable but I do not anticipate the Minister actually accepting them. However, they are important because the burden should not be placed on individual citizens but should be borne by the people making the noise.

Senator Kevin Humphreys: I support the amendment. Could the Acting Chairman oblige Senator Norris and group the two amendments? That would be helpful.

Acting Chairman (Senator Gerry Horkan): The Bills Office did the grouping and I do not believe I have the discretion to group them at this stage. I will leave them as they are. Amendments Nos. 22 to 27, inclusive, and amendment No. 29 are grouped and will have to be voted upon individually. Does the Minister wish to come in on amendment No. 18 in the name of Senator Norris?

Deputy Shane Ross: As so often happens, I sympathise with the sentiments, but what the Senator is proposing is a fundamental change to the planning and development Acts which would impact all planning applications and appeals generally. The noise assessment process set out in this Bill has been heavily interlinked with existing planning legislation, as it needs to be, but does not fundamentally change existing planning process and procedures which are tried and tested. Where a planning application is made for development, the airport noise regulator will review the application to decide if it has a significant noise impact. Where it decides that it does, it will carry out a detailed noise assessment. As part of this there will be a 14-week public consultation period. There is no fee involved for participation in this public consultation. I have specifically provided that to enable free and open participation by individuals and community groups. This consultation will be supported by the free and open publication of all relevant documentation, including non-technical summaries of any technical analysis.

I appreciate the points made on this issue by Senators Norris and Humphreys and I know it comes from genuine concern to ensure that the residents are fully heard on this. They will be. However, the planning process is the same across the country for the entire public. This legislation is not being put in place to change the fundamentals of the planning process. Rather we are ensuring that the noise assessment process is fully integrated with the existing planning processes to ensure that the noise regulator has input into major developments at the airport.

As I mentioned earlier, extensive public consultation is provided for in that process and there is no cost involved. Consultation with any member of the public and community groups will be informed by a report prepared by the noise regulator. This report will include the data examined, the measures considered and the proposed noise mitigation measures. Importantly, I have provided that a non-technical summary will accompany each report. This will make it clear to any person wishing to participate as to how the proposed measures came about and the reasoning for their inclusion in a draft decision.

Acting Chairman (Senator Gerry Horkan): Does Senator Norris want to respond?

Senator David Norris: I do not think there is much point but I will be pressing the amendment.

Amendment put and declared lost.

Sections 12 to 18, inclusive, agreed to.

SECTION 19

Government amendment No. 19:

In page 46, to delete lines 14 to 16.

Amendment put and declared carried.

Government amendment No. 20:

In page 47, line 2, to delete “, including the imposition of financial penalties”.

Amendment, by leave, withdrawn.

Senator Niall Ó Donnghaile: I move amendment No. 21:

In page 47, between lines 16 and 17, to insert the following:

“(8) The competent authority shall direct the airport authority to ensure that average noise exposure at night is reduced below 40dB Lnight, such levels to be revised in accordance with WHO guidelines.”.

Amendment put:

The Committee divided: Tá, 7; Níl, 17.	
Tá	Níl
Boyhan, Victor.	Burke, Colm.
Craughwell, Gerard P.	Burke, Paddy.
Devine, Máire.	Butler, Ray.
Gavan, Paul.	Buttimer, Jerry.
Humphreys, Kevin.	Byrne, Maria.
Ó Donnghaile, Niall.	Coffey, Paudie.
Warfield, Fintan.	Coghlan, Paul.
	Conway, Martin.
	Daly, Mark.
	Feighan, Frank.
	Hopkins, Maura.
	Horkan, Gerry.
	McFadden, Gabrielle.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Reilly, Joe.
	Reilly, James.

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Tellers: Tá, Senators Máire Devine and Niall Ó Donnghaile; Níl, Senators Gabrielle McFadden and James Reilly.

Amendment declared lost.

10 o'clock

Section 19, as amended, agreed to.

NEW SECTION

An Cathaoirleach: Amendment Nos. 22 to 27, inclusive, and amendment No. 29 are related and may be discussed together.

Government amendment No. 22:

In page 47, between lines 16 and 17, to insert the following:

“Noise insulation scheme

20. (1) In this section—

“relevant day” means the day on which this section comes into operation;

“relevant noise contours” mean—

(a) subject to *paragraph (b)*, on and after the relevant day, areas of noise exposure to which the scheme applied immediately before such day, and

(b) areas of noise exposure determined by the competent authority on or after the relevant day, including such an area which alters or replaces an area referred to in

paragraph (a);

“scheme” means a noise insulation scheme put in place by the daa before the relevant day and in force immediately before such day.

(2) Subject to subsection (3), on and after the relevant day, a scheme shall be deemed to be a noise mitigation measure introduced by the competent authority and the provisions of this Act and the Act of 2000 shall, with all necessary modifications, apply to the scheme accordingly.

(3) On and after the relevant day, the competent authority shall ensure that the scheme applies to all homes located within the relevant noise contours.”.

Amendment agreed to.

SECTION 20

Senator Gerard P. Craughwell: I move amendment No. 23:

In page 47, lines 19 and 20, to delete “located within relevant noise contours” and substitute “affected by any and all flight paths to the airport”.

Amendment, by leave, withdrawn.

Senator Máire Devine: I move amendment No. 24:

In page 47, line 23, after “scheme” to insert “including consideration of a climate control scheme”.

May I speak on this amendment?

An Cathaoirleach: The amendment has already been discussed. I mentioned that amendments Nos. 22 to 27, inclusive, and amendment No. 29 are related. I cannot allow the Senator to speak on it otherwise I would be setting a precedent.

Senator Máire Devine: That is a pity. I hope everybody votes for it.

Amendment put and declared lost.

Amendment No. 25 not moved.

Senator Gerard P. Craughwell: I move amendment No. 26:

In page 47, between lines 36 and 37, to insert the following:

“(4) The competent authority shall be responsible for evaluating the design and implementation of the proposed Relocation Scheme and Voluntary Purchase Scheme for families affected by airport noise or to avail of the Noise Insulation Scheme.”.

Amendment, by leave, withdrawn.

Question, “That section 20 be deleted”, put and agreed to.

NEW SECTION

Senator Mark Daly: I move amendment No. 27:

In page 47, between lines 36 and 37, to insert the following:

“Voluntary Purchase Scheme

21. (1) The airport authority shall—

(a) expand the existent noise insulation scheme to all homes located within the noise contours designated under *section 20* of this Act, and

(b) consult local community groups and elected members fully on the design and implementation of the aforementioned noise insulation scheme.

(2) The competent authority shall be responsible for evaluating the design and implementation of the airport authority’s voluntary purchase scheme, with a view to ensuring maximum benefit for local residents. This evaluation shall be prepared and published periodically. The competent authority must publish an evaluation immediately following the design of a new voluntary purchase scheme, and no later than 1 year following the com-

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mencement of the new scheme. This evaluation shall consider—

- (a) the ease with which residents can access the voluntary purchase scheme, and
- (b) the experience by local residents of the voluntary purchase scheme.

(3) The competent authority shall provide an appeals mechanism to local residents who raise complaints or concerns regarding the voluntary purchase scheme.”.

Amendment, by leave, withdrawn.

SECTION 21

Government amendment No. 28:

In page 48. between lines 10 and 11, to insert the following:

“(b) The competent authority shall, as soon as is practicable after it receives a request under paragraph (a), respond in writing to the requester.”.

Amendment agreed to.

Section 21, as amended, agreed to.

Sections 22 to 28, inclusive, agreed to.

Question, “That section 29 stand part of the Bill”, put and declared carried.

Question, “That section 30 stand part of the Bill”, put and declared carried.

Question, “That section 31 be deleted”, put and declared carried.

NEW SECTION

Senator Niall Ó Donnghaile: I move amendment No. 29:

In page 53, after line 15, to insert the following:

“Independent valuations under voluntary purchase scheme of relevant local properties

32. That an independent valuer be appointed to carry out valuations of all relevant properties under the voluntary purchase scheme.”.

Amendment put:

The Committee divided: Tá, 5; Níl, 17.	
Tá	Níl
Boyhan, Victor.	Burke, Colm.
Devine, Máire.	Burke, Paddy.
Gavan, Paul.	Butler, Ray.
Ó Donnghaile, Niall.	Buttimer, Jerry.
Warfield, Fintan.	Byrne, Maria.

Seanad Éireann

	Coffey, Paudie.
	Coghlan, Paul.
	Conway, Martin.
	Daly, Mark.
	Feighan, Frank.
	Hopkins, Maura.
	Horkan, Gerry.
	McFadden, Gabrielle.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Reilly, Joe.
	Reilly, James.

Tellers: Tá, Senators Máire Devine and Niall Ó Donnghaile; Níl, Senators Gabrielle McFadden and James Reilly.

Amendment declared lost.

Title agreed to.

Bill reported with amendments.

Question, "That the Bill, as amended, be received for final consideration", put and declared carried.

Question, "That the Bill do now pass", put and declared carried.

The Seanad adjourned at 10.25 p.m. until 10.30 a.m. on Wednesday, 17 April 2019.