



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 17 Aibreán 2019

Wednesday, 17 April 2019

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: I have received notice from Senator Jennifer Murnane O'Connor that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Children and Youth Affairs to make a statement on Pobal's practices of removing funding from early childcare providers in the event of a reduction in the attendance by children availing of the service.

I have also received notice from Senator Jerry Buttimer of the following matter:

The need for the Minister for Justice and Equality to make a statement on Garda resources in Carrigaline, County Cork.

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

The need for the Minister for Housing, Planning and Local Government to review the current local authority policy where voluntary sports organisations developing local sports and community facilities are required to pay planning contributions and in some cases required to carry out works which should be the responsibility of the local council.

I have also received notice from Senator Máire Devine of the following matter:

The need for the Minister for Finance to provide an update on the Government's response to the Report on the Independent Review of Escalation in National Children's Hospital Costs carried out by PwC.

I have also received notice from Senator Aidan Davitt of the following matter:

The need for the Minister for Transport, Tourism and Sport to make a statement on the need for a new bridge across the River Liffey, Newbridge, County Kildare.

Of the matters raised by the Senators as suitable for discussion, I have selected Senator Murnane O'Connor's matter and it will be taken now. Senators Buttimer and Burke withdrew their Commencement matters which I had originally selected. I regret that I had to rule out of order the matters raised by Senators Devine and Davitt on the grounds that the Ministers have no official responsibility in the matters raised.

Nithe i dtosach suíonna - Commencement Matters

Childcare Services Funding

An Cathaoirleach: Senator Murnane O'Connor is fortunate that the Minister for Children and Youth Affairs, Deputy Zappone, is here to address her issue. I welcome the Minister back to her alma mater, which was her crèche in a former life. I think she enjoyed her stay here. I ask Senator Murnane O'Connor to outline her case.

Senator Jennifer Murnane O'Connor: I thank the Cathaoirleach. I am thankful the Minister has come to the House today to address this issue. I have been contacted by a number of early childcare providers for a variety of reasons over the past year, but I was alarmed to be told just last week that there is a system of withdrawing funding based on how promptly parents drop off or pick up their children at childcare facilities. Is this the practice of Pobal, which administers this fund, that childcare providers are being unfairly penalised for parents leaving children late or collecting them early? Are we really that inflexible? Parents could be running late for an enormous number of reasons or they could get off work early and want to spend quality time with their child. The Department of Children and Youth Affairs is being rather mean if money is being withheld from providers for these reasons. The childcare staff still need to be paid, and the heat and light still need to be paid for. Why would we have a system where providers have to take the hit for parents needing time in their lives to spend with their children? Time is something that is becoming more and more precious for all of us. Could the Minister clarify and explain the thinking behind this?

This kind of thing does not happen to the capitation grants in our schools, so it should not happen in our preschools. We have a massive issue with childcare in this country, and I hear about it on the doorsteps when I canvass in Carlow for the local elections. We need a massive overhaul of how this is done. In other countries preschools and schools fall under the same umbrella. Until we classify things properly, we cannot do things right now to reap the benefits later. I am eager to see what the new national childcare scheme will bring because parents and providers both need help, and staff need to be well paid. Early childhood education and care should be affordable and high quality, but out of all the OECD countries, Ireland's childcare is the second most expensive for couples and the most expensive for single parents. We only invest 0.2% of our GDP in childcare, which is miles behind the OECD average of 0.7%. UNICEF recommended investing 1% to catch up. We need to triple our investment in childcare. Working parents spend around a fifth of their income on childcare, which is four times more than in Sweden, while childcare in Canada can cost as little as \$10 a day.

We have seen significant economic changes in Ireland over the last decade. We have seen

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both a birth spurt and a birth decline. We have seen opportunities expanded and possibilities opened for families. We have seen a sea change in both women's and men's roles, and there is no such thing as normal anymore. We are who we are and we live as we live, and we need to embrace that. It is a major change and a whole new culture, but we are not keeping up with these changes. It is said that politics lags behind reality by about 20 years, so it stands to reason that we are investing in what was needed in 1999, but it is now 2019 and significant investment and change are required.

Providers in the early childhood care and education scheme, ECCE, say capitation of €69, where staff have minimum qualifications of levels 5 and 6, over 38 weeks, does not come close to covering the costs and delivering the scheme. The higher capitation rate of €80.25 per child per week depends on a high standard of staff with paid experience. The Minister is aware of the importance of this stage of education, and while the sector has seen an upsurge in parents being able to send their children to this stage, providers suffer because they are constantly making up the shortfall, or even going unpaid. Several of them have told me they feel they are not making a wage. These providers print and process all the paperwork for the scheme at a cost to themselves, and they do not get paid for non-contact time when they are working on curricula, staff meetings, etc. Insurance, commercial rates and other utilities have all increased dramatically, and more work needs to be done to invest in those who provide the high-quality childcare which we all seek. It is wrong to make the provider pay when funding is being withdrawn due to the time keeping of parents.

Carlow has one of the highest percentages of qualified early years staff in Ireland, yet many of them cannot afford to live on their wages. When they qualify they often go into another field because they do not get enough pay and cannot get mortgages etc. I know the Minister is aware of this and I believe she will be working on it. We need to ensure that staff in this area are properly paid.

Ultimately we should bring this sector under the umbrella of education so that it can be properly funded. It all boils down to the funding. I thank the Minister for coming to the House today. It is a major issue. As a parent, I see how people are struggling with paying for mortgages and childcare. It is getting harder.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): Assisting families to access high-quality, affordable early learning and care, and school-age childcare is a priority for me as Minister. The Senator and her colleagues will be aware that investment in childcare has increased by an unprecedented 117% over the past four budgets, now totalling €575 million per year. This funds a number of early learning and care, and school-age childcare programmes. I want to see investment in this area continue to increase significantly over the coming years. I am in agreement with the Senator.

I am delighted that First 5, the whole-of-Government strategy for babies, young children and their families, commits to doubling investment over the next ten years. Given the significant amount of public money invested in these programmes, there needs to be an appropriate level of oversight and accountability. I believe that my Department's approach to protecting Exchequer funding and ensuring compliance with programme rules is balanced appropriately with supports we provide to services to enable them to continue to deliver a sustainable and high-quality service.

Pobal, as administrator of my Department's funded childcare programmes, conducts com-

pliance visits to childcare service providers. These visits check a service's compliance with the published rules of Exchequer funded programmes. Results from Pobal compliance visits for the first part of the 2018-19 programme year show a significant level of non-compliance, which needs to be addressed as a matter of urgency. In particular many childcare services have been found to be in breach of programme rules concerning attendance records and registrations. Subsidies for the early learning and care, and school-age childcare programmes are based on actual attendance. Attendance rules and their application do not penalise parents who occasionally pick up or drop off children early. Pobal, when determining a pattern of attendance during a compliance visit, aims to apply the rules in a manner that maximises the amount payable to providers.

Non-compliance with attendance rules represents a risk to Exchequer funds as it can lead to services receiving funding in excess of their entitlement. For this reason, my Department, working with Pobal, identifies incorrect registrations and applies the relevant corrections to ensure that services are receiving the correct level of funding. This is an important protection for the significant public funding invested into these programmes. I fully recognise the challenges faced by services where incorrect registrations have been discovered. That is why my Department has developed a strong case management system, operated by Pobal, through which a dedicated team assists services facing challenges. This case management service provides non-financial assistance or support in the first instance and is focusing on engaging those providers with an identified overclaim. Community services can access a budget I have created to assist them to transition towards sustainability in a manageable way. I am encouraged that the majority of services engage constructively with the compliance process and I would recommend services to contact Pobal or their local city or county childcare committee if they need support or advice.

The existing targeted childcare schemes will be replaced later this year with the national childcare scheme, as the Senator is aware. The national childcare scheme was developed based on evidence of the best interests of children and families. Its attendance rules will reflect the reality of children's and parents' lives and the need for services to operate as businesses. The national childcare scheme will mark another significant milestone for early learning and care, and school-age childcare in this country, creating an infrastructure from which Government can further increase investment in services over the next decade.

Senator Jennifer Murnane O'Connor: I thank the Minister for her reply. We need to find a balance here. We have excellent childcare providers. Parents should not be penalised for matters over which they do not have control, nor should the providers. We need a balance. I understand that the need for accountability applies to all businesses, including childcare providers. However, leniency should be shown. What is happening now is frightening people. This is a big thing now. As the Minister knows, things that people cannot account for happen at certain times. There has to be a balance. I acknowledge the Minister has said there is leniency there, but people need to be made aware of that. When there is a good reason, it needs to be accepted. There are great parents, just as there are great childcare providers.

Deputy Katherine Zappone: I absolutely agree that there are great parents and great childcare providers. On the Senator's specific question, I am stating clearly that if Pobal finds any non-compliance, it does not relate to parents dropping children off later or earlier or anything like that. It is relevant to another system on which providers have guidelines. If childcare providers are found to be non-compliant, Pobal and my Department work closely with them to support them in finding a way to move beyond that. With the national childcare scheme that

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will come on stream pretty soon, we are taking a different approach from the ways in which we ensure that children are attending. The Senator will find that we will still have accountability but more flexibility in terms of the lives of parents and children.

An Cathaoirleach: This is a very interesting topic and, as a grandfather, I know what it is like. I thank the Senator and the Minister.

Deputy Katherine Zappone: It is a pleasure, as always, to be here.

Sitting suspended at 10.50 a.m. and resumed at 11.30 a.m.

An tOrd Gnó - Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, motion re arrangements for the sitting of the House on Thursday, 18 April, to be taken without debate at the conclusion of the Order of Business; No. 2, motion re Direct Election of Mayor Plebiscite Regulations 2019, to be taken at 2 p.m. and conclude not later than 3 p.m., with the time allocated to group spokespersons not to exceed eight minutes each, which time can be shared, and the Minister to be given not less than six minutes to reply to the debate; No. 3, Judicial Appointments Commission Bill 2017 - Committee Stage (resumed), to be taken at 3 p.m. and brought to a conclusion at 5 p.m. by the putting of one question from the Chair which shall, in relation to amendments, include only those set down or accepted by the Government; No. 4, Private Members' business, Perjury and Related Offences Bill 2018 - Committee Stage, to be taken at 5 p.m. and adjourned after two hours, if not previously concluded; and No. 5, Wildlife (Amendment) Bill 2016 - Committee Stage (resumed), to be taken at the conclusion of No. 3.

Senator Catherine Ardagh: I thank the Minister for Justice and Equality. On two occasions in this House I have raised the issue of re-entry visas for migrants legally in the country. There was an issue when bots hacked into the system used in the making of appointments such that genuine applicants for re-entry visas were not able to get an appointment. As and from 13 May, the Minister will withdraw the requirement to have a re-entry visa. This is most welcome and a mark of respect for migrants living, working and paying taxes in Ireland, for which I am very grateful.

Another issue at which I would like the Minister to look is the timeframe for processing applications for citizenship. They are taking over a year to process and we are not being given any reason it is taking so long to process some applications. The Leader might ask the Minister to look into the matter. The Minister is doing a great job for migrants and I encourage him to keep it up.

There is a matter about which I am very disappointed and I formally object on my own behalf and that of Fianna Fáil. It concerns the curtailment of the debate on the Judicial Appointments Commission Bill today.

Senator David Norris: Hear, hear.

Senator Catherine Ardagh: It is disgraceful that the Government is treating the Seanad in this way.

Senator David Norris: Well said.

Senator Catherine Ardagh: This Chamber deserves to be shown due respect and it is the first time the Leader of the House has used this mechanism. The rationale for using it is sinister. I would like the Leader to withdraw it and take the opportunity to ensure he will not provide for this curtailment of the debate on the Bill.

Senator Gerry Horkan: Hear, hear.

Senator Michael McDowell: I echo what the leader of the Fianna Fáil group has stated about the proposal in respect of No. 3.

I propose that No. 1 be deleted from the Order of Business.

Senator Victor Boyhan: Hear, hear

Senator Jerry Buttimer: I am sorry, but I did not hear what the Senator said. What is he proposing?

Senator Michael McDowell: I am proposing that the Order of Business be amended by the deletion of No. 1. I do so because the opportunity is being taken by the Government today to avail of the visit of the Speaker of the US House of Representatives, Ms Nancy Pelosi, to pull a stunt. I object strongly to what is happening. Others in the House will propose amendments to the Order of Business to deal with that issue. I am conscious of this, but in the past in this House the Taoiseach told us that he was ending the use of the guillotine, yet today an attempt is being made to tear up that commitment.

I want to deal with a number of other matters. Yesterday, on the Order of Business, a number of colleagues spoke about the destruction by fire of the roof of Notre Dame cathedral. In that context, it is worth remembering that the building will be rebuilt and that we should not go over the top in a kind of Princess Diana moment in claiming that there is worldwide grief because of this event. The building can and will be restored. It was restored very heavily before in the 19th century. The spire we all saw fall was a 19th century addition to the original fabric of the building by Eugène Viollet-le-Duc. I have no doubt that it is possible to repair such structures, looking at the fantastic work done in the restoration of St. Mel's Cathedral in Longford after its appalling destruction by fire.

Senator Gerard P. Craughwell: Hear, hear.

Senator Michael McDowell: If the Government is of a mind to make a contribution, it would be appropriate to make some contribution of money to the restoration fund and it should be done in that spirit. Buildings are buildings and it was not the equivalent of the 9/11 tragedy. There is no need for cross-European mourning. The editorial today in *The Irish Times* makes a very good point. There is a need for us all to check our buildings of similar antiquity, even those which have been heavily restored, like the two Church of Ireland cathedrals in Dublin. We must make sure that our fire precautions for major buildings of this kind are up to the approved modern standards. I ask that the Minister of State with responsibility for the Office of Public Works should come to this House, tell us the lessons he intends to learn from the fire in Paris and give us an assurance that lessons are going to be learned from it and we are not going to have equivalent destruction of our architectural heritage and iconic monuments due to a lack of taking reasonable steps to prevent fires from destroying them in the manner that happened

in Notre Dame.

An Cathaoirleach: Before I call the next speaker, I welcome Mr. Mike Nesbitt, former leader of the Ulster Unionist Party, and Mr. Trevor Marshall, who are guests in our Gallery. They are very welcome to the Seanad today.

Senator Paul Gavan: There is an excellent article by Fiona Reddan in today's edition of *The Irish Times* on the issue of bogus self-employment. She cites a worker who cleans offices Monday to Friday. Although he works regular hours, although all his gigs are set up for him and he is paid the minimum wage each week, the company he works for has hired him on a self-employed basis. If he is sick, he will not get paid and next week he might get no work at all. The article also cites the example of a content moderator hired to view graphic images on websites and make decisions on whether they should be left up or taken down. The stress of the job can get to her but because she is not an employee she will find it difficult to get stress-related paid leave or make a personal injury claim. The scope of bogus self-employment is absolutely huge in this country. The Labour Party had a Bill here three weeks ago which Sinn Féin was happy to support. Unfortunately, the Government opposed it and, more unfortunately still, Fianna Fáil never turned up. It never sent a single Senator, even during the debates, and the Bill was defeated by two votes. On that evening, though, the Minister did say she was poised and ready with a Bill of her own, which she was going to introduce in the following couple of weeks. That was three weeks ago and we are now heading into a two-week recess. I am hearing that there has been intensive lobbying by both IBEC and the American Chamber of Commerce Ireland in respect of this issue. I want an assurance from the Leader as to when this Bill is going to be introduced. It is absolutely crucial. Apart from the fact that we are losing €240 million of revenue each year in unpaid taxes, the level of exploitation of workers is absolutely disgraceful. We had an opportunity to deal with it three weeks ago. The Government rejected that opportunity and it now appears it is dragging its heels again. A simple assurance in terms of a publication date for that Bill would be very welcome.

Deputy Clare Daly issued a letter on the situation in Catalonia at the end of last week. She has called on all public representatives to sign it. The letter does not call for independence for Catalonia but just calls out the level of human rights abuses happening there at the moment. Two civic and cultural leaders have been held on an order for pre-trial detention on charges of sedition since last October. Jordi Cuixart and Jordi Sànchez are leaders of civil society who have been put in jail and left there. The Leader may know that in the civil trial being held in Madrid, the fascist party - the Vox Party - is joining with the State prosecutor to make its own prosecution and is levelling charges carrying up to 75 years in jail. Unfortunately, the sister party of Fine Gael, the Partido Popular in Spain, has been very open about the fact that it is happy to go into government with this fascist Vox Party after the election at the end of the month. It is incumbent on all of us who believe in civil rights and freedoms to stand up for freedom in Europe. I urge all Senators to have a look at that email and to sign the letter and stand up for human rights.

Senator David Norris: How about standing up and saying something about the guillotine?

An Cathaoirleach: Senator Norris is next.

Senator David Norris: I can direct that question at Sinn Féin. We have had a very eloquent speech-----

An Cathaoirleach: If Senator Norris is directing something, he must direct it through the Chair.

Senator David Norris: Of course, a Chathaoirligh. Through the Chair, I would say that we had a very lyrical appeal about human rights from Sinn Féin but they are completely silent on the abuse of democracy in this House today by the use of the guillotine on the Judicial Appointments Commission Bill. This is all because of their tawdry little deal with the Government. I have to say Sinn Féin has fallen a long way from the times when, in their mistaken, stupid way, they were at least idealistic. Now they have joined the ranks of the other political parties.

I commend the leader of the Fianna Fáil Senators on what she said. She was 100% right in terms of democracy in this House. I hope she and Fianna Fáil will vote with us to end the guillotine. It is in the great tradition of Fianna Fáil in upholding this Republic and upholding freedom.

Senator Catherine Ardagh: Absolutely.

Senator David Norris: I want to laugh hysterical laughter, like Senator Buttimer, but we do not blame him; we know he is only the messenger boy. We blame Deputy Ross, one of the worst Ministers this country has ever seen. I propose an amendment to the Order of Business that No. 3 should be taken without the guillotine at 5 p.m..

An Cathaoirleach: Both proposed amendments to the Order of Business have to be seconded. Senator Black is next.

Senator Gerard P. Craughwell: Follow that.

Senator Frances Black: I will be brief. I second Senator Norris's proposed amendment to the Order of Business. I cannot support the proposal to guillotine the debate on the Judicial Appointments Commission Bill. I feel it is less about the content of any particular Bill and more a point of principle. I am concerned about the Government using the guillotine. I have seen with my own and other legislation how procedural measures can be used to frustrate legislation. In general, I do not think using a guillotine is good practice and I am concerned at seeing it in use again.

Senator Gabrielle McFadden: It is hard to come after the comedian who went before Senator Black.

Senator David Norris: I am sure Madame Defarge will do very well with her knitting.

An Cathaoirleach: Senator Norris, please.

Senator Gabrielle McFadden: I have to say to Senator Norris, that is very condescending and I do not like that tone. I would prefer as-----

Senator David Norris: She called me a clown.

Senator Gabrielle McFadden: I did not call him a clown. I feel as a politician who is equal to him that he should not have said that.

An Cathaoirleach: Senator Norris should reflect on that *ad lib*.

Senator Jerry Buttimer: As the father of the House he should withdraw that remark.

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Senator David Norris: Should I?

An Cathaoirleach: I am sure he will reflect on it. Allow Senator McFadden to continue.

Senator Gabrielle McFadden: We do not need to be playing games. I wish to raise the issue of the Defence Forces again, probably for the 105th time since this Seanad convened.

Senator Gerard P. Craughwell: The Senator meets the Minister of State at their parliamentary party meeting every week.

An Cathaoirleach: Senator McFadden has been interrupted two or three times. If Senator Craughwell wants to take his slot now, I will take the time off him.

Senator Gabrielle McFadden: Senator Craughwell does not like me mentioning it because he thinks it is his issue but actually it is mine, too. I fear for the air ambulance in Custume Barracks. In 2012, Custume Barracks had a pilot scheme for the air ambulance and I fought very hard when I was a Deputy to make sure the air ambulance would remain there permanently, which it did. I subsequently fought for a hangar and for funding to be put in place in order that there would be a permanent home for the air ambulance in Custume Barracks, despite some Independent Deputies claiming victory there. We now have an issue with pay and conditions, not just for soldiers but also for pilots. There are supposed to be 107 pilots but there are actually only 78 in the Air Corps. It is better for them to work in the private sector because pay and conditions are better. I am concerned about this air ambulance. I know the Taoiseach has voiced his opinion and said he feels it should be kept. I ask the Leader to use his good office to request the Minister of State with responsibility for defence to come to the House to discuss the possibility of looking at pay and conditions for all soldiers, but specifically for the air ambulance, and to make sure he can guarantee us that it is safe and will remain in Custume Barracks in Athlone.

An Cathaoirleach: Before I call the next speaker, I would like to welcome a group from what used to be my own constituency of Bandon, TJ Hourihan and the YMCA group from Bandon, supported in the Gallery not alone by Deputy Murphy O'Mahony but also by Senator Lombard. I call Senator Horkan.

Senator Gerry Horkan: I also object to the Leader's outline of the Order of Business today. We have used the guillotine very infrequently in this Chamber which is to the credit of the Leader and all the Members of the House. I have chaired many hours of the debate on the Judicial Appointments Commission Bill 2017, among other discussions, and that has been a very useful debate. We have heard many interesting and helpful contributions from Members and any time somebody suggested to me that it was a filibuster I pointed out very clearly that it was not remotely a filibuster, that this is important legislation that needs to be discussed and carefully teased out. I have yet to hear any Member of the Chamber defend the Bill in question, including anyone on the benches where the Leader sits.

I may not have been here for as many hours as Senator McDowell but I would be up there for presence in the Chamber when it is being discussed and I have yet to hear one of the 60 Members of this Chamber say a good word about the Judicial Appointments Commission Bill 2017. It is not typical of the Leader to try to ram it through and it is not becoming. It is slightly ironic that he is attempting to do it the day before the Taoiseach's annual address to this Chamber. The Leader might reflect on the proposal because I do not want to be voting against the Order of Business all the time but on this occasion I will have to object to that particular part of

it that requires a guillotine. I am sorry to have to say that to the Leader because by and large I do not object to the Order of Business which is fair and reasonable. I do listen to it which not every Member does when it is being read out. They come back in at 3 p.m. or 4 p.m. giving out about it. I tell them the Order of Business was decided that morning and everyone voted for it and did not oppose it.

It is important also to acknowledge this momentous day. I welcome Nancy Pelosi, the Speaker of the US House of Representatives. I met Congressman Brendan Boyle, who is part of the delegation, last year in Washington. I congratulate Billy Lawless on his ongoing engagement on all our behalf and his fantastic contribution on both sides of the Atlantic Ocean to promoting Irish-American relations. I wonder if there is anyone in this Chamber who does not have relatives in America. My grandfather was the youngest of ten, one of whom died young and eight of whom went to America. Many of us have family connections, if perhaps distant, in America. There is a great bond there. I particularly welcome Ms Pelosi's comment on Brexit and the possibility of a trade deal if the Good Friday Agreement, an internationally recognised agreement, is not being respected.

I wish the Leader and all the Members a very happy Easter. I hope they get some time to rest and relax. We will not have an Order of Business tomorrow as far as I understand so this is the last one before Easter. I hope the Members will do some canvassing for the European and local elections but not as much as we will do, over the break.

Senator Victor Boyhan: I strongly oppose any attempt to guillotine legislation in the House. I read the speech delivered by An Taoiseach, Deputy Varadkar-----

Senator Gerard P. Craughwell: The boss.

Senator Victor Boyhan: -----dated 1 February 2018. He will be reminded of it later today in correspondence from me and he will no doubt be reminded tomorrow. He referred to:

a new approach to politics and proposed to do politics in a different way. This was promising a new departure in the day-to-day running of political life. [At the time] we talked about a democratic revolution. [...] The Seanad's true role is to be a check and balance on the Dáil [and to scrutinise legislation].

He also said. "There is an end to the use of the guillotine". Is this man credible? Can he stand over what he said? I hope people will ask him about it tomorrow. This is the Taoiseach of this country who came into the Houses of the Oireachtas, the Seanad and gave commitments and promises to us. If he cannot be believed on this and cannot keep his word can we believe him on anything else? It is a disgrace that any attempt would be made to curtail the democratic engagement or scrutiny here. Be it a Minister who is putting the pressure on, or people telling us that they are under pressure to deliver, this was the talk of Leinster House last night. I received calls this morning out of courtesy. We all knew it last night. This plan was hatched yesterday. It was talked of by colleagues in both Houses yesterday. It is disrespectful to the Members and it is unacceptable. I respect the people who told me in confidence and therefore I will not abuse my position in here and name them, but it is unacceptable behaviour, it is unparliamentary conduct and should not be tolerated.

I appeal to Sinn Féin. I would have a lot of time for some of its policies-----

Senator Jerry Buttimer: The Senator should tell the councillors that.

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Senator Victor Boyhan: -----and its members who are diligent in their work in both Houses of the Oireachtas but they cannot stand up as they did last night and lecture Fianna Fáil and talk about a confidence and supply government that it is propping up and then turn around and prop it up today.

I propose an amendment to the Order of Business, that we extend the debate on the mayor plebiscite regulations, which is very important, by a further 30 minutes to give us 90 minutes to discuss this important topic and reduce the debate on the Judicial Appointments Commission Bill by 30 minutes.

Senator Maria Byrne: It is five years since the local enterprise offices, LEOs, were established and over 18,000 jobs have been created and 18,000 companies started. This is very positive. I pay tribute to the people who work in the LEOs and the many volunteers who work with them on the mentoring programme and with the businesses. It is an issue we need to consider more and more and we need to encourage more people to visit the LEOs because there is so much information available inside their doors and so much help that people are not aware of. I congratulate all 18,000 people whose jobs were created by the LEOs.

An Cathaoirleach: I thank Senator Byrne for her usual brevity.

Senator Máire Devine: The report on the mother and baby homes published today is the fifth interim report and we have watched each one, as have the relatives of the women in the mother and baby homes. They have stuck with this over the years and many of them are now elderly and frail. Some have sadly passed on without learning what happened to their children, their brothers, sisters and even their mothers. The uncovering of the shame that is and was Ireland continues. Every layer that we lift on the past brings more horrors for us to bear. We expect it now, I think, because we have got so used to it.

The bodies of almost 1,000 children aged between 10 minutes and 15 years were given, from the Dublin institutions alone, to medical schools. Questions arise about where their remains are buried, whether a burial ever took place and whether it was a proper burial. These children had one thing in common, they were poor people, often termed illegitimate and called anatomical subjects. They were given to medical schools throughout the country and it was common practice at the time in other countries. There are 900 burials that cannot be figured out in Bessborough. They do not know where these children and infants have gone, they are somewhere in the grounds and trying to establish where is a mighty task. Could the Minister for Children and Youth Affairs come in to update us on this distressing report and to confirm for the families the due date of the final report which she has said will be next February?

Senator Ivana Bacik: Like others, I express my strong opposition at the use of the guillotine by the Government today on the Judicial Appointments Commission Bill. It is very disappointing to see this procedural device being used by a Government that swore it would not do so. It committed itself to new politics. Its members in Fine Gael have not only been unsupportive of the Bill, they have also expressed criticism of its provisions, many of which we have debated in the House. We have made the point that they are unconstitutional and will, if passed, lead to unwieldy and deeply flawed new processes for appointing judges. We are opposed to the imposition of the guillotine. I, therefore, propose an amendment to the Order of Business, that instead of taking the Judicial Appointments Commission Bill between 3 p.m. and 5 p.m., we have the Minister for Transport, Tourism and Sport in the House to resume the debate on trans-

port as we ran out of time the previous day the matter was debated. I was one of the Members who did not get to contribute on that occasion.

Senator Gerry Horkan: It always happens.

Senator Michael McDowell: Hear, hear.

Senator Ivana Bacik: Given that we know that it is the Minister for Transport, Tourism and Sport-----

Senator Michael McDowell: He should do his real job.

Senator Ivana Bacik: -----who is driving the Judicial Appointments Commission Bill-----

An Cathaoirleach: Senator Bacik should be allowed to make her proposal.

Senator Jerry Buttimer: Members are heckling her.

Senator Ivana Bacik: I think they are heckling in support.

An Cathaoirleach: The Chair and the staff need to hear her proposal in order that they can understand it. There should be no interruptions.

Senator Ivana Bacik: Thank you. My proposal is straightforward. Since, as we all know, the Minister for Transport, Tourism and Sport is driving the Judicial Appointments Commission Bill, I propose an amendment to the Order of Business that he come into the House between 3 p.m. and 5 p.m. to resume statements on transport to enable us all to make a contribution and him to respond to the Members who spoke on the previous occasion.

On a separate note, I ask the Leader to provide time after Easter for a debate on the report on mother and baby homes and the terrible revelations we have heard today. As the have revelations emerged on a day when we are celebrating the achievements of women in politics, with Speaker Nancy Pelosi in the Dáil Chamber, it is time for us to reflect on how shamefully and appallingly we treated women and children in the past through the awful structures of the mother and baby homes. We are only beginning to see the true extent of the horrors inflicted on women and babies in the homes.

Senator Maura Hopkins: On Monday I attended the launch of the Western Development Commission's strategy. A lot of work is being done by the commission to promote the economic and social development of the western region. It launched a five-year strategy entitled, Work Smarter, Live Better. Much of the strategy centres on the promotion of enterprise hubs. A sum of €1 million is being provided from the Dormant Accounts Fund to support the further development of enterprise hubs, promote remote working, provide hot desk facilities and, overall, support people in returning to live in the region and enjoy the very good quality of life it offers. I am aware of a number of enterprise hubs in the region which are not being utilised to maximum potential. I specifically reference the enterprise hub in Ballinasloe where the Western Development Commission launch took place. The first client entered into a lease agreement to occupy a space there, but there is much greater potential. The Western Development Commission has identified 72 hubs across the region and there is a need for a structured policy to ensure enterprise hubs will be used to maximum potential, that companies will be aware of their existence and that the utmost will be done to support those who want to work remotely. We are all aware of the debate taking place on the roll-out of broadband in rural areas and that people

do not have access to it, but they can access an enterprise hub or a hot desk facility within the region. The Government must do a lot of work in conjunction with the Western Development Commission in that regard.

Senator Robbie Gallagher: I refer to the fair deal scheme for farm families and the delay on the part of the Government in bringing forward promised legislation to make it easier for such families. When I tabled a Commencement matter to discuss the issue a few months ago, the Minister indicated to me that legislation was imminent. However, I am disappointed to learn that the heads of the Bill have yet to be published. Such a long delay is unacceptable and many farm families are losing out as a result. Many families who have loved ones in a nursing home for a long period will be facing severe financial hardship. There is universal acceptance in both Houses of the need to modify the legislation. A cap on assets for three years has been sought similar to that in place for residential homes. The farming sector, in particular, is going through a very difficult time and the fact that this issue has not been resolved is adding to the pressure. I, therefore, urge the Government to expedite the legislation through the House as soon as possible.

Senator Frank Feighan: I also welcome the Speaker of the US House of Representatives, Ms Nancy Pelosi, to Ireland. Her comment in the United Kingdom and Ireland that any US-UK trade deal will not happen if any damage is done to the peace process is significant and sends a clear signal that the Good Friday Agreement and the peace process cannot be damaged in any way.

I thank Senator Lawless for the work he has done in bringing US and Irish politicians together

Senator David Norris: Hear, hear.

Senator Frank Feighan: That is exactly what the Seanad should be about.

As somebody who advocates a greater association with the Commonwealth of Nations, I took great interest in the wonderful supplement in the *Sunday Independent*, the largest selling newspaper, outlining Ireland's association with the Commonwealth. As Members are aware, in 1949 Ireland was declared to be a republic by a Fine Gael Taoiseach, probably at the suggestion of Seán MacBride, the leader of Clann na Poblachta and an ex-chief of staff of the IRA. It was a significant mistake which resulted in the Ireland Act being introduced at Westminster which effectively recognised Northern Ireland for the first time and drove partition on the island more deeply.

Senator David Norris: Hear, hear.

Senator Frank Feighan: Even Eamon de Valera said in 1953 when he went to visit Mr. Churchill that if he had been Taoiseach in 1948, there was no way Ireland would have left the Commonwealth. The rules of the Commonwealth of Nations were changed to allow Ireland to remain in it. A total of 53 countries and 2.4 billion people are in the Commonwealth. A total of 70% of the people born on the island who reside overseas reside in Commonwealth countries. From the point of view of co-operation, democracy, human rights and legal, political and sporting-----

Senator Paul Gavan: They include Brunei.

Senator David Norris: Did I hear an English accent?

Senator Frank Feighan: Even Sinn Féin-----

Senator David Norris: Go back to London.

Senator Jerry Buttimer: The Senator is out of order.

Senator David Norris: Sit down.

An Cathaoirleach: The Senator has interrupted three times today and I am being very patient. He should, please, allow Senator Feighan to conclude, as he is almost one minute over time and there are another eight speakers and four votes to be taken.

Senator Frank Feighan: I understand. Even Sinn Féin in the North and the South realises that if we are to have an agreed Ireland, our relationship with the Commonwealth will have to be paramount. We, therefore, need to have a debate on Ireland's future relationship with the Commonwealth of Nations. What do we have against Canada, Australia, New Zealand and India? There is a deep Anglophobia, with which we must deal if we are to have an agreed Ireland.

Senator David Norris: Absolutely.

Senator Gerard P. Craughwell: I second the proposal made by my colleague, Senator Boyhan, that an additional half an hour be added to the time allocated to debate No. 2, motion re Direct Election of Mayors Plebiscite Regulations 2019, with the time to be taken from the time allocated to debate the Judicial Appointments Commission Bill. Last night we heard several cries about democracy from my colleagues on the Sinn Féin benches. This morning we are hearing constantly about the propping up of the Government by Fianna Fáil. This morning we also find that Fianna Fáil is going to the honourable thing and stand up for democracy

Senator Gerry Horkan: We always do the honourable thing.

Senator Jerry Buttimer: Fianna Fáil promised that it would consult on all of its votes, but it has not consulted on one of them. I have the texts. The party promised that it would consult on every vote.

Senator David Norris: The Leader talks about interrupting. He is pretty good at it.

Senator Jerry Buttimer: It is hypocrisy.

Senator David Norris: The Senator is a most unruly Leader.

An Leas-Chathaoirleach: Senator Craughwell to continue, without interruption, please.

Senator Gerard P. Craughwell: Fianna Fáil promised that it would consult on all of its votes, but it has not consulted on one of them.

An Leas-Chathaoirleach: The Leader will have an opportunity to respond.

Senator Diarmuid Wilson: This is "Textgate". The Leader should not have the texts under the Data Protection Act 2018 and the general data protection regulation.

Senator Gerard P. Craughwell: I can stand here all day while this discussion takes place. I am quite happy to do so, but I will have my say. The Leader is a decent and honourable man

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and I do not believe that, on his own initiative, he would go against the wishes of the Taoiseach in the use of the guillotine. He is a democrat and I do not believe he would go against democratic principles on his own initiative. That makes me wonder what is going on. I have kept dogs for 40 years and have yet to see a case in which the tail wags the dog, but I think I have arrived at that situation today. Will the Leader do the honourable thing and ensure the Judicial Appointments Commission Bill 2017 continues on the pathway it is on? I know that it is frustrating, but if Fine Gael really felt bad about it, its members would be here defending it. However, I have not met one of them who has anything good to say about it. At the end of the day, we all know that it is a bit of a farce.

Senator Jerry Buttimer: It is. The Senator is right. I refer to the carry-on here.

Senator Gerard P. Craughwell: We really need to put an end to it. I, therefore, call on the Leader to have the courage of his convictions.

Senator Máire Devine: We have to put an end to it.

Senator Gerard P. Craughwell: Fine Gael is the biggest party in the coalition. Its members should stand up for themselves and say they will not go through with it anymore. They do not believe in the Bill and should scrap it. The Minister tells me that he has approximately 100 Bills waiting to be brought before the House. Let us start to get the real work done and stop trying to appease people.

Senator Máire Devine: Let us start to get the real work done and address the issues of housing and health.

Senator Gerard P. Craughwell: Let us get rid of this nonsense. Sinn Féin's Members are shouting behind me. Perhaps that party might do the democratic thing for once today and stand up for the rest of us.

Senator Kevin Humphreys: I second my colleague's proposed amendment to the Order of Business. The Minister for Transport, Tourism and Sport, Deputy Ross, should come into the House to respond on the many issues raised when he was last here when he did not have the opportunity to do so. Many other speakers also did not have an opportunity to speak.

I will be opposing the use of the guillotine. Let us be very clear. The top echelons of Fine Gael and Sinn Féin have come together to do the anti-democratic thing in this House, even though they have promised for many years that there would be no use of the guillotine in this House. Today we see the change. We also see a change in that Fine Gael is very comfortable in doing business with Sinn Féin. The outcome of the next general election will be very interesting, when the top echelons of Fine Gael and Sinn Féin sit down together to negotiate a coalition Government. We are seeing the early signs that Fine Gael is very comfortable in dealing with Sinn Féin and concluding agreements with it.

Senator Jerry Buttimer: The Labour Party is good at doing it on Dublin City Council and in this Chamber.

Senator Kevin Humphreys: The Leader criticises others for interrupting.

Senator David Norris: The Leader should cease making interruptions.

Senator Kevin Humphreys: What happened in Paris was an appalling tragedy. However,

more than 70,000 residents throughout this country are living in defective apartment blocks which are possibly fire hazards. In many of them there are fire marshals walking up and down the corridors 24 hours a day. We have raised this issue in the House on many occasions. It is due to light-touch regulation and the 70,000 householders have been hung out to dry. We have ways to assist them through the Pyrite Resolution Board, but no assistance has been given to them in that regard. I have asked the Leader and the Minister on many occasions about the 70,000 householders. Some mechanism must be put in place to assist them, such as a soft loan to be given to them over 25 years at a preferential interest rate. We cannot leave 70,000 householders at risk of losing not just their homes but also possibly their lives. No Government can stand over this. The last Government created a template for dealing with this issue. It was a soft loan to help residents to rebuild, with grants paid in respect of other apartment blocks. The Minister and the Minister of State seem to close their ears-----

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

Senator Kevin Humphreys: I am talking about the risk to life and limb for 70,000 householders. It is ignored on a daily basis, not just in this House but also in the other House. The people in question have not had a listening ear. No one is prepared to listen to them. I feel for what happened in Paris, but I will feel even worse if somebody loses his or her life in this country because the Minister will not listen. It is just not good enough to have fire marshals walking up and down corridors.

An Leas-Chathaoirleach: The Senator has gone over time by one minute.

Senator Kevin Humphreys: The Leas-Chathaoirleach let many Fine Gaelers go two or three minutes over time-----

An Leas-Chathaoirleach: I did not.

Senator Kevin Humphreys: -----while they were talking a load of baloney. When I talk about the risk to life and limb, they are not prepared to listen.

An Leas-Chathaoirleach: Excuse me, I did not.

Senator Jerry Buttimer: Senator Humphreys must withdraw the remark.

Senator Kevin Humphreys: I will not. The Leader heckled me all the way through my remarks. I am sick of the way he deals with the House. The way he is going to guillotine the debate on the Bill with Sinn Féin today is an absolute atrocity.

Senator Máire Devine: Stop.

(Interruptions).

Senator Kevin Humphreys: The Leader is still shouting at me and has the protection of the Leas-Chathaoirleach. The guy has hassled and bullied Members all day.

Senator David Norris: Why does the Leas-Chathaoirleach not tell the Leader of the House that his behaviour is disgraceful?

An Leas-Chathaoirleach: All Senators are interrupting. The Leader will have a chance to respond. That fact must be respected.

(Interruptions).

Senator Kevin Humphreys: He started it. Let us be very clear about who started it and who has been doing it all morning.

An Leas-Chathaoirleach: All Senators are acting up. They must resume their seats and calm themselves.

Senator Michelle Mulherin: I highlight the recent decision of the Supreme Court to dismiss an appeal concerning the Apple data centre. A decision was issued by An Bord Pleanála in August 2016 and it has taken until now to have an appeal dealt with. Even though the appeal has been dismissed, the appellants have won because Apple has left. The Athenry area has been deprived of an €850 million development which potentially would have been followed by the development of further data centres. This case clearly shows that there is a problem with the planning process and that it is not fit for purpose. If we are serious about delivering and developing major investment and infrastructural projects, we need to do an awful lot better. The decision is very poor consolation to the people of the Athenry area, the vast majority of whom were in favour of the development. It also points to the fact that if another Apple was to arrive on the scene tomorrow, the same fate could await it. Absolutely nothing has changed in the planning process which is not fit for purpose. Perhaps even the way An Bord Pleanála handles these matters is not fit for purpose. A review of the operation of An Bord Pleanála was ordered. It was conducted and a series of recommendations were made, but we have heard nothing about their implementation. I would like the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, to come before the House, as this is a very serious matter. We have positioned Ireland as a small open economy to attract this type of tech industry, but we cannot facilitate it. Apple is already up and running with a second data centre in Denmark, which speaks volumes.

In February the High Court delivered a judgment on European sites and lands designated as special areas of conservation. While the decision might be helpful in clarifying what can be developed on designated land, it actually states An Bord Pleanála cannot take mitigation measures into account. If one can engineer one's way around an environmental problem, it is not good enough. What are we to do on the western seaboard where a massive amount of land is designated? We want to build roads. It is already costing us millions and delays. I ask that the Minister be brought in because these are fundamental questions. Unless they are addressed, we will go nowhere with Project Ireland 2040 and redressing the imbalance in the country.

Senator Billy Lawless: I was very saddened yesterday when I saw the catastrophic fire that happened in Notre Dame. Once I saw scaffolding, I think I knew exactly what happened because it happened to me. As we all know, these roofs, especially flat roof sections, have tar and pitch, particularly in old buildings. I agree with Senator Humphreys on this. One puts roofing felt on top of hot tar and goes along with the blowtorch in front of it. Anything under that is like tinder. It has been there for years and can catch fire quickly. The same thing happened to one of my restaurants about 15 years ago and but for a young little Mexican who went into a crawl space with a fire extinguisher, the place would be gone. We have the same problem with old buildings in Ireland and we treat roofing and unregistered roofers very flippantly. It should be totally regulated. We have serious fire hazards, especially in older buildings. I would like that to be brought to the relevant authorities, especially fire authorities.

I was proud to see the Friends of Ireland, many of whom have become personal friends over

the years and led by one of the greatest women leaders in the world, Nancy Pelosi, are coming here to celebrate our 100th anniversary. Not only are they doing that, but she laid out that under no circumstances, if there is any change to the Good Friday Agreement, would there be a trade deal between Britain and the United States. She is the Speaker of the House, but Richard Neal is the chairman of the Committee on Ways and Means and he is leader of the Friends of Ireland. The other thing that pleased me following a discussion with the Taoiseach yesterday is that she is totally behind the E-3 visa which they will introduce by the first day back after the recess. We are still on track and I welcome them and thank them for their visit here.

I second Senator McDowell's proposed amendment to the Order of Business.

An Leas-Chathaoirleach: I call Senator Ged Nash.

Senator Gerald Nash: I was about to call the Leas-Chathaoirleach "Minister". Maybe some day. I cannot support any notion that a guillotine would be introduced for this legislation. The Judicial Appointments Commission Bill is probably the most flawed legislation that I have ever seen come into either House in my eight years' experience in these Houses and in my many years of watching and studying how politics is conducted in these Chambers. It is high time that the Minister, Deputy Ross, focused on his own brief. Heaven knows there are far too many pressing issues in his own brief that he seems to be practically ignoring because of his unrelenting, ridiculous focus on this legislation. Not only do the majority of Members of this House, in my opinion, disagree with it but many important international organisations have expressed their concerns with it. It is quite likely that many, if not most, aspects of this legislation are deeply unconstitutional. We have an obligation as elected Members-----

Senator Victor Boyhan: Hear, hear.

Senator Gerald Nash: -----and appointees to this House to fully scrutinise this legislation, to do the business of the people in this House to ensure that the draft laws that we are considering are at the very least constitutional. Otherwise we would not be fulfilling our constitutional roles and responsibilities. The Minister also seems obsessed with policing issues, but only in his own constituency.

I want to raise an episode in my home town in Drogheda where shots were fired at a house in the Rathmullan estate in Drogheda. There is an ongoing local feud. I have repeatedly raised that we have a very limited number of members of An Garda Síochána in our town where most towns of an equivalent size have ten to 12 gardaí per unit per shift. We have five to seven gardaí in the area, trying to police an ongoing violent criminal feud without the resources they need. Any time I raise this issue in this House, I am told by Ministers that it is not their responsibility and they do not allocate members of An Garda Síochána. That did not stop the Minister for Justice and Equality from coming to my home town in December and promising members of An Garda Síochána that they would get what they want and need. Unfortunately, Drogheda did not get the gardaí and resources that it needs.

Deputy Ross is obsessed with the police station in his own home area but he has very little to say about ongoing criminal feuds in areas such as the north side of Dublin, referred to by my colleague, Senator Ó Ríordáin, with the lack of policing resources there, or the lack of policing resources in my community. I would prefer if he stuck to his own brief. If he is expressing an interest in criminal justice, judicial and policing matters, he should do it in a holistic fashion and look at areas that need those resources, not his own area, because that is the worst type of

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parish pump politics. It is the type of politics that he always said he never represented. It is disgraceful that in this era of so-called new politics, when this Government decided that it was not going to use the guillotine, that it is using it now to fulfil its own agenda for its own narrow purposes. I greatly object to that.

Senator Mark Daly: Like my colleague, Senator Lawless, I welcome the Speaker of the House of Representatives. There was a powerful communication from her to the UK Government in London that there would be no UK-US trade agreement unless the Good Friday Agreement was protected in full. I propose to the Leader, and would be interested in the response, that in light of the number of divisions we are having and the fact that she is addressing the Dáil in less than 20 minutes, and that we are invited to attend, 60 Members of this House not being in attendance because of divisions would be disrespectful to our guest.

Senator Jerry Buttimer: That was the import of the division yesterday.

Senator Mark Daly: I want Senator Buttimer's response. If there are 60 vacant seats, it is disrespectful to our guest.

Senator Jerry Buttimer: That was the import of the division yesterday.

Acting Chairman (Senator Diarmuid Wilson): The Leader will have the opportunity to respond.

Senator Mark Daly: The Government and the Taoiseach have invited one of the most powerful people who is an ally of Ireland-----

Senator Jerry Buttimer: Senator Mark Daly did not think of that in the division yesterday.

Senator Mark Daly: -----in this Brexit negotiation-----

Senator Jerry Buttimer: Senator Daly did not think of that yesterday.

Senator Mark Daly: Congressman Richard Neal, Chair of the Committee on Ways and Means, is here.

Senator Jerry Buttimer: Senator Mark Daly was told this yesterday.

Senator Mark Daly: He has met Liam Fox, Secretary of State for International Trade for the British Government, and has told him in no uncertain terms that unless the Good Friday Agreement is protected and the Border remains open and transparent, there will be no trade agreement between the United States and the UK.

Only the Leader of the House can propose a suspension. The divisions will take place and democracy will have its way. Is the Leader willing to show disrespect or courtesy and respect to the visitor the Government and all of us are welcoming to this House today by making sure that there are empty seats-----

Senator Jerry Buttimer: Senator Daly was told that about the division he voted on yesterday.

Acting Chairman (Senator Diarmuid Wilson): Leader, please.

Senator Mark Daly: It is entirely up to the Leader.

Senator Jerry Buttimer: Senator Daly was told that yesterday.

Acting Chairman (Senator Diarmuid Wilson): Senator Buttimer, please.

Senator David Norris: The Leader cannot stop interrupting. He is pathological.

(Interruptions).

Senator Mark Daly: We are proposing that the divisions be taken afterwards. The Government invited the Speaker of the House of Representatives to address us today, and knew the hour and time that it is happening. The Government is now showing disrespect to the guest that we have invited by not allowing us to attend her address to the Dáil.

Acting Chairman (Senator Diarmuid Wilson): I thank Senator Mark Daly.

Senator Mark Daly: This is not a ceremonial event just to mark the 100th anniversary of the Dáil-----

Acting Chairman (Senator Diarmuid Wilson): I call Senator Butler.

Senator Mark Daly: -----but an event that will assist us in achieving what we want to achieve now. This is relevant with regard to-----

Acting Chairman (Senator Diarmuid Wilson): I call Senator Butler. Senator Daly, please.

Senator Mark Daly: If the Leader does not suspend the House for that time, he will have to apologise to the guest and explain to the Taoiseach why-----

(Interruptions).

Senator Mark Daly: -----the seats were vacant.

Senator Ray Butler: I would like to speak about juvenile crime.

Senator Jerry Buttimer: There is juvenile behaviour here.

Senator David Norris: Senator Buttimer is one to talk. Aithníonn ciaróg ciaróg eile.

Senator Ray Butler: I would like to speak about juvenile crime and young offenders under 15 years of age. We have had a spate of crime in our area. We have had gangs going around. We saw in the newspapers recently that 3,500 juvenile cases have not been investigated. In my area, there have been crimes such as shops being robbed, intimidation, fighting on the street and elderly people being terrified. Last Friday, when I was in the AIB bank in Trim, a lady told me that her son had been beaten up at a juvenile disco. The Garda told his family to keep him at home and not to send him to the disco anymore. The family were threatened with their house being burned down for reporting the incident to the Garda.

Antisocial behaviour orders, ASBOs, are not working. I know of young offenders who have 11 or 12 ASBOs. Basically, the hands of gardaí are tied and they cannot do anything. The only way forward is for parents to be made more accountable. Young people must not be allowed to roam the streets at night or to intimidate or attack people. People have been attacked at cash machines in the Trim and south Meath area. On St. Patrick's Day, a young man had his nose broken at a cash machine because of juvenile offenders. The Minister for Justice and Equality, Deputy Flanagan, should come to the House today to explore new legislation for young offend-

ers.

Senator Kevin Humphreys: I seek guidance on a point of order. Obviously, the Fine Gael stunt this morning has not worked. I request that the Leader propose the suspension of the House to show due respect to the guest speaker in the Dáil and to allow Senators to attend the event. The stunt did not work. Let us show due respect to the visitor and the House.

An Leas-Chathaoirleach: That is not a point of order. It is a matter for the Leader to propose the suspension of the House.

Senator Kevin Humphreys: Perhaps he will reflect and do so.

An Leas-Chathaoirleach: I intend to call the next speaker.

Senator Gerard P. Craughwell: It should be put to a vote.

Senator Jerry Buttimer: It is the Order of Business. Senators Humphreys and Craughwell are not running it yet.

An Leas-Chathaoirleach: I call Senator Mullen.

Senator Rónán Mullen: Senator Feighan asked what we have against Australia and New Zealand. It is only two weeks since I raised the issue of the Suhinthan family who decided to emigrate to New Zealand after being headhunted by employers there. However, one of their three daughters was denied access to the country because she has Down's syndrome. Obviously, this will force the family to abandon its plans. I asked what this said about New Zealand, a supposedly tolerant country which is supposedly a friend to the Irish people. Incredibly, a rather similar case has arisen, this time in Australia, and the details of which are, perhaps, even worse. In 2009, Anthony and Christine Hyde moved from Dublin to Victoria, where he works as a bus driver and she is a teacher and assistant principal in a local primary school. Their son, Darragh, was born there in 2015. The family applied for permanent residency in Australia. In the course of the application, their son was diagnosed with cystic fibrosis. The family met the criteria for permanent residency but, incredibly, the diagnosis led to their application being rejected due to the potential cost of the treatment of cystic fibrosis.

Essentially, Australia and New Zealand are saying that skilled Irish people and their families are perfectly welcome so long as none of them is disabled. If they are, they and their families are stigmatised and refused entry. I hope we would never be so heartless here in Ireland. Certainly, I am not aware of any situation where this has occurred or could occur here. I cannot imagine a situation whereby a family from Australia or New Zealand would be turned away on the grounds that one of the children was born with a manageable medical or genetic condition. If Donald Trump were to impose such a disgusting and discriminatory policy on immigrants to his country, there would be worldwide outrage, but when supposedly liberal and tolerant countries such as Australia and New Zealand do it, there is political silence and, effectively, a media blackout. There has been an almost total media blackout here about these cases. The initial application by the Hyde family was refused by the Australian immigration agency and is now under appeal to the administrative appeals tribunal. I intend to raise these cases as a Commencement matter such that the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Coveney, can address them urgently. In the interim, does the Leader agree that these cases are shocking-----

Senator David Norris: They are shocking.

Senator Rónán Mullen: -----and give a shocking impression of the attitude of supposedly liberal and tolerant countries towards people with these conditions?

Senator Martin Conway: I rise to speak about a matter I previously addressed in the House, namely, Clare Bus and the fact that its back office support has been moved to west Limerick, some 90 km away. It tendered for the contract, as did the Limerick bus company. The Limerick bus company succeeded in the tendering process run by the National Transport Authority, NTA, which is regrettable. I very much hope that at this late stage some mechanism can be found to allow common sense to prevail. People in Limerick are not sufficiently familiar with the topography, geography or landscape of County Clare to identify and find people who live in the mountains of the Burren, the hills of east Clare or the tip of west Clare. Clare Bus and its great staff who operate out of Feakle know County Clare inside out and upside down. They know every byroad and high road in the county. It is very regrettable that, as a result of European procurement rules, the back office support for County Clare and its bus company is now moving to Limerick. The hard-working people involved with Clare Bus are coming to Dublin at 2.30 p.m. today to hand in a petition to reverse the decision which has been signed by more than 6,000 people from County Clare. I very much welcome them to Dublin. I embrace their petition and sincerely hope that common sense can prevail. I call on the NTA to reverse its decision.

Senator Jerry Buttimer: I thank the 23 Senators who contributed on the Order of Business, including the 12 Members who spoke on the Judicial Appointments Commission Bill. In the words of Christie Hennessy, I feel like saddling up my old grey mare. As a messenger boy, I bring my love to all Senators. As Leader of the House and a Member who values the Oireachtas, I propose that the House now suspend out of courtesy and respect to our visitor and the Houses.

Senator Victor Boyhan: The Leader got the note.

Senator Jerry Buttimer: I do not take notes from others in the manner that Senator Boyhan does.

An Leas-Chathaoirleach: There should be no interruptions.

Senator Jerry Buttimer: I did not receive any notes. Senator Boyhan should withdraw his remark. I am a parliamentarian who understands the value and traditions of the House. As a Member who sought appointment to the Seanad, I understand the importance of being here.

Senator Michael McDowell: Senator Buttimer voted to abolish the Seanad.

Senator Jerry Buttimer: However, the Houses are being visited by a very important guest and delegation.

Senator Victor Boyhan: I know that.

Senator Jerry Buttimer: As a result of the import of the decision yesterday by Senator Boyhan and others to vote against my motion in respect of sitting arrangements, as they always say is their prerogative, which it is, I propose the suspension of the House until 2 p.m., at which stage I will reply on the Order of Business.

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Sitting suspended at 12.40 p.m. and resumed at 2 p.m.

Senator Jerry Buttimer: I thank the House for agreeing to the suspension earlier. The Judicial Appointments Commission Bill has been the topic of conversation. It is my proposal not to deal with all items on the Order of Business today other than the proposed amendments to it. We have given 86 hours and 25 minutes of debate to the Judicial Appointments Commission Bill. I understand the frustrations of the Members who were opposing the Order of Business. Perhaps they should talk to the Joseph of new politics regarding the proposal before us today. We have given the Bill a fair hearing. We started the Bill on 20 June last and commenced Committee Stage on 3 July. From then until today, 17 April, we have given it 86 hours and 25 minutes. By any stretch of the imagination that is a fair time for a Bill. It would be premature of Members now to suggest otherwise. In response to Senator Humphreys's comments about the Sinn Féin Party, his party was quite happy to take their votes in the Seanad campaign and had a number of agreements with them over a number of Seanad elections. It is important that we allow for the progression of this Bill, which is part of the programme for Government.

Senator Gerard P. Craughwell: Even if it is rubbish.

Senator Kevin Humphreys: Absolutely. I just recognise that the upper echelons of Fine Gael are co-operating with Sinn Féin.

Senator Jerry Buttimer: I understand the frustrations of the Members and appreciate that they have a different viewpoint from the Government in this matter.

Senator David Norris: He is looking around for justification.

Senator Jerry Buttimer: As father of the House, Senator Norris should apologise to Senator McFadden for his intemperate remarks.

Senator David Norris: I certainly should not. I used a literary allusion from Charles Dickens. She called me a comedian, which was very supercilious, and I then said she was Madame Defarge sitting at the bottom of the guillotine knitting away, and that is exactly what she is. I refuse absolutely to withdraw.

An Cathaoirleach: Senator Norris must respect the Chair.

Senator Jerry Buttimer: In fairness to Senator Boyhan and his amendment to the Order of Business regarding the mayoral plebiscite, I have given it consideration. On 29 January we had a debate in this House in which the Senator was one of seven Members who participated. I do not think it is appropriate to extend the time today given that we had that debate so recently. It is a fair point that the Senator made, but in light of the fact that only seven Members turned up to speak on the issue that day, I am not accepting Senator Boyhan's amendment, nor will I be accepting the other amendments. I am proposing an amendment to the Order of Business myself, that we delete No. 5.

An Cathaoirleach: No. 5 is the Wildlife (Amendment) Bill 2016, for the record. Let us continue with our very busy schedule. Senator McDowell has proposed an amendment to the Order of Business: "That No. 1 be deleted from the Order of Business." Is the amendment being pressed?

Senator Michael McDowell: No.

Amendment, by leave, withdrawn.

An Cathaoirleach: Senator Norris has proposed an amendment to the Order of Business: “That No. 3 adjourn at 5 p.m. if not previously concluded.” That is the Judicial Appointments Commission Bill 2017. Is the amendment being pressed?

Senator David Norris: Yes.

Amendment put.

The Seanad divided by electronic means.

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

Amendment again put:

The Seanad divided: Tá, 26; Níl, 24.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Bacik, Ivana.	Butler, Ray.
Black, Frances.	Buttimer, Jerry.
Boyhan, Victor.	Byrne, Maria.
Clifford-Lee, Lorraine.	Coffey, Paudie.
Craughwell, Gerard P.	Coghlan, Paul.
Daly, Mark.	Conway, Martin.
Daly, Paul.	Devine, Máire.
Davitt, Aidan.	Dolan, John.
Gallagher, Robbie.	Feighan, Frank.
Higgins, Alice-Mary.	Gavan, Paul.
Horkan, Gerry.	Hopkins, Maura.
Humphreys, Kevin.	Lombard, Tim.
Kelleher, Colette.	Mac Lochlainn, Pádraig.
Lawless, Billy.	McFadden, Gabrielle.
Leyden, Terry.	Mulherin, Michelle.
Marshall, Ian.	Noone, Catherine.
McDowell, Michael.	O'Donnell, Kieran.
Mullen, Rónán.	O'Mahony, John.
Murnane O'Connor, Jennifer.	O'Reilly, Joe.
Nash, Gerald.	Ó Donnghaile, Niall.
Norris, David.	Reilly, James.
O'Donnell, Marie-Louise.	Richmond, Neale.
O'Sullivan, Grace.	Warfield, Fintan.
Ó Céidigh, Pádraig.	
Wilson, Diarmuid.	

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Tellers: Tá, Senators Michael McDowell and David Norris; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared carried.

An Cathaoirleach: Senator Victor Boyhan has moved an amendment to the Order of Business: "That No. 2 be concluded not later than 3.30 p.m. and that No. 3 be taken at 3.30 p.m." Is the amendment being pressed?

Senator Victor Boyhan: I will withdraw the amendment.

Amendment, by leave, withdrawn.

Senator Jerry Buttimer: I thank Senator Boyhan for that. To be fair, his request was a legitimate one but as I said earlier, only seven Members had spoken.

An Cathaoirleach: The point is made.

Senator Bacik has moved an amendment to the Order of Business: "That No. 3 not be taken today and that a debate with the Minister for Transport, Tourism and Sport on transport matters be taken instead." Is the amendment being pressed?

Senator Ivana Bacik: I will withdraw it in light of the last vote.

Senator Jerry Buttimer: I would like to inform the House that the Minister, Deputy Ross, was available to come in.

(Interruptions).

Amendment, by leave, withdrawn.

An Cathaoirleach: The Leader, Senator Buttimer, has moved an amendment to the Order of Business: "That No. 5 be deleted from the Order of Business today." Is the amendment agreed? Agreed.

Senator Jerry Buttimer: I am glad Senator McDowell has found a spirit of co-operation at long last.

An Cathaoirleach: Is the Order of Business, as amended, agreed to?

Senator Jerry Buttimer: No.

Question, "That the Order of Business, as amended, be agreed to", put and declared carried.

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 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 not exceeding 12 minutes by An Taoiseach,

(b) a contribution not exceeding 7 minutes from Group Spokespersons (time may be shared),

(c) a contribution not exceeding 4 minutes from other Senators (time may be shared),

(d) a concluding response of not less than 8 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.

(2) 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 and agreed to.

An Cathaoirleach: I would like to welcome a former Senator and a good colleague of mine and others, Michael Comiskey, to the House. I am very glad he turned up for the very important event today.

Direct Election of Mayor Plebiscite Regulations 2019: Motion

An Cathaoirleach: I welcome the Minister of State, Deputy Phelan, to the House for No. 2, which we have limited time to deal with but we will go as far as we can.

Senator Jerry Buttimer: I move:

That Seanad Éireann approves the following Regulations in draft:

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Direct Election of Mayor Plebiscite Regulations 2019,

a copy of which was laid in draft form before Seanad Éireann on 1st April, 2019.

An Cathaoirleach: Spokespersons have eight minutes each and, if there are no other Senators, the Minister is to be called at 2.54 p.m. which we cannot reach because of subsequent events. Does the Minister of State wish to speak to the motion first?

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): Briefly.

An Cathaoirleach: One way or the other we will be caught at 3 p.m. If the Minister of State wishes he can take the ten minutes. I cannot see any other Member having time to contribute.

Deputy John Paul Phelan: By way of background, Part 6 of the Local Government Act 2019 provides for the holding of plebiscites on the direct election of mayors in Cork city, Limerick city and county and Waterford city and county. Section 41 of that Act provides that the Minister for Housing, Planning and Local Government may make regulations for the purposes of holding a plebiscite. The draft regulations were laid before both Houses on 1 April. It is intended that the plebiscites will take place on the same day as the local and European elections. The draft regulations before the House provide for procedural and administrative matters on the conduct of the plebiscites. They apply many provisions of the Local Elections Regulations 1995. They also provide that a plebiscite returning officer is responsible for giving public notice, the holding of the plebiscite, the distribution of information, the printing of ballot papers and making arrangements for postal and special voters. The draft regulations set out who can attend the counting of votes, who can handle the ballot papers, and the arrangements for opening, extracting and counting the ballot papers. On completion of the count, the draft regulations set out the procedures that must be followed by the plebiscite returning officer, including the retention and disposal of documents and the preparation for signature of the plebiscite certificate. Electoral offences set out in the draft regulations apply many of the provisions regarding electoral offences contained in the Local Elections Regulations 1995. These include matters such as breach of secrecy, offences relating to ballot boxes, ballot papers and official marks, and obstruction of the poll and interference with electors. These draft regulations provide for the procedural and administrative arrangements for the conduct of the plebiscites. They simply mirror provisions that are already there for the conduct of other polls and Members will be familiar with those arrangements.

Senator Jennifer Murnane O'Connor: I know there are other speakers and that we only have a few minutes.

An Cathaoirleach: It has to be concluded today.

Senator Jennifer Murnane O'Connor: I will be brief. I know that Senator Boyhan wants to speak. Fianna Fáil will support the plebiscite because it is for the people. However, the Government's approach to informing the public about the plebiscite risks losing the votes. There are serious questions about the Government's campaign and whether it really wants to implement this. It is not just about talk. The Government's decision to send the idea for the mayor of Dublin to a Citizens' Assembly is a delaying tactic. Dublin should lead the way in this new form of local governance and leads the way on much more. The Minister of State can see that we are now in the midst of Brexit. Dublin is our capital. We hear how Dublin is thriving every day here, yet Dublin is not included in this proposal. I feel there was a lack of communication

with the public. I am out canvassing with people who are standing for the local elections on 24 May along with the plebiscite and the referendum. People do not even know that this is happening. This lack of information and awareness will be the most significant issue. People do not know what is happening on 24 May. I am concerned about it. I make sure to ask, when I go to doors, if people realise what is happening on 24 May. They say that they do not. I do not know what outcome will come from this because I feel that there was not enough information made available and awareness created by the Government. I am concerned about it.

Senator Victor Boyhan: I will be short and sweet. I know this matter pretty well by now. The Leader informed me earlier that I had contributed at some length to the last debate. I welcome the Minister of State. I have always found him to be honourable, an easy man to deal with and extremely helpful, whatever sides or differences we might have.

(Interruptions).

Senator Victor Boyhan: It is working because we have a good working relationship and I acknowledge that. I will actively engage in Cork, Limerick and Waterford on the hustings for the mayoral elections. I have already indicated that I will speak in three venues. I will play an active role. I note that previous to this being approved, the Minister of State's party launched its campaign and I wish it well with its side of the argument. In case there is any misunderstanding, I absolutely support the concept of a mayor but this is a bit of an *ad hoc* arrangement. To date, the councils have not spoken to say if the local authority will deliver on paying for it. They cannot pay councillors. They are still waiting for the Moorhead report on the €16,500. Many, including members of the Minister of State's party in Waterford and Limerick, have told me that they will oppose this. I spoke to two or three members of Fine Gael in the Dáil who say they are strongly opposed to it. One is in Waterford. Everyone has a right to take a different standard. I am concerned about the capacity to pay the councillors for their job. They are rightly angry and disappointed and they will use this as an opportunity to put pressure on the Minister of State and the Government to deliver on their pay and conditions.

A local property tax report has been sitting on the desk of the Minister for Finance for quite some time and it has been deferred again. We need an honest and frank discussion about how we will fund local government and we have not had it. It is being deferred for political reasons. The Minister of State has not made a strong enough case yet about how he will fund local government and pay elected members. There is some suggestion of what he might pay these mayors. He and Fine Gael opposed empowering councillors and waiving a fee of €20 for planning applications, so much so that he could not even produce tellers for a division here and we won it hands down. I was personally overwhelmed by the support from councillors in Fine Gael and others who said that they could not rely on their own people to support councillors. Not only did we pass it, we had to put pressure in a number of quarters to have that legislation signed through.

The Minister of State has no strong argument or policy for how he will fund local government. That is the reality. He has sat on a report about local property tax and done nothing about it. The Minister of State has not, as of today, delivered on the long-promised Moorhead report to give councillors fair pay and fair remuneration. His party took a stand to launch a campaign in advance of this motion being approved in this House. The Minister of State should do what he has to do. He and Senator Buttimer have jobs to do. I understand Senator Buttimer might be the director of elections, from the media reports.

Senator Jerry Buttimer: I am.

Senator Victor Boyhan: I wish Senator Buttimer well and look forward to a robust engagement with him in Cork, with a number of Fine Gael's councillors and other councillors. I support the concept of a mayor. I will not oppose anybody having the opportunity to vote because I am a democrat. The task that we have is to convince the people that this is a flawed, not comprehensively thought-out suggestion, and I predict that the Minister of State will not succeed in Waterford or Limerick, and there is an outside chance that he might not succeed in Cork. He has his argument to make and I have my argument to make. I intend to engage in robust and respectful debate on the issues.

Senator Paudie Coffey: It is important that we have more time for this debate at other opportunities in the public domain. I support the opportunity for a plebiscite for the electors of Cork City Council, Limerick City and County Council and Waterford City and County Council, where the people will decide the outcome of the plebiscite, not Senators or Deputies. It is democratic for them to get that opportunity. The Minister of State is aware of concerns. Minds and votes are to be won by properly informing about and clarifying this debate. In principle, I support the role of a directly elected mayor but I am concerned with the current
3 o'clock detailed proposals from Government. Many pros and cons need to be carefully considered. That needs to be debated. There is a concern that there could have been more time and consultation with local authority members, the chief executive officers of councils and with staff who will be directly impacted. In the end, I know that the Minister of State wants to improve the delivery of local government and services, which is important. We need to clarify the relationship between the directly elected mayor and the chief executive officer, and the elected council. There are long-established functions reserved for the executive and with the new role of a directly elected mayor, there will be some confusion. There already is and that needs to be clarified.

The Government's detailed proposals state that where a directly elected mayor can present a strong performance, he or she could potentially strengthen the case for further devolution of powers. Is that up or down? Is it devolution from central government down to the directly elected mayor or is it up from the elected council? We need to clarify that and the Minister of State might address that in debates over the period before the election.

There is also a further quote that the mayor can make a case to Government to devolve more powers to him or her. We need to clarify what that is about in the interests of the balance of power with the elected council. We need to reassure the electors and indeed councillors that there cannot be some arrangement between a mayor and the Government of the day that will sidestep and sidetrack the local authority. This just a critical analysis I am giving to the Minister of State about issues that need to be clarified if this plebiscite is to be won, as the Government wants to happen.

The detailed policies state that the elected council should be able to direct the mayor to refrain from doing a particular act. Under section 140 of the Local Government Act, a particular act should remain with elected council. That is not definite enough. It should be either "should" or "would". We need clarity on the roles and responsibilities. I welcome the plebiscite and that there will be more debate on the pros and cons. That is democracy in action.

An Cathaoirleach: Unfortunately, democracy or otherwise, there are three other speakers who cannot get in. I will give the Minister of State 20 seconds to answer. The Minister for

Justice and Equality, Deputy Flanagan, is waiting outside because the other business should have started at 3 p.m.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): To answer many of the questions, the report from Government is just a report from Government. There will have to be legislation to follow up on that. The Bill we debated in the House mandates that the Minister has to reflect the outcome of the plebiscites in the report that he or she gives to Government, and the legislation on establishing the role will go into detail as to pay, in particular, but also the extent of functions.

The issue of a lack of information is the classic political red herring for when there is no argument against something. The referendum commission on divorce has not launched its campaign yet. The plebiscite commission launched its campaign in the three cities on Monday. We are restricted by the judgments in the McKenna and McCrystal cases as to the information that the Government can put out. We have to give both sides of the argument. I have not heard of any other political grouping groupings either launch or moot a launch of a campaign on the issue.

While I get on well with Senator Boyhan, most of his contribution had nothing to do with the regulations or to do with this issue. He stated that I had sat on a report on the local property tax, LPT. This is the responsibility of the Department of Finance. I can assure the Senator that there has been no such sitting, as it were.

There were multiple consultations with representative groups of councillors on the Moorhead report, and those groups felt that this report should not be published during a local election campaign. If the Senator was in touch with his councillors, he might be aware of that. What the people are being asked is effectively a public consultation on the question of whether they favour the idea of a directly elected mayor in those three areas, nothing more, nothing less. If the Senator states that his position is that he does favour such a role, then the idea that he is campaigning against it, just-----

Senator Victor Boyhan: I did not say I was against it or campaigning against.

Deputy John Paul Phelan: Hypocrisy exists in politics, but that would be rank hypocrisy.

Senator Jennifer Murnane O'Connor: The powers of elected mayors-----

Senator Victor Boyhan: I will have a robust-----

An Cathaoirleach: Please.

Deputy John Paul Phelan: Can I make a final point?

An Cathaoirleach: It will have to be final.

Deputy John Paul Phelan: On what is contained in the report, and the report is clear and Senator Coffey asked a good question, this is about a rebalancing of the functions between the unelected executive of a council and what has been heretofore a ceremonial role as mayor. There will be no removal of powers. In my two years I have not taken a single power off councillors. The Moorhead report will recommend giving more powers to councillors.

Senator Jerry Buttimer: Hear, hear.

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Senator Martin Conway: Well said.

Senator Kevin Humphreys: That is not true. The Government did take powers off local councillors over the past two years.

An Cathaoirleach: Is the motion agreed?

Senator Kevin Humphreys: Perhaps the Minister of State might correct the record of the House. Powers have been taken off local authorities and councillors over the past two years.

Senator Martin Conway: They have not.

Deputy John Paul Phelan: They have not.

Senator Kevin Humphreys: They have.

Deputy John Paul Phelan: They have not.

Senator Kevin Humphreys: They have been moved to An Bord Pleanála. One hundred units-----

An Cathaoirleach: Is the motion agreed?

Question put and agreed to.

Deputy John Paul Phelan: Councillors never had the power to make individual planning decisions.

Senator Victor Boyhan: On a point of order, we are not-----

(Interruptions).

An Cathaoirleach: Please. I call on Members and on the Minister of State to respect the Chair. What is the point of order?

Senator Victor Boyhan: The motion has been agreed. Is that correct?

An Cathaoirleach: Yes. Some people were still chatting but we are already over time. It was Senator Boyhan's vote that decided the order of the day.

Senator Victor Boyhan: I am very happy with the outcome of the day and thank the Cathaoirleach for his endorsement.

Senator David Norris: We all are.

Judicial Appointments Commission Bill 2017: Committee Stage (Resumed)

SECTION 48

Acting Chairman (Senator Diarmuid Wilson): I welcome the Minister for Justice and Equality, Deputy Flanagan, back to the House.

Senator Michael McDowell: I move amendment No. 95a:

In page 32, lines 7 to 11, to delete all words from and including “was—” in line 7 down to and including line 11 and substitute the following:

“was recommended by the Commission to the Minister in accordance with the provisions of this Act.”.

This is a proposal to amend section 48 by the removal of all the words from the word “was” in line 7 down to and including line 11 and to substitute for them the words “was recommended by the Commission to the Minister in accordance with the provisions of this Act”. The effect of this amendment is to remove paragraphs (a) and (b) and the reference to section 44, and in its place simply to say that notice of an appointment to judicial office shall be published in *Iris Oifigiúil* and the notice shall, if it be the case, include a statement that the name of the person was recommended by the commission to the Minister in accordance with provisions of this Act. This effectively removes the reference to section 44 and to tidy up the section accordingly.

Since we last debated this legislation, we had quite a tussle over an effort to impose a guillotine this morning on this Bill. Since that battle is now over, there is not much point in me making a reference back to it. I thank, first of all, the Members of this House who opposed the effort to impose a guillotine on this Bill, which effort and the circumstances in which it was done were very undemocratic. I also thank the many Fine Gael Party Seanad Members who have expressed their pleasure to me at the outcome of the vote on the guillotine. I hope that whoever is listening, somewhere away from here, to the outcome of today’s proceedings takes on board the fact that nobody or significant group of people in this House wants the guillotine imposed. They are tired of having the business of this House manipulated from a distance. I hope that message has finally got home and is understood clearly. If we had had a guillotine imposed, the Bill would have gone forward to Report Stage with section 44 in its present state. The Minister himself does not want that to happen.

Minister for Justice and Equality (Deputy Charles Flanagan): No, not the case.

Senator Michael McDowell: It would, because the Minister has not amended it. It would have gone to Report Stage with an unamended section 44 and with this House still unaware of the fine print of the Minister’s proposal. The Minister is shaking his head. If I am getting something wrong-----

Deputy Charles Flanagan: What the Senator said is not true.

Senator David Norris: The Minister should explain that.

Deputy Charles Flanagan: It was Senator McDowell who introduced the issue of the Order of Business of the Seanad by stating that he would not make reference to it. Of course, he has the protection of the Chair.

Senator David Norris: We all have that, including the Minister.

Deputy Charles Flanagan: I will not make reference to it because I do not have standing in the Seanad. I am a mere guest of the Seanad.

Acting Chairman (Senator Diarmuid Wilson): The Minister is held in very high standing by the Chair and the House.

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Senator David Norris: The Minister is more than a guest.

Deputy Charles Flanagan: I do not interfere-----

Senator Michael McDowell: The Minister is a very welcome guest. We enjoy the long periods he spends in the House. He always gets a good welcome.

Acting Chairman (Senator Diarmuid Wilson): Senator McDowell has made his opening remarks.

Senator Michael McDowell: I was saying that-----

Deputy Charles Flanagan: The point I was going to make is that, as is usual in any motion such as that referred to by Senator McDowell, the particulars of which are unknown to me, any amendments in the name of the Minister would be deemed to have been passed. In particular, I refer the Senator to amendments Nos. 94 and 95.

Acting Chairman (Senator Diarmuid Wilson): We are dealing with amendment No. 95a to section 48.

Senator Michael McDowell: In any event, I note that it is reported in today's edition of *The Irish Times* that, without an expensive commission, any of the bells and whistles entailed in this legislation, setting up a new body or having a lay majority, the Government has already put in place a perfectly sensible non-statutory arrangement whereby it consults with senior members of the Judiciary about the filling of the posts of President of the Circuit Court and President of the District Court. We do not need the measures contained in the Bill. The Government is getting on perfectly well without them. What is the compulsion to spend millions of euro to do what the Government is perfectly capable of doing without those measures? I strongly believe that should be underlined. There is nothing stopping this or any subsequent Government appointing high-quality judges such as those the Government has been appointing in recent times using the means it has adopted and taking advice from wherever it wishes. It does not need to set up a quango which will cost a large sum of money and delay the whole process immensely. The interesting thing is that the process detailed in *The Irish Times* does not seem to entail a public advertisement of the positions of President of the Circuit Court and President of the District Court, but this Bill will entail such advertisement, which is extraordinary. I do not know why we should have a public advertisement and the involvement of a commission. I know that the Minister does not want the commission to be involved in certain high-level appointments.

I come back to another point I made on the Bill. If the appointment of the President of the District Court merits a different process from the commission and the Government is happy to do that, surely the appointment of an ordinary judge of the Supreme Court can be dealt with in the same way.

Senator David Norris: I am very glad that we frustrated the attempt of the Government to impose a guillotine because it flew in the face of the policy announced by the Taoiseach, Deputy Varadkar, who stated very clearly that as a matter of policy and under the new politics he would not impose guillotines. The attempt to do so on the Bill flies completely in the face of that statement. It was a narrow squeak because there was an equality of votes in the first vote. I was hoping that the Cathaoirleach would buck the trend and vote with us, but he did not. However, we called a walk-through vote and won it, which was very satisfactory.

I support amendment No. 95a, but I am curious about the fact that the formula of words used by Senator McDowell in the amendment is identical to that in subsection (a). What is the reason for the deletion of subsection (a)? It would be preferable to take out the word “or” at the end of subsection (a) and delete subsection (b). Perhaps Senator McDowell has a reason for that.

Senator Michael McDowell: It is purely a stylistic way of formulating an amendment. If one just deletes a line which involves paragraph (a), one must then deal with the fact that “(b)” appears in the middle of nowhere. The formulation I used is purely to avoid that.

Senator David Norris: Okay.

Deputy Charles Flanagan: Of course, I am disbarred from making reference to any aspect of Seanad rules or Standing Orders or the way it does its business, having regard to my experience last week. Although Senators McDowell and Norris may wish to taunt me by way of provocation, I wish to make it clear that I subscribe to the long-held view and tradition and, indeed, Standing Orders, that these matters are entirely for the Seanad. I am a mere guest. I was told to be here at 3 p.m. and I am here. I will take my leave when instructed to so do by the Chair or Senators.

In the meantime, on amendment No. 95a, I made clear that I intend to address the mechanism set out in the Bill for senior appointments by tabling the necessary amendments on Report Stage. I will need the assent or affirmation of Government in that regard. I will recommend such amendments because I am firmly of the view that section 44 needs to change. I expect that, at least, it will revert to how it was in the Bill as initiated. In 2017, the Government decided to use a new arrangement along the lines set out in the original section 46 - the mechanism referred to by Senator McDowell - of a three-person committee to advise on the appointment of the Chief Justice. It worked well. In fact, I wish to acknowledge on the record of the Seanad that it worked so well that last year the Government decided to use a similar non-statutory three-person advisory committee in respect of the appointment by Government of the President of the Court of Appeal. Senators have accepted that it worked well. The three-person committee comprised the Chief Justice, the chair of the top-level appointments committee and the Attorney General. Against the background and in light of the remarks of Senator McDowell on what he read in today’s edition of *The Irish Times*, a similar-type construct is proposed for the impending appointment of the President of the Circuit Court and the President of the District Court. Of course, I proposed it because this legislation and the new commission are unlikely to be in place by June or July of this year. I accept that as a reality. Even if the legislation was passed tomorrow-----

Senator Michael McDowell: It would take a year to implement it.

Deputy Charles Flanagan: -----it would take some time to implement it. One must have regard to the fact that the Bill is yet to move to Report Stage, on which I would again be keen to listen to the views of Senators, having listened to them for a considerable period. A number of amendments were made on Report Stage in the Dáil. It is against that background that, in deference to realism, I believed that a three-person advisory committee was warranted. What Senator McDowell did not say but what he knows is that there is no provision in the current JAAB system for a JAAB-type mechanism or arrangement in dealing with the President of the Circuit Court and the District Court. In order not to subscribe to a certain ad hocery, I deemed it appropriate to seek the support of my Government colleague for an advisory committee which will report directly to the Government and which I expect will get down to work in the next few

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weeks. In so far as references to section 44 are concerned, generally I accept that it needs to change. I will introduce the special advisory committee arrangement to section 44 on Report Stage when I will seek the support of Senators for it. Any consequential drafting matter will be considered in that context. I am not of a mind to leapfrog that proposal in order to accept Senator McDowell's amendment.

Senator David Norris: The Minister has twice said section 44 needs to be changed and that he intends to bring forward amendments on Report Stage. This has been a lengthy process and I would have thought there was plenty of time to introduce the amendments on this Stage.

Deputy Charles Flanagan: No.

Senator David Norris: It has now gone beyond that and cannot be rectified. I am interested in hearing the Minister's reasons for saying it was not possible to introduce the amendments on this Stage because there was a lot of time to do so and it would have been very helpful if it had been possible to do it.

Senator Michael McDowell: I am interested in hearing the reply to that question too.

Deputy Charles Flanagan: Quite simply, as a matter of order, I am very keen to ensure we complete Committee Stage at a time to be determined by this House. I will then reflect on the Bill as passed in committee. That is not unusual; in fact, it is entirely desirable. I will then bring my proposed amendments to the Government for approval between Committee and Report Stages, which is entirely satisfactory.

Senator David Norris: That is not a compelling reason.

Senator Michael McDowell: The other thing is that the Minister has just said the informal non-statutory process which he has put in place is in recognition of the fact that this legislation is not and never was going to be in operation this side of this summer. As I understand it, the process does not involve putting an advertisement in a newspaper to say it is proposed to fill a vacancy and invite people to apply for it, but perhaps I am wrong about that. Perhaps the committee is going to put advertisements in the newspapers, but I do not think it is. I think it will just look at the available members in those courts or whatever else and come up with a process that will not involve putting advertisements in the newspapers and carrying out interviews. It will come up with its own informal report within a matter of weeks. That is precisely the way the system should work.

I am warning the Minister that if every ordinary position in the Supreme Court, the Court of Appeal and the High Court has to be the subject of an advertisement, interviews and the like and if sitting members of the Judiciary have to apply, as well as non-sitting members, it will not be possible to follow the perfectly reasonable approach taken to the presidencies of the Circuit Court and the District Court in the new arrangements for these positions for ordinary members of the courts. I go back to the point which has been the subject of an attempt to amend the Bill, that there are consequential vacancies. If the Government decides to move somebody from the Court of Appeal to the Supreme Court, that will create a vacancy. If that decision is made and it then has to start advertising the vacancy in the Court of Appeal and seeking applications, every consequential appointment process will be very lengthy. If it is a triple or double linked chain where at the end the Government decides to fill the position in the Court of Appeal with someone from the High Court, one appointment to the Supreme Court may trigger a cascading series of obligations to start a new competition every time and receive new short lists from the

commission. That is incredibly clumsy, but it would all be avoided if the Minister at least was to accept that when the people in 1994 created the Judicial Appointments Advisory Board, they said they would not apply it to “promotional appointments” in the Judiciary because they did not have to have competitions to do so and that there was no need to do it. The system works perfectly well, as the Government is showing week after week in the appointments it is making. This is all just an expensive waste of time. It is not just a waste of time and a quango, it is also going to disimprove the quality of the Judiciary because it will deter people from making themselves available for promotion.

The interesting characteristic of what I read in *The Irish Times* today - I believe the report is correct - is that the new body will be charged with the task of seeking out people for promotion, tapping people on the shoulder to ask them if they are willing to become President of the court. It is a different approach. That is perfectly reasonable and I have no objection to the Government's having an advisory body that will tap people on the shoulder to tell them that they have made enough money from their practice as a solicitor or a barrister and suggest they do the State some service, instead of having this utterly different approach where there cannot be any canvassing, communication or signalling in advance to a talented person that he or she should apply. None of that will be permissible under the new system. It will be quite the reverse; the person will be told that if he or she applies, he or she is not supposed to talk about it to anybody who is involved in the process and that he or she is to simply apply on the blind, so to speak. That will make for a really serious disimprovement in the Judiciary, in the usual way of getting high-quality people to accept that they should do the people some service in the form of judges. The philosophy of the Bill is deeply misconceived in one respect. From my knowledge of practitioners, solicitors and barristers, there are several of them who have had it as a lifelong ambition to become a judge, but there is a much larger number who understand the life of a judge is an onerous one, that it is socially isolating, that it is less remunerative for many partners in large solicitors' firms and many senior counsel than their current mode of living. For them, the notion that underlies the philosophy of the Minister for Transport, Tourism and Sport, Deputy Ross, is that this is all gravy, that it is a gravy train, that it is jobs for the boys-----

Senator David Norris: He would know all about that.

Senator Michael McDowell: -----that it is about handing out sweets to one's favourites-----

Senator David Norris: He would know all about that too.

Senator Michael McDowell: -----that it is about giving things to people who may not deserve them-----

Senator David Norris: He would know all about that.

Senator Michael McDowell: -----and that it is about handing out the baubles of political power to people. I know that the Minister may not share that view and I am not suggesting he does, but if he reads the books the Minister, Deputy Ross, or Senator Ross as he then was, wrote about cronyism and the like, it is quite clear-----

Acting Chairman (Senator Diarmuid Wilson): The Minister, Deputy Ross, is not here.

Senator David Norris: The Minister, Deputy Flanagan, is present.

Senator Michael McDowell: While I am on the subject, the fact that the Minister, Deputy

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Ross, is not here did not deter him from spending the whole morning communicating with Members of this House whom he thought he might be able to influence to back the use of the guillotine.

Deputy Charles Flanagan: The Senator is engaging in speculation.

Senator David Norris: It is not speculation. I have seen the emails from the Minister, Deputy Ross, who contacted Members of this House to ask for their vote.

Deputy Charles Flanagan: The Senator's comments are without foundation.

Senator David Norris: They are not; I have seen the emails.

Senator Martin Conway: Clearly, they clearly did not work.

Acting Chairman (Senator Diarmuid Wilson): Colleagues should not be making assumptions or comments because we do not have any basis-----

Senator David Norris: There is plenty of a basis for it.

Senator Michael McDowell: The Minister, Deputy Flanagan, acknowledges that he is a guest in this House and not badgering individual Members to vote for the use of the guillotine or the like. He regards this House as being the master of its own fate. I can assure him, however, that strong pressure was brought to bear on many Members of this House, not by him but by someone at Government level.

Senator David Norris: I want to make a point that is not directly related to the amendment but which is-----

Deputy Charles Flanagan: The Senator should not be allowed to make such a point.

Senator David Norris: The Minister should behave himself, like a good Laois man.

Senator Martin Conway: The Senator should withdraw that remark.

Senator David Norris: What remark should I withdraw, for God's sake?

Senator Martin Conway: The Minister is well behaved any time he comes into the House.

Senator David Norris: Go away out of that. I do not know on what cloud the Senator is living.

Acting Chairman (Senator Diarmuid Wilson): Senator Norris to continue, without interruption, please.

Senator David Norris: I thank the Acting Chairman.

Acting Chairman (Senator Diarmuid Wilson): The Chair does not disagree with the interjection of the Minister.

Senator David Norris: It is not directly related to the amendment, but it refers to the entire debate. The debate is to be adjourned at 5 p.m. and we will return to it after Easter. Can we request the Bills Office, or whichever body is in charge, to produce an amalgamated set of amendments? It would be very helpful and stop us from having to look around for additional

lists of amendments and groupings.

Acting Chairman (Senator Diarmuid Wilson): The Senator can raise that issue with the Leader on the Order of Business when it is next taken. Does the Minister have anything further to add?

Deputy Charles Flanagan: I have nothing further to add.

Amendment put:

The Committee divided: Tá, 10; Níl, 23.	
Tá	Níl
Bacik, Ivana.	Burke, Colm.
Boyhan, Victor.	Burke, Paddy.
Clifford-Lee, Lorraine.	Butler, Ray.
Craughwell, Gerard P.	Buttimer, Jerry.
Gallagher, Robbie.	Byrne, Maria.
Humphreys, Kevin.	Coffey, Paudie.
Leyden, Terry.	Conway, Martin.
McDowell, Michael.	Devine, Máire.
Norris, David.	Feighan, Frank.
Wilson, Diarmuid.	Gavan, Paul.
	Hopkins, Maura.
	Lawless, Billy.
	Mac Lochlainn, Pádraig.
	McFadden, Gabrielle.
	Mulherin, Michelle.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Mahony, John.
	O'Reilly, Joe.
	Ó Donnghaile, Niall.
	Reilly, James.
	Richmond, Neale.
	Warfield, Fintan.

Tellers: Tá, Senators Michael McDowell and David Norris; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

Acting Chairman (Senator Catherine Noone): Amendments Nos. 95b and 96a are related and may, by agreement, be discussed together.

Senator Michael McDowell: I am not agreeable to discussing the two amendments together, for reasons I will come back to at a later stage.

Senator David Norris: Is it the case, then, that we are not going ahead with the grouping?

The House has to agree to the grouping.

Senator Michael McDowell: The two amendments are different.

Senator David Norris: They are also for different sections. Can we get a ruling on whether they should be in a group?

Acting Chairman (Senator Catherine Noone): They would need to be uncoupled and that needs to be agreed by the House. Is that agreed? Agreed.

Senator Martin Conway: What is the advantage of uncoupling them?

Acting Chairman (Senator Catherine Noone): There is more time to discuss them.

Senator Michael McDowell: I move amendment No. 95b:

In page 32, between lines 11 and 12, to insert the following:

“(2) Where a notice of appointment to judicial office is published in *Iris Oifigiúil* in accordance with this section a person who was recommended in the past three years by the Commission for appointment to a judicial office of the same type shall be a person recommended by the Commission for the purposes of *subsection (1)*.”.

This amendment inserts into section 48 a provision which reflects, to some extent, a conversation we had in this House on the last occasion we discussed the Bill. The amendment proposes to insert a subsection (2), “Where a notice of appointment to judicial office is published in *Iris Oifigiúil* in accordance with this section a person who was recommended in the past three years by the Commission for appointment to a judicial office of the same type shall be a person recommended by the Commission for the purposes of *subsection (1)*.” That means that if somebody is short-listed in the relatively recent past for a position of a particular kind the Government, in publishing a notice in *Iris Oifigiúil*, could state that the person had been recommended by the commission for that position. The reasoning behind the amendment is that every time a notice in *Iris Oifigiúil* is published which does not state that a person has been recommended by the commission, people may draw an inference that the person was never recommended by the commission, has not gone through the process or been short-listed and has never been considered by the Government before. That would be unfair to some people because it would suggest the Government had ignored the commission when, in fact, the Government would be remembering that a person had been previously recommended and that their name had been on a shortlist of three persons recommended by the commission for that type of judicial office.

It is arguable that the existing text of section 48(1)(a) allows a Government to state that a person whose name did not appear on the most recent shortlist was a person who had been recommended by the commission to the Minister in accordance with the provisions of this Act, and that this amendment is not strictly necessary but I have the feeling that the Minister does not intend that a person who was previously recommended, and not on the latest shortlist, would qualify as a person who had been recommended by the commission to the Minister. Therefore, what I am attempting to achieve with this amendment is to keep recommendations alive for a period of three years. In the context of a previous discussion on section 47, the Minister indicated that he might consider a time-limited period in which a recommendation would remain alive, even if a person was not on the latest list. This amendment puts that to the Minister. What is wrong with my amendment? What is wrong with accepting it? It seems to be an improve-

ment to the Bill and it should be made.

Acting Chairman (Senator Catherine Noone): Before I call the next speaker, I am sure the House will join with me in welcoming a delegation from the European affairs committee of the national assembly of Portugal, led by Ms Regina Bastos, chairperson of the committee. On behalf of colleagues in the Seanad and myself, I extend a very warm welcome to them and good wishes for a very successful visit to Ireland.

Senator David Norris: Our visitors from Portugal are extremely welcome. They come at an interesting juncture because Senator McDowell and I are going through this legislation with a fine toothcomb. We have spoken for nearly 90 hours on Committee Stage and it is my intention to frustrate this Bill in every possible way I can. I noted on the last occasion we discussed this that the Minister referred to a situation in which a person was recommended and left on the list for years and years. I suggested to Senator McDowell that he include a time limit and I am glad to notice that he has done so. It would be in line with the attitude expressed by the Minister on a previous occasion for him to accept the amendment.

I am concerned that it might be assumed that a person who had been recommended, but whose name was not published, had behaved disgracefully in the meantime and so was banned from being considered. I also think it would be daft. If somebody has gone through the whole rigmarole of applying, preparing statements, making submissions etc., why should he or she be expected to repeat exactly the same material? As it all seems to be redundant, I strongly support Senator McDowell's amendment.

Deputy Charles Flanagan: We went through this at some length on the last occasion we discussed it.

I will reflect further on the content of the amendment. I want to mention amendment No. 96a which is a more substantive amendment but I am not going to accept this now.

Senator Michael McDowell: This is very unsatisfactory in a way. The Minister says we should look at amendment No. 96a and it would effectively cover this matter. Without committing himself to what he is going to do in respect of amendment No. 96a he just says he wants to reflect on the matter. I concede my function is not to be allowing opportunities for reflection, it is to amend the Bill and to make it good as soon as we can before it goes to Report Stage. That is what I think Committee Stage is all about. I do believe that if the Minister wants to indicate that he is going to accept amendment No. 96a I will happily withdraw this but if he is not going to do that I must persist with this amendment.

Deputy Charles Flanagan: We agreed to decouple them and I did say at the time that there was merit because they were linked. However, that was disputed. Now I see that there is a link.

Acting Chairman (Senator Catherine Noone): There is a rationale.

Deputy Charles Flanagan: I am, however, a mere servant of the Seanad, an invitee sometimes. If I am not out of order I could mention amendments Nos. 96 and 97 and say to Senator McDowell that I will be disposed to accepting both amendments.

Senator Martin Conway: That is a very gracious statement on the part of the Minister.

Senator David Norris: Amendment No. 96a or 96?

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Deputy Charles Flanagan: Amendments Nos. 96 and 97.

Senator Martin Conway: That is very gracious on the part of the Minister.

Acting Chairman (Senator Catherine Noone): Amendments Nos. 96 and 97 are scheduled to be discussed together but we need to dispose of amendment No. 95b first.

Amendment put.

The Committee divided by electronic means.

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

Amendment again put:

The Committee divided: Tá, 7; Níl, 21.	
Tá	Níl
Bacik, Ivana.	Burke, Colm.
Clifford-Lee, Lorraine.	Burke, Paddy.
Craughwell, Gerard P.	Butler, Ray.
Daly, Paul.	Buttimer, Jerry.
McDowell, Michael.	Byrne, Maria.
Mullen, Rónán.	Coffey, Paudie.
Norris, David.	Conway, Martin.
	Devine, Máire.
	Feighan, Frank.
	Gavan, Paul.
	Hopkins, Maura.
	Lombard, Tim.
	Mac Lochlainn, Pádraig.
	McFadden, Gabrielle.
	Mulherin, Michelle.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Mahony, John.
	O'Reilly, Joe.
	Reilly, James.
	Richmond, Neale.

Tellers: Tá, Senators Michael McDowell and David Norris; Níl, Senators Gabrielle McFadden and David Norris.

Amendment declared lost.

An Leas-Chathaoirleach: We proceed to amendment No. 96.

Senator David Norris: What about section 48?

An Leas-Chathaoirleach: Amendment No. 96 is to section 48.

Senator David Norris: It is not.

An Leas-Chathaoirleach: It is. Is the Senator not aware that the Cathaoirleach is always right in these matters?

Senator David Norris: That is the point I was making earlier, that we should have an amalgamated list of amendments.

An Leas-Chathaoirleach: I am following what is in front of me. Amendment Nos. 96 and 97 are related and may be discussed together, by agreement. Is that agreed?

Senator David Norris: No, it is not.

Deputy Charles Flanagan: They appear to be related.

An Leas-Chathaoirleach: Is Senator Norris arguing that they are not related?

Senator David Norris: No, I just do not like the grouping of amendments.

An Leas-Chathaoirleach: The Senator is being objectionable at this point.

Senator David Norris: Yes, I am objecting to it.

Deputy Charles Flanagan: I ask the Senator to reflect on the matter. These are amendments on which we will reach agreement, in spite of him.

Senator David Norris: I withdraw my objection.

An Leas-Chathaoirleach: I thank the Minister. Amendments Nos. 96 and 97 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 96:

In page 32, to delete lines 12 to 17.

Amendment agreed to.

Question proposed: "That section 48, as amended, stand part of the Bill."

Senator David Norris: My colleague and friend Senator McDowell praised the Government and pointed to the positive aspects of the situation where the Government had appointed senior judges. There is an article on the matter today in *The Irish Times*. I have a certain degree of anxiety because it seems that the Minister is anticipating the passage of the Bill - he is nodding - and I wonder what the legislative basis for this procedure is. It seems that there is no legislative basis for it. If there is not, it calls into question the legality of the appointment of the judges.

Deputy Charles Flanagan: I will not even enter into a debate on that issue, but I would welcome a discussion with Senator McDowell on the point. I would not have anticipated receiving a welcome from a former Attorney General, Tánaiste and Minister for Justice-----

Senator David Norris: He is also a senior counsel.

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Deputy Charles Flanagan: I ask the Senator to reflect on the matter.

Senator David Norris: I have concerns because it seems that in these provisions the Minister is anticipating the passage of the Bill.

Deputy Charles Flanagan: Of course, I am. Everybody in this House is anticipating the passage of the Bill, bar Senator McDowell and the Senator.

Senator David Norris: I am not anticipating-----

Deputy Charles Flanagan: I said bar Senators McDowell and Norris.

Senator David Norris: I do not think so. To be quite honest, there are a few sleepers on the Fine Gael side of the House.

Deputy Charles Flanagan: The Senator tried to flush them out.

Senator David Norris: We have flushed some of them out. I will leave it at that. As the Minister does not want to explain the situation, I will certainly be happy to listen to what Senator McDowell has to say, if he can defend it, in particular, about the legal position and whether there could be a challenge to a judge appointed under this type of *ad hoc* arrangement.

Senator Michael McDowell: When this section was presented to this House it was part of the dog's dinner that the Attorney General referred to because it was proposed in the original form in which it came to this House that where somebody who was appointed to judicial office had not been recommended by the commission, the notice of appointment would also include in *Iris Oifigiúil* a reasoned explanation of the decision of the Government not to nominate a candidate recommended by the commission. The Government was to justify and write a little essay in *Iris Oifigiúil* saying why it had not chosen from the shortlist put up by the commission. That would have been grotesque because-----

Senator David Norris: Very damaging for whoever would be in the job.

Senator Michael McDowell: We then have to look at the absolutely ridiculous subsection (3) that was appended to it in its original form which says: "In publishing the reasoned written decision in accordance with subsection (2), the persons recommended by the Commission shall not be identified." We had somebody who was not recommended being appointed, the Government was to put a reasoned explanation as to why the people who were recommended were not appointed and then it had to do that without identifying any of them.

This raises a question which I really want to tease out with the Minister. What degree of publicity will there be for people who have been recommended? Is it to be the case that the shortlist is never to be made public and it is entirely a secret between the commission and the Cabinet? If that is to be the case, how does that sit with what the Minister has repeatedly said in this House, namely, that he would expect people who were not short-listed to be told they were not short-listed and people who were short-listed to be told that they had been short-listed? Are they sworn to secrecy? Is that the idea? If I, for instance, as a barrister, had applied to the commission and I was not short-listed, the Minister says that in accordance with best practice I will be told that. Can I tell my friends that I did not make the shortlist? Likewise, if I am short-listed, am I somehow sworn to secrecy? Is it to be the case that I cannot tell people that I am now on the shortlist that will go to Cabinet? I want to have clarity as to whether the fact that one is being short-listed is to be a complete secret or if one is entitled to know about it but

is sworn to secrecy about it in some duty of confidentiality, or if one is perfectly free to go on television and announce that one was short-listed three times for appointment to the High Court or whatever it is and say that one is astonished that one has not been appointed after all these years. Which is it? Are people to be in a position to tell the public how many times they have been short-listed and say they never get chosen but they are on the shortlist? Are people supposed to keep their mouths shut about that for some reason?

Senator David Norris: If one had any sense one would.

Senator Michael McDowell: One might or one might not.

Deputy Charles Flanagan: I agree with the Senator.

Senator Michael McDowell: One might think one has been short-listed four times now and been constantly turned down by the Government.

Senator David Norris: Always a bridesmaid never a bride.

Senator Michael McDowell: Exactly. One might ask at some stage why one has been on the shortlist on a number of occasions and even though other people are added to the shortlist, one is always discriminated against by the Government or the Government has it in for one for some reason. A thought process of that kind might take place. The Minister has not accepted amendments to this effect so I really want to know if the Minister is advancing this Bill on the basis that unsuccessful candidates for short-listing will be told that is what happened to them, that successful candidates for short-listing will be told that is what happened to them or is it implicit in this Bill? The original architecture and philosophy behind the Bill is that none of this is disclosed to candidates, it is a secret process, Ministers are not to mention the people who they have not accepted and it is to be kept secret from the public. I cannot follow what the underlying philosophy in this Bill is. I can see very good reasons, if we have a system of this kind, for saying everybody must treat the shortlist in total confidence and, therefore, one of the things we will not do is tell people whether they were on it or off it because that will undermine that confidence. If I tell a good friend that I was short-listed and he tells Senator Norris who immediately tells the newspapers that I have been short-listed-----

Senator David Norris: I would never do such a thing.

Senator Michael McDowell: In his normal discretion and absolute-----

Senator James Reilly: Renowned.

Senator Michael McDowell: -----zipped mouth he makes-----

Senator David Norris: *Omertà*.

Senator Rónán Mullen: A clam.

Senator David Norris: Clam?

Senator Michael McDowell: -----an exception on this occasion-----

Senator David Norris: Who said that?

Senator Michael McDowell: -----and tells a newspaper man that I was short-listed. Is that

a secret? Has a confidence been broken? I would like some clarity on this. For instance, would it be open to a Minister to say that Senator Norris has been short-listed three times but we have no intention of appointing him? Would that be legitimate? There seems to be a mixed message coming from this legislation and I would like to have the Minister explain clearly if he is in favour of candidates being told whether they were not short-listed or whether they were short-listed. Is that confidential information? If they find out that somebody is or is not short-listed, are the media free to publish that information?

Senator David Norris: Through the Chair, I ask Senator McDowell, as the Minister has suggested, for his view on the question I raised about the legal standing of judges appointed under this recent decision and whether they could be challenged.

Senator Michael McDowell: I have made it clear on many occasions in this debate that the Government is entitled to seek advice from whatever source it likes. It could consult the Attorney General and the Minister for Justice and Equality alone, or it could ask them to ask senior judges for their opinions on who should or should not be appointed to any particular office. The Attorney General could say to the President of the High Court or somebody that his or her court needs strengthening and ask him or her to come up with some names of people who they should try to get to accept appointment to the court because they do not seem to be applying in sufficient numbers. There is nothing wrong with approaching people and telling them they should consider serving their country as a judge and that they should consider that they have had a very good opportunity to earn a good living as a lawyer and now they might consider doing some public service. Of course, somebody who is at the receiving end of such an approach, from my experience, would consider that such an approach would not be made if he or she was then just thanked for volunteering and told there is no interest in his or her application. That process is totally unreal. If a feeler is put out to people and they are asked to consider being a judge, by whatever channel, be it the Attorney General, the Minister or a senior judge, and if people are given the signal that the Government would like to appoint them or thinks they should apply for appointment, it seems to me to be completely ridiculous that they should then put in their application and find that they were misunderstanding the message completely and there really was very little interest in appointing them in the first place. From my experience as Attorney General and Minister for Justice and Equality, there were occasions when people were asked to make themselves available as judges, both through and not through the JAAB. There has to be some credibility to such an invitation.

Senator David Norris: Were the people appointed?

Senator Michael McDowell: Yes. There has to be some credibility if such an approach is made to somebody. He or she needs to know that he or she is not wasting his or her time and that his or her hopes are not being raised and dashed. That is why I have a real concern. The amendment is quite narrow in its focus. If somebody is to be short-listed, either it is a secret between the commission and the Cabinet or it is not. If it is not, are the media, if they find out about it, free to publish the information by whatever means? If a Minister inadvertently says, "By the way, David Norris was short-listed three times but we have not appointed him," is he to read it on the front page of a newspaper?

Senator David Norris: Why not? Journalists would certainly publish it.

Senator Michael McDowell: A journalist would certainly publish it; that is the point. Is this confidential information or not? I would like the Minister to be clearer on that point. He

blithely says best practise is to say who was short-listed and who was not. From my experience as a Minister, I know that where people were short-listed for non-judicial jobs, they were told that they were on the shortlist and then if the Minister was making the appointment personally, usually he had the courtesy to tell each of the candidates who knew that they were on the shortlist that they were not getting the job, that X was getting it instead. That is what happens. In this case I am mystified about whether we are really drawing a veil of secrecy over the shortlist. I ask the Minister to state clearly where he stands on the issue.

Senator Gerard P. Craughwell: I am somewhat perturbed by all of this, with all of these secrets flying around the place. If ever there was a gaping hole in a Bill, it is with these secrets. We all know that nobody keeps secrets. Senator McDowell has alluded to telling a friend that he was short-listed and everybody knows that that friend will tell two more friends who, in turn, will tell two more. Everybody says it is in confidence and that it should not be told to anybody else. That is absolute nonsense. Secrets are not kept. There are leaks from the Cabinet and committees. There are leaks from everything under the sun. There is one gaping feature of this section that sticks out for me and it brings me back to something we discussed sometime last year. Having done all of the work in advertising a position, shortlisting the candidates, interviewing, finalising three names and presenting them to the Government, the Government may decide it does not like any of the names and will appoint its own person. It is provided for in the legislation; it can do it. What does the Bill do? How have we in any way met the needs of those who want to see an open and transparent judicial appointments system in place? The Bill will not do it because a Government could decide it did not like the method used. For some time there has been an allegation of cronyism in the appointment of judges. If we have a Government with a sufficiently large majority-----

Senator David Norris: The Minister, Deputy Ross, is an expert on cronyism.

Senator Gerard P. Craughwell: A Government with a sufficiently large majority could decide, "To hell with this for a system. We want to appoint our pal Joe Bloggs." There is nothing in the Bill to stop that from happening. If it comes to the essay about which Senator McDowell spoke-----

Senator Michael McDowell: We amended the section to take out the essay.

Senator Gerard P. Craughwell: Thank God for that. I am sure creative writers could be found to write essays that would justify anything. We are back to where we were. We go to all of the expense of having a commission in place and the difficulty of advertising positions and come up with and present the names of three individuals, assuming we can get three to go for the post. If I was working as a barrister or a solicitor, I would not go near this because of the risk of having my reputation destroyed by a loose tongue somewhere. I would not touch it with a 40 ft. pole. On the other hand, if I was the Taoiseach or the Minister for Justice and Equality, I might give the two fingers and say, "To hell with it. I will appoint who I want. I am not going to be dictated to by some commission." It fails in what we are attempting to do. We should be talking about holding a referendum to change the way in which judges are appointed, not a Bill with no teeth.

Senator David Norris: I listened with great interest to what my colleague and friend Senator McDowell who is a very distinguished lawyer had to say about the legality of this process. I am still not 100% convinced because the article I hurriedly read this morning stated there would be a commission. I wonder what its statutory basis is because, as far as I know, no provision is

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being made for it in law.

Senator Michael McDowell: I think it is being called a committee.

Senator David Norris: It does not matter. What statutory basis does it have to make recommendations?

An Leas-Chathaoirleach: Through the Chair, please.

Senator David Norris: What else am I talking through?

An Leas-Chathaoirleach: I thought the Senator was looking over and addressing Senator McDowell directly.

Senator David Norris: I can look anywhere I like. A cat can look at a king. I can look at Senator McDowell with great affection-----

An Leas-Chathaoirleach: No doubt.

Senator David Norris: -----and admiration.

An Leas-Chathaoirleach: The Senator has been displaying some of it in recent times.

Senator David Norris: Absolutely.

Senator Gerard P. Craughwell: The Senator was not looking at me with affection.

Senator David Norris: No. The Senator is too fat.

An Leas-Chathaoirleach: I ask the Senator to make his point.

Senator Rónán Mullen: There are not too many healthy shapes around here.

Senator David Norris: I have made the point

Deputy Charles Flanagan: The tedium is-----

Senator David Norris: I apologise to the Minister. I return to my point. There seems to be no statutory basis for the committee, commission or whatever it is the Minister has established.

An Leas-Chathaoirleach: Does the Minister wish to-----

Deputy Charles Flanagan: Not really. The publication arrangements are set out clearly in section 48, as amended.

On the matter of confidentiality, I again remind Senators of sections 27 and 28 which deal with the issue of confidential information. We have amended the Bill to inform candidates when they have been short-listed, which is desirable. I detect a welcome on the part of Senators for this, as a courtesy and in fairness. However, the hyperbole on the part of some Senators cannot be resisted. I do not believe any unsuccessful applicant, having been informed on a confidential basis by the commission of his or her shortlisting and lack of success, will then appear on "Prime Time". It is funny that Senator McDowell makes this point - I agree with Senator Norris - given that only recently on "Prime Time" he spoke about the concept of camera sluts. I do not believe any judicial candidate would find himself or herself in the category of a

camera slut, where, on receipt of a registered letter or a communication in accordance with the rules and regulations, he or she would immediately ring RTÉ and book a slot to tell the world he or she had been unsuccessful on a number of occasions.

On Second Stage Senator McDowell indicated the need for a significant element of confidentiality in order to preserve the process and ensure people would find it a reasonably attractive proposition to apply in the first instance and not have their names bandied about in every newspaper or on prime time television in the manner in which he now believes to be the case. It is not acceptable to have one's cake and eat it too. I remind Senators of sections 27 and 28, with section 48, as amended, which is under discussion.

Senator David Norris: It is interesting and somewhat amusing that the Minister has repeated with great relish the phrase "camera slut", yet the other day he objected to me using the phrase "nutjob". I do not see much of a difference. "Nutjob" is a perfectly reasonable phrase to use.

An Leas-Chathaoirleach: I am sure they are in different categories.

Senator David Norris: To use the Minister's own words, he is having his cake and eating it too.

Deputy Charles Flanagan: No.

Senator David Norris: On the one hand, the Minister is being very precious about the use of language, but, on the other, he flies out with the extravagant phrases Senator McDowell ill-advisedly and so uncharacteristically used on television.

Senator Rónán Mullen: Like "floozy".

Senator Lorraine Clifford-Lee: The phrases are all a bit gendered.

Senator David Norris: I certainly hope I am gendered. I do not want to be neutered.

Deputy Charles Flanagan: Contrary to what was stated in the newspapers, I was not called a nutjob.

Senator David Norris: I never called the Minister a nutjob.

Deputy Charles Flanagan: That is contrary to what appeared in the media so loved by Senator McDowell in this context.

An Leas-Chathaoirleach: That does not have much to do with section 48.

Senator Gerard P. Craughwell: Section 48(2) states: "In the event that a person appointed to judicial office has not been recommended by the Commission under this Act, the notice of that appointment will be published in *Iris Oifigiúil*". Will that entire piece be deleted?

Senator Michael McDowell: Yes, subsections (2) and (3) will be gone.

Senator Gerard P. Craughwell: There would still be the possibility of a judge being appointed who was not recommended. I would love to know the circumstances in which that could happen.

Senator Michael McDowell: To inform the Senator, it has happened on a number of oc-

casions. Very eminent persons have been appointed without the involvement of the Judicial Appointments Advisory Board. As a matter of constitutional law, the Minister has emphasised on a number of occasions that it is not possible to pass a law stipulating that the only people who can be appointed are those recommended by the commission. From a constitutional perspective, that cannot happen. As I have pointed out on a number of occasions, every effort is being made in this legislation to make it very difficult to do so. As canvassing is disqualified, somebody cannot seek judicial appointment under the terms of the Bill, as it stands. The information on who is or is not on the shortlist is now, as the Minister concedes, confidential. I am not suggesting somebody will go on “Prime Time”. By the way, my excursus on “The Late Late Show” was light-hearted; it was not on “Prime Time”.

Senator David Norris: It was on an entertainment programme, rather than a political programme.

Senator Michael McDowell: Yes, that is correct. I am not suggesting somebody is likely to say on “Prime Time” that he or she has been turned down by the Government. I cannot imagine a lawyer in whose interests it would be to do that.

Deputy Charles Flanagan: Turned down by the commission.

Senator Michael McDowell: Yes, I apologise. The person would have been turned down by the commission. It would be of huge interest to the media to find out who had been unsuccessful in the process. I have no doubt that it would equate to the crown jewels for some journalists to find out that somebody had been unsuccessful on a number of occasions and that the Government had turned him or her down, especially if the media were sympathetic to the person concerned. They would argue that a worthy person seemed to be turned down constantly by a perverse Government. That is the kind of journalism one could well expect to see. Is it the case that this information on the shortlist is impressed with the words “Cabinet confidentiality” when it gets to the Government and that no Minister can say after a Cabinet meeting to anybody that A was chosen over B or C? Is that to be the case?

Deputy Charles Flanagan: My understanding is it would be fully preserved in the context of the new legislation. Sections 27 and 28 deal with communications from the commission to the interested parties, not from the Government which would not be communicating the information.

Senator Michael McDowell: That is the worrying aspect to which I keep coming back. If it is the case that a Minister could tell his or her buddies somewhere that Senators Norris and McDowell had been on a shortlist three times and that they had been turned down every time and that this appeared in a newspaper, would it be an encouraging process for people like Senators Norris and McDowell to have in mind if they were to apply to become a judge?

Deputy Charles Flanagan: No. A Minister would be bound by Cabinet confidentiality. I do not believe the Senator can adduce any evidence where it might have happened to substantiate what would be an unacceptable position if Ministers were in a position to speak freely about a process that had taken place in accordance with due process at the Cabinet. I do not envisage that it would happen and neither do I envisage that any aspect of the Bill would encroach on the time-honoured doctrine of Cabinet confidentiality.

Senator David Norris: Although I will be voting with Senator McDowell if there is a division, I am inclined to accept the Minister’s statement. If the Attorney General, for example, is

precluded, because of the possibility of a criminal prosecution, from making germane information available to the Cabinet, it is unlikely that people would breach the doctrine of Cabinet confidentiality.

Senator Michael McDowell: One could well imagine a situation where a coalition Government was in office-----

Senator David Norris: It would have to engage the services of people like the Minister, Deputy Shane Ross.

Senator Michael McDowell: The more liberal party in the coalition might agitate for candidate A, while the more conservative party might argue that candidate A would not be approved and would seek to put candidate B in place. The expectation is that the process will always remain secret and that there will be no discussion in the coalition parties afterwards as to why a reactionary conservative judge was appointed to the Supreme Court. People might well say they did their level best to get Senator David Norris into it instead but that they were voted down, for example. That kind of information is likely to come out and it is naïve to think it will not. For example, would a struggle over who should be in the Supreme Court be kept entirely secret? It is very optimistic to think it would be and that Ministers would keep shtum, not merely while they were Ministers but afterwards as to why the Supreme Court had become more conservative while they were in government, against their wishes. It is quite possible that such things will happen. It is not a matter of imagining strange scenarios. People will be discouraged from applying because it will be known that they are “also rans” in this process. That is why I have a big problem with the shortlist of three people.

An Leas-Chathaoirleach: I will put the question on the section.

Senator Michael McDowell: Will we do that or just report progress? I do not mind.

An Leas-Chathaoirleach: I apologise. It is 5 p.m.

I must ask the Senator to report progress. I was just not conscious of the clock.

Progress reported; Committee to sit again.

Perjury and Related Offences Bill 2018: Committee Stage

SECTION 1

An Leas-Chathaoirleach: Amendments Nos. 1, 3, 7, 8, 10, 11, 14 and 15 are related and may be discussed together. Is that agreed? Agreed. Amendment No. 1 is consequential on amendment No. 3.

Senator Pádraig Ó Céidigh: I move amendment No. 1:

In page 7, between lines 16 and 17, to insert the following:

“ “perjury” has the same meaning that it has in *section 2(1)*”.

An Leas-Chathaoirleach: Does the Senator wish to speak to the amendment?

Senator Pádraig Ó Céidigh: No.

An Leas-Chathaoirleach: Does the Minister wish to speak on it?

Minister for Justice and Equality (Deputy Charles Flanagan): I do. I thank the House for accommodating this legislation this afternoon. Before I speak to the amendments I wish to outline my position and that of the Government on this Bill. I want to express my strong view to Senator Ó Céidigh that I am supportive of the amendments proposed to the Bill on Committee Stage, subject to legal advice and the need for further amendments in specific incidences, to which I will refer.

The general principle of the Bill, to consolidate and codify the law on perjury, is commendable. I am aware that historically it has proven difficult to have a successful prosecution for perjury and subornation of perjury at common law. I accept what Senator Ó Céidigh has said: that the essence of the Bill is the real need to provide for a more effective and streamlined process through which this offence can be prosecuted. This will allow us to move towards realising this objective by placing the offence and other related offences on a statutory footing. This is what the Bill purports to do, and I agree with it.

I recognise the work that has gone into the Bill by Senator Ó Céidigh in producing and publishing the Bill and for initiating debate on it in the Seanad. It is a very welcome development on the basis of the far-reaching issues we are seeking to address here. I also acknowledge the input of Senator Ó Céidigh's colleagues, Senators Marshall, Boyhan and McDowell, for having it presented to the House and developing the Bill in the context of discussions with other interested parties and stakeholders.

The offence of perjury has been the subject matter of much media comment recently, especially with regard to the business community. Some business organisations have called for new legislation to be put in place to make it somewhat easier to prosecute the offence particularly in the matter of personal injury claims, which impact directly on the unacceptably high level of insurance costs. The House will be aware that my colleague, the Minister of State with responsibility for insurance reform, Deputy D'Arcy, intends to introduce legislation to ensure greater protection and fairness for policyholders. I acknowledge the importance of the Bill in this because it will complement that legislation by providing a deterrent effect to those people across our society and in communities who wish to continue to abuse the law through the making of fraudulent claims. This is really important and I congratulate Senator Ó Céidigh on this.

On the future, including these amendments and having reiterated the fact that I support the general principle of the Bill, I assure Senator Ó Céidigh that I will continue to engage with him to further develop and strengthen the Bill so that I may be in a position to continue to support the Bill as it progresses through the Houses. I have received many of the substantive amendments to the Bill over the last ten days. My officials have sought the legal advice of the Attorney General on these issues. There could be a number of matters on which I may need to bring forward amendments at a later Stage, which focus generally on issues such as whether there is a need to equate penalties in this Bill with those provided in other legislation across the criminal justice system and whether the new offence of fabricating evidence might raise other concerns - and I would be keen to hear from Senators on this. Another matter may be the potential risk of double jeopardy arising in relation to any overlap in other legislation already enacted. In section 1, for example, the definition of judicial or other proceedings needs to be further developed and expanded. I will refer to these issues as the House deals with the relevant sections in the Bill.

Amendment No. 1 is a technical amendment that provides for the inclusion of a definition of perjury in section 1. This definition mirrors the definition already provided for in section 2. I agree with that. Perhaps the Leas-Chathaoirleach will clarify if it would be in order, for ease of reference and for ease of debate, if I may speak to section 1 at this stage.

An Leas-Chathaoirleach: We are on section 1, amendment No. 1.

Deputy Charles Flanagan: The Leas-Chathaoirleach might invite comments from Senators-----

An Leas-Chathaoirleach: Senator Ó Céidigh will be speaking.

Deputy Charles Flanagan: I am considering bringing forward an amendment to section 1 regarding the definition of judicial or other proceedings. One possible problem I see with the Bill is that it appears to define a proceeding as primarily involving the administration of justice and then states that this includes tribunals. A question might arise if this formula includes tribunals of inquiry, as well as decision-making tribunals. Senators will be aware that a tribunal of inquiry does not administer justice. It is concerned exclusively with the discovery of facts. Such a tribunal is a fact-finding exercise. We may consider whether commissions of investigation should be provided for under this definition. This is a policy matter. I would be happy to engage with Senator Ó Céidigh on this precise issue. I am also keen to ensure that we might be in a position to advance the Bill alongside other measures that both Houses are considering, across a number of Departments, to see if we can deal with the very challenging, important and urgent issue of insurance costs. I am conscious of time here and of the fact that we have to go to the Dáil and perhaps that we might give consideration to the Dáil taking this Bill in Government time. I would be very happy to do so, notwithstanding that I currently have 117 Bills on my desk, one of which has taken a considerable amount of time and will undoubtedly take more. I am a guest here.

Senator Michael McDowell: The Minister shows terrible favouritism towards that Bill.

Deputy Charles Flanagan: I am a guest here and will not stray beyond my role-----

Senator Martin Conway: The Minister will not be let.

Deputy Charles Flanagan: -----as indeed last week will testify. A question may well arise if the formula includes a tribunal of inquiry as well as decision-making tribunals. We need to tease that out. We will leave that as far as section 1 is concerned.

An Leas-Chathaoirleach: The Minister may wish to come in other sections. I call Senator Ó Céidigh.

Senator Pádraig Ó Céidigh: I very much appreciate the Minister's and his colleagues' support of this Bill. I know two of the team in the Department who are with the Minister here. We have engaged quite extensively on the Bill and its drafting and taking into consideration the various inputs from a vast array of stakeholders in making the Bill as robust as possible. That was the underlying basis and purpose on which the departmental officials engaged in the conversations and meetings I had with them.

Like me, the Minister has a legal background and would de facto have an involvement in relation to court cases, evidence and the robustness of evidence. This Bill is intended to help create that robustness in evidence that is of great importance. I do not believe there was one

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prosecution for perjury in 2017 of the thousands of cases in the District, Circuit and High Court and in the other courts of the land.

I thank the parliamentary legislative drafter for drafting the Bill. It will be noted that there are almost 100 other pieces of legislation referred to. That is used in the research and due diligence in preparing this very robust Bill. I thank my colleagues for their support, which is very valuable and is very much appreciated. We are very much on the one team on this. I also thank my parliamentary assistant, Cáit Nic Amhlaoibh, a key person in all of this.

I understand that the Minister and the Government will provide Government time for Report Stage of Bill, which it is hoped will be in May or June, so that we can move it on to the Dáil and to the next stage. I note what the Minister said about insurance, business and other areas. That is crucially important. I note also what the Minister said about tribunals of inquiry and their role. I look forward to working with the Minister and his officials in making this Bill even more robust. I welcome his support for this Bill at this stage, given that he may come back on Report Stage with further suggestions for amendments.

Senator Michael McDowell: I commend Senator Ó Céidigh on his initiative in bringing about this legislation and I very much welcome the supportive and co-operative approach of the Minister and his Department to the Senator's initiative. In the current climate, everyone is talking about personal injuries, fraud and all of that. Perjury is a wider issue than that. People can tell appalling lies in commercial and matrimonial cases and many other areas and do great damage to others, either personally or financially, or they may amass substantial gains for themselves by their behaviour. For instance, with whistleblower legislation, affidavits of discovery are very important in the judicial process. It keeps parties honest. I do not want to say anything overly dramatic but it is important that there are sanctions for telling lies on oath, not merely in court, but also in an affidavit that is going to influence the outcome of a court case. If a person has destroyed or falsified a document or affidavit of discovery, this can be of great importance.

The Minister has said that he has in excess of 100 pieces of legislation sitting on his desk. He has very graciously said that he does not want to reopen other things that have happened in this House today. Nobody is holding him up on this Bill or any of those other Bills. I emphasise that when it came to the Judicial Council Bill, this House was very facilitative in getting it through Committee Stage and on to Report Stage. That Bill is sorely needed, and I struggled for a number of years when I occupied the chair the Minister does now to get the Bill off the runway, so to speak, and airborne but with little success, due to factors that I will not go into now. We need a judicial council and this House is not, as it has been portrayed by some, holding up the Minister's programme. This House may have a view on one Bill, but nobody is stopping him from progressing everything else.

In a genuinely warm way I am delighted that the Minister is prepared to consider making Government time in this House available for Report Stage and that he has such a positive approach to the amendments which Senator Ó Céidigh has drafted to make this Bill as good as it possibly can be, so that when it is passed by this House, and I hope that is soon, it can go to the other House as a Bill which the Government can adopt completely in that House and pass into law as quickly as possible.

There are many who are prepared to perjure themselves in court. As long as the Director of Public Prosecutions takes the view that a statutory basis for perjury prosecutions must be put in place, the old thing that the Minister and I probably have heard on many occasions in court,

where it is said that a file is going to have to be sent to Director of Public Prosecutions, will remain a very idle threat for people who have committed perjury because of the difficulties in proving the case and in stating exactly what perjury means.

The oaths Act needs to be looked at too. At the moment, if someone opts to affirm rather than swear, the judge is obliged - some judges forget about this - to put statutory questions to the witness and to ask him or her whether his or her unwillingness to swear is based on the absence of religious belief or the presence of religious belief which prohibits that witness from swearing. It is an embarrassing process for witnesses to have to go into their religious beliefs in court when it is not necessary. If evidence on affirmation is treated in exactly the same way as proposed in this legislation, which is to say in the same way as evidence on oath, it is not really necessary to grill people about their views on religious matters and to put them through that mill. I will leave it at that. I thank Senator Ó Céidigh and I thank the Minister for expediting the passage of this legislation.

Senator Martin Conway: I concur with everything that has been said about the importance of the Bill. I spoke on the Bill on Second Stage. It proves the value of the House and its depth of opinion, views, knowledge, determination and experience. I did not realise that Senator Ó Céidigh had a background in law. I knew he had an extensive background as a very successful and distinguished business man. Had he concentrated on law he may have competed with Senator McDowell in the Supreme Court. This Bill is a testament to the Senator's identification of the necessity of dealing with this issue. I take on board Senator McDowell's point about the, most likely idle, threats of the Director of Public Prosecutions. The Bill is very welcome. I am glad the Minister is co-operating in providing Government time for Report Stage.

An Leas-Chathaoirleach: The Senators will have opportunity to comment further.

Deputy Charles Flanagan: I have only a couple of points; I do not want to labour issues unduly-----

An Leas-Chathaoirleach: We are on amendment No. 1.

Deputy Charles Flanagan: -----in the Upper House. I am on amendment No. 1. I am not; I am on the group of amendments.

An Leas-Chathaoirleach: We are on the group of related amendments which includes amendment No. 1.

Deputy Charles Flanagan: My legislative work as Minister for Justice and Equality has been impacted upon by the amount of time I have spent in this House on the Judicial Appointments Commission Bill. The record will speak for itself in terms of the time taken and in terms of repetition. As I have said, I am a guest here, but the debate on that Bill has resulted in me having in excess of 100 pieces of legislation on my desk. Many of these are urgent. All of them are important. I would not be telling the full story if I did not say that the Bill has taken an inordinate amount of my time and of my officials' time. Be that as it may, the Senators operate their House in the way they deem fit. However, for the record, it has not been very encouraging in terms of good order. Today's proceedings are the latest example of that as the Order of Business went on late into the afternoon.

In any event, while I would like to provide Government time for Report Stage of Senator Ó Céidigh's Bill, I am in the hands of the Seanad. It could well be the case that if I indicated

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support for that initiative, it would again raise the ire of some Senators, who would then ensure it did not happen. Therefore, when I say that I support the concept of taking Report Stage in Government time, I am aware that it will not be my decision. I will be happy to discuss it with certain people here who may be in a position to influence proceedings, but I do not influence the Seanad. I cannot do that. The manner of my admonishment here last week set that out clearly. I am a guest here.

An Leas-Chathaoirleach: I hate to correct the Minister but, with respect, he is more than a guest here. He is the Minister.

Deputy Charles Flanagan: I am an invitee.

An Leas-Chathaoirleach: He is very welcome. He has introduced a lot of legislation here.

Deputy Charles Flanagan: I am an invitee here but I-----

An Leas-Chathaoirleach: The Minister is doing Government business and this House welcomes it.

Deputy Charles Flanagan: I will abide by the rules, strictures and Standing Orders of this House at all times.

An Leas-Chathaoirleach: I appreciate that.

Deputy Charles Flanagan: Therefore, when I say that I would like the Bill to be taken in Government time, I am only expressing a preference on my part. It is not something which is within my power to implement. Indeed, it might not happen. I will speak briefly on the other amendments in the group for the record. Section 2 is a-----

An Leas-Chathaoirleach: We have not come to that section yet.

Amendment agreed to.

Senator Pádraig Ó Céidigh: I move amendment No. 2:

In page 7, between lines 23 and 24, to insert the following:

“ “subornation of perjury” has the same meaning that it has in section 3(1);”.

An Leas-Chathaoirleach: The Minister is anxious to speak on this amendment.

Senator Pádraig Ó Céidigh: He is anxious to speak on it.

An Leas-Chathaoirleach: There is a grouping. Amendments Nos. 2 and 4 to 6, inclusive, are related. Amendment No. 2 is consequential on No. 5. Amendments Nos. 2 and 4 to 6, inclusive, may be discussed together by agreement. Does the Senator wish to speak first?

Senator Pádraig Ó Céidigh: No, I do not need to speak on them.

Deputy Charles Flanagan: Amendment No. 2 is a technical amendment which provides for the inclusion of a definition of “subornation of perjury” in section 1. Subornation of perjury includes pressing, encouraging or assisting someone to commit perjury. This definition mirrors the definition to be provided for in section 3, which I accept.

I support amendment No. 4, which is a consequential provision arising from amendment No. 3, in that it correctly provides that section 2(5) need no longer be retained as it sets out the offence of subornation of perjury, which will now be provided for separately in section 3.

Amendment No. 5 creates the new and separate section on the offence of subornation of perjury, which was previously provided for in section 2 of the Bill which had regard to anyone who “dishonestly causes to be given, or adduces or dishonestly causes to be adduced” a statement. That is agreed. Separating the offences of perjury and subornation of perjury affords a greater level of clarity in the structure of Bill.

Amendment No. 6 merely provides for grammatical correction. I agree with and accept this amendment.

Amendment agreed to.

Section 1, as amended, agreed to.

NEW SECTION

An Leas-Chathaoirleach: Amendment No. 3 was already discussed with amendment No. 1.

Senator Pádraig Ó Céidigh: I move amendment No. 3:

In page 7, to delete lines 27 to 30, and in page 8, to delete lines 1 to 7 and substitute the following:

“2. (1) If any person lawfully sworn as a witness or as an interpreter in a judicial or other proceeding gives a statement material in that proceeding that—

(a) is false, and

(b) he or she knows to be false,

then he or she commits the offence of perjury.”.

Amendment agreed to.

SECTION 2

Senator Pádraig Ó Céidigh: I move amendment No. 4:

In page 8, to delete lines 24 to 27.

Amendment agreed to.

Section 2, as amended, agreed to.

NEW SECTION

Senator Pádraig Ó Céidigh: I move amendment No. 5:

“Subornation of perjury

3. (1) Without prejudice to section 7 of the Criminal Law Act 1997, a person commits

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an offence of subornation of perjury if he or she procures, persuades, induces or otherwise causes another person to make, while lawfully sworn in a judicial or other proceeding, a statement that is false.

(2) The question whether a statement on which the offence of subornation of perjury is assigned was material is a question of law to be determined by the court of trial.

(3) This section is without prejudice to the Criminal Justice (Mutual Assistance) Act 2008.”.

Amendment agreed to.

SECTION 3

Senator Pádraig Ó Céidigh: I move amendment No. 6:

In page 8, line 38, to delete “subordination” and substitute “subornation”.

Amendment agreed to.

Section 3, as amended, agreed to.

SECTION 4

Senator Pádraig Ó Céidigh: I move amendment No. 7:

In page 9, line 8, to delete “or misleading”.

Amendment agreed to.

Senator Pádraig Ó Céidigh: I move amendment No. 8:

In page 9, line 9, to delete “or misleading”.

Amendment agreed to.

An Leas-Chathaoirleach: Amendments Nos. 9, 12, 16, 17, 19 and 20 are related and may be discussed together by agreement.

Senator Pádraig Ó Céidigh: I move amendment No. 9:

In page 9, to delete lines 14 to 29.

Amendment agreed to.

Section 4, as amended, agreed to.

SECTION 5

Senator Pádraig Ó Céidigh: I move amendment No. 10:

In page 9, line 33, to delete “or misleading”.

Amendment agreed to.

Senator Pádraig Ó Céidigh: I move amendment No. 11:

In page 9, line 34, to delete “or misleading”.

Amendment agreed to.

Senator Pádraig Ó Céidigh: I move amendment No. 12:

In page 10, to delete lines 3 to 18.

Amendment agreed to.

Section 5, as amended, agreed to.

NEW SECTION

Senator Pádraig Ó Céidigh: I move amendment No. 13:

In page 10, between lines 20 and 21, to insert the following:

“Fabrication of evidence

6. A person commits an offence if he or she, with intent to mislead any judicial or other proceeding—

(a) fabricates evidence by any means other than as provided for in respect of perjury or subornation of perjury, or

(b) knowingly makes use of such fabricated evidence.”.

I would like to hear the Minister’s response to the amendment for the record.

Deputy Charles Flanagan: Amendment No. 13 provides for the creation of a new offence of fabrication of evidence that does not amount to perjury or subornation of perjury under this Bill. It is a modern offence which has been provided for in perjury statutes in other jurisdictions. It is important that we would give favourable consideration to including it in this Bill in order to ensure the facilitation of perjury is equally provided for as an offence in this jurisdiction.

As previously referred to by Senator Ó Céidigh and I, the deterrent effect of the Bill and that of the penalties therein are in many respects as significant as any prosecutions or perhaps even any convictions that may arise from its enactment. I and my Department intend to consult the Attorney General’s office to ensure that this new offence does not raise any other issues or that there are not any unintended consequences. If in the event of such issues arising, I may need to bring forward amendments at a later Stage to deal with them but I would be very happy to engage directly with Senator Ó Céidigh on that. I am considering bringing forward an amendment relating to section 6 regarding the definition of what is described as “fabricating evidence”. I may propose to set out this in the list of definitions in section 1 but this is an issue upon which I am waiting for further advice and clarification from the Office of the Attorney General as to whether such a definition would be desirable in the context of this Bill. I undertake on the record of the Seanad that I will keep Senator Ó Céidigh, as the proposer of the Bill, fully informed of developments in this area.

Amendment agreed to.

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SECTION 6

Senator Pádraig Ó Céidigh: I move amendment No. 14:

In page 10, line 31, to delete “or misleading”.

Amendment agreed to.

Senator Pádraig Ó Céidigh: I move amendment No. 15:

In page 10, line 32, to delete “or misleading”.

Amendment agreed to.

Senator Pádraig Ó Céidigh: I move amendment No. 16:

In page 10, to delete lines 33 to 40, and in page 11, to delete lines 1 to 8.

Amendment agreed to.

Section 6, as amended, agreed to.

SECTION 7

Senator Pádraig Ó Céidigh: I move amendment No. 17:

In page 11, to delete lines 12 to 27.

Amendment agreed to.

Section 7, as amended, agreed to.

NEW SECTION

Senator Pádraig Ó Céidigh: I move amendment No. 18:

In page 11, between lines 28 and 29, to insert the following:

“Corroboration

8. A person accused of an offence under this Act, or of any offence declared by any other Act—

(a) to be perjury or subornation of perjury, or

(b) to be punishable as perjury or subornation of perjury,

shall not be liable to be convicted of that offence upon the evidence of one witness only unless that evidence is corroborated in some material particular by evidence that implicates the person so accused.”.

Deputy Charles Flanagan: With respect to this amendment, we are making express provision for an amendment to the corroboration requirement which previously provided that no person is to be convicted of an offence under this Act solely upon the evidence of one single witness. The amending provision retains the corroboration requirement, albeit in a way that perhaps is of greater clarification in that the corroborating evidence need not necessarily consist

of the testimony of another witness, so it will have the effect that corroboration can also be attained through documentary evidence, through recording, for example, or other material forms. I support this amendment.

If I may with the consent of the House, I will speak briefly to section 8.

An Leas-Chathaoirleach: Of course.

Deputy Charles Flanagan: The requirement to corroborate as to the falsity of any statement in relevant statutes such as this one is the subject matter of some conflict of opinion, not only in academia but in practice and in an international context. Some argue against the corroboration requirement because we do not generally in law subscribe to a quantitative theory of evidence, where the evidence or testimony of one witness is deemed insufficient simply on the basis of there not being more than one witness. We also have an independent public prosecution office, which is the Office of the Director of Public Prosecutions. That office is legally mandated to exercise objectivity in all its work and dealings and independence in the matter of its decision making capacity. It needs to be at all times objective and independent in pursuit of prosecutions.

Historically, as Senators will be aware, the requirement of corroboration was developed across the water in Britain in the context of the era when private prosecutions were the norm and where, as a result of this, corroboration was seen as a protection against such private prosecution cases which often times lacked objectivity and which sometimes lacked integrity, but that context does not really apply here. However, I am off the view and agree that the corroboration requirement should be retained for a number of reasons. First, retention of this provision reflects the position in common law in that a person cannot be convicted of perjury solely on the testimony of one witness. Second, and to put it rather simply, I consider that one person's testimony against another is not a sufficient basis on which to legislate for the prosecution of perjury. Third, the statutory corroboration requirement has been in place in England and Wales for over 100 years now and I do not detect that it has been the subject matter of real and serious difficulty in the jurisdiction of England and Wales. It is reasonable and fair to consider that corroboration enhances the safety, integrity and soundness of convictions in the absence of any corroboration.

Amendment agreed to.

An Leas-Chathaoirleach: Acceptance of this amendment involves the deletion of section 8. Is it agreed that section 8 be deleted? Agreed.

Section 8 deleted.

Sections 9 and 10 agreed to.

NEW SECTIONS

Senator Pádraig Ó Céidigh: I move amendment No. 19:

In page 12, between lines 13 and 14, to insert the following:

“Penalties

11. A person who commits an offence under this Act is liable—

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(a) on summary conviction, to a class B fine or to imprisonment for a term not exceeding 12 months or to both,

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 7 years or to both.”.

Can I speak to this amendment?

An Leas-Chathaoirleach: Unfortunately, the Senator cannot because it was already discussed with amendment No. 9.

Deputy Charles Flanagan: We did not get a chance to discuss it. If the House is prepared to-----

An Leas-Chathaoirleach: The Minister and the Senator can speak to the section if they wish when we have dealt with the other amendments to it.

Senator Pádraig Ó Céidigh: I do not need to speak on amendment No. 19.

Amendment agreed to.

Senator Pádraig Ó Céidigh: I move amendment No. 20:

In page 12, between lines 13 and 14, to insert the following:

“Proceedings for offences

11. (1) Proceedings for an offence under this Act, or for the offence of perjury or subornation of perjury provided otherwise than under this Act, may only be brought and prosecuted by the Director of Public Prosecutions.

(2) Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings in relation to an offence under this section may be commenced—

(a) at any time within 12 months from the date on which the offence was committed, or

(b) at any time within 6 months from the date on which evidence that, in the opinion of the person by whom such proceedings are brought, is sufficient to justify the bringing of proceedings, comes to such person’s knowledge,

whichever is the later, but no such proceedings shall be commenced later than 3 years from the date on which the offence concerned was committed.”.

Amendment agreed to.

SECTION 11

An Leas-Chathaoirleach: Amendment No. 21 is in the name of Senator Ó Céidigh. Amendments Nos. 21 to 24, inclusive, are related and they may be discussed together by agreement. The Senator might like to speak on those amendments.

Senator Pádraig Ó Céidigh: I move amendment No. 21

In page 12, to delete lines 20 and 21 and substitute the following:

“(2) Without prejudice to the provisions of Part III of the Children Act 1997 that relate to a statement made in civil proceedings without oath by a child (within the meaning of that Part), nothing in this Act applies to a statement so made.”.

An Leas-Chathaoirleach: Does the Senator wish to speak on the amendments?

Senator Pádraig Ó Céidigh: No.

An Leas-Chathaoirleach: The Senator will probably speak to the section.

Amendment agreed to.

Question proposed: “That section 11, as amended, stand part of the Bill.”

Senator Pádraig Ó Céidigh: The penalties are a very important part of the proposed legislation. The maximum sentence of seven years is actually taken from a recommendation of the Law Reform Commission and also in line with the legislation on perjury in Northern Ireland. The research and background work done on the section are related to it. We have also had numerous discussions with officials in the Department. The Minister may wish to reflect on this before Report Stage. I wanted to share with Members and the Minister, in particular, where the thinking behind the section came from.

Deputy Charles Flanagan: I accept what the Senator said. The penalty proposed on summary conviction is a class B fine or imprisonment for a term not exceeding 12 months or on indictment a fine or imprisonment for a term not exceeding seven years or both. This is in line, as the Senator said, with the penalties in Northern Ireland. It has been designed to ensure all-island synergy in the offence imposed. However, it is not unusual for there to be differences in neighbouring jurisdictions in the penalties imposed for similar offences. There is always a possibility, for example, that there might be an increase in the maximum penalties for perjury in Northern Ireland, in which case the question would arise as to whether we should follow suit immediately. However, greater problems might arise in this jurisdiction if we had different maximum sentences for substantially similar conduct under two statutes. I will examine the position further on penalties imposed for similar offences under other legislation on the Statute Book here, particularly the Civil Liability and Courts Act 2004, of which sections 14 and 25 which deal with perjury and false declarations in making personal injury claims provide for a penalty not exceeding €100,000 or imprisonment for a term not exceeding ten years. Notwithstanding the fact that we acknowledge the discretion on the part of the Director of Public Prosecutions in deciding whether to bring a prosecution and the nature of the charge, I am not sure whether it would be desirable to provide for significantly contrasting maximum penalties for a similar offence. I will consider the matter further and might come back with a further amendment.

We have dealt with amendment No. 20 to the section. I do not propose to say anything further about it, but it is important, given the possible misuse of power to prosecute an offence under the section by aggrieved parties in civil or other proceedings. It is important that the right to commence proceedings for offences of perjury be given exclusively to the Office of the Director of Public Prosecutions. This will have the effect and consequence of ensuring there will be less of a risk of vexatious, groundless or unsubstantiated proceedings being brought under the legislation.

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Question put and agreed to.

Section 12 agreed to.

SECTION 13

Senator Pádraig Ó Céidigh: I move amendment No. 22:

In page 12, between lines 35 and 36, to insert the following:

“(2) The Industrial and Provident Societies Acts 1893 to 2018, this subsection and, in so far as they relate to the amendment to the Industrial and Provident Societies Act 1893, *section 15(2)* and *Schedule 2* may be cited together as the Industrial and Provident Societies Acts 1893 to 2019 and shall be read together as one.

(3) The Friendly Societies Acts 1896 to 2018, this subsection and, in so far as they relate to the amendment to the Friendly Societies Act 1896, *section 15(2)* and *Schedule 2* may be cited together as the Friendly Societies Acts 1896 to 2019 and shall be read together as one.

(4) The Insurance Acts 1909 to 2018, this subsection and, in so far as they relate to the amendment to the Assurance Companies Act 1909, *section 15(2)* and *Schedule 2* may be cited together as the Insurance Acts 1909 to 2019 and shall be read together as one.”.

Amendment agreed to.

Section 13, as amended, agreed to.

Schedule 1 agreed to.

SCHEDULE 2

Senator Pádraig Ó Céidigh: I move amendment No. 23:

In page 18, to delete lines 19 and 20 and substitute the following:

“

22 & 23 Vict. c.17	Vexatious Indictments Act 1859	Section 1	Delete “Perjury,” where it first occurs, “Subornation of Perjury,” and “or (in the Case of an Indictment for Perjury) by the Direction of any Court, Judge, or public Functionary authorise by an Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred, to direct a Prosecution for Perjury.”.
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Amendment agreed to.

Senator Pádraig Ó Céidigh: I move amendment No. 24:

In page 20, to delete lines 17 to 29 and substitute the following:

“

“No. 37 of 1938	Statutory Declarations Act 1938	Section 6	Substitute for section:“Penalty for falsedeclaration6. Every person who makes a statutory declaration which to his or her knowledge is false in any material respect commits an offence under section 5 of the Perjury and Related Offences Act 2019.”.
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Amendment agreed to

Schedule 2, as amended, agreed to.

Title agreed to.

Bill reported with amendments.

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

Senator Martin Conway: On Tuesday, 7 May.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Report Stage ordered for Tuesday, 7 May 2019.

The Seanad adjourned at 5.50 p.m. until 10.30 a.m. on Thursday, 18 April 2019.