



DÁIL ÉIREANN

Dé Céadaoin, 31 Bealtaine, 2017
Wednesday, 31st May, 2017

RIAR NA hOIBRE
ORDER PAPER

Dé Céadaoin, 31 Bealtaine, 2017
Wednesday, 31st May, 2017

10 a.m.

ORD GNÓ
ORDER OF BUSINESS

13. (l) An Bille um Fhorbairt Peitríliam agus Mianraí Eile (Toirmeasc ar Scoilteadh Hiodrálach i dTír Mór), 2016 *athraithe* ó An Bille um Thoirmeasc ar Pheitríliam i dTír Mór a Thaiscéaladh agus a Astarraingt, 2016 — An Tuarascáil (*Leasú 1, atógáil*).
- (a) Petroleum and Other Minerals Development (Prohibition of Onshore Hydraulic Fracturing) Bill 2016 *changed from* Prohibition of the Exploration and Extraction of Onshore Petroleum Bill 2016 — Report (*Amendment 1, resumed*).
1. An Bille Oidhreachta, 2016 [*Seanad*] — An Dara Céim.
Heritage Bill 2016 [*Seanad*] — Second Stage.
- 4a. (l) Tairiscint *maidir le* leasú ar Orduithe Tagartha an Chomhchoiste Speisialta um an Ochtú Leasú ar an mBunreacht.
- (a) Motion *re* amendment of Orders of Reference of Special Joint Committee on the Eighth Amendment of the Constitution.
14. Bille na gCuideachtaí (Leasú), 2017 [*Seanad*] — Ordú don Tuarascáil.
Companies (Amendment) Bill 2017 [*Seanad*] — Order for Report.
15. An Bille Iomaíochta (Leasú), 2016 [*Seanad*] — An Tuarascáil.
Competition (Amendment) Bill 2016 [*Seanad*] — Report.
16. An Bille um Banc Infheistíochta Bonneagair na hÁise, 2017 — An Dara Céim (*atógáil*).
Asian Infrastructure Investment Bank Bill 2017 — Second Stage (*resumed*).

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

108. (l) Tairiscint *maidir le* Scéim Chothrom na Féinne.
- (a) Motion *re* Fair Deal Scheme.

FÓGRA I dTAOBH GNÓ NUA
NOTICE OF NEW BUSINESS

- 2a. An Bille Luachála (Leasú), 2017 — An Chéad Chéim.
Valuation (Amendment) Bill 2017 — First Stage.

- 2b.** An Bille um Cheartas Coiriúil (Cionta Gnéasacha a Dhéanamh) (Leasú), 2017 — An Chéad Chéim.
Criminal Justice (Commission of Sexual Offences) (Amendment) Bill 2017 — First Stage.
- 10a.** Tairiscint *maidir leis* an Tuarascáil dar teideal “Tuarascáil maidir le Sláintecare”.
Motion *re* Report entitled “Sláintecare Report”.

I dTOSACH GNÓ PHOIBLÍ AT THE COMMENCEMENT OF PUBLIC BUSINESS

Billí ón Seanad: Bills from the Seanad

1. An Bille Oidhreachta, 2016 [*Seanad*] — An Dara Céim.
Heritage Bill 2016 [*Seanad*] — Second Stage.

Billí a thionscnamh: Initiation of Bills

Tabhairt Isteach:
Introduction:

- 2a. An Bille Luachála (Leasú), 2017 — An Chéad Chéim.
Valuation (Amendment) Bill 2017 — First Stage.

Bille dá ngairtear Acht do leasú an Achta Luachála, 2001 chun cinnteacht a thabhairt d'íocóirí rátaí tráchtála trí theorainn a chur leis an athrú uasta ar rátaí tráchtála agus do dhéanamh socrú maidir le céimniú a dhéanamh ar athrú na rátaí sin i gcaitheamh tréimhse shonraithe ama.

Bill entitled an Act to amend the Valuation Act 2001 to provide certainty to commercial rate payers by creating a limit on the maximum variation of commercial rates and to provide for the staging of the execution of the variation of those rates over a specified period of time.

—Barry Cowen.

- 2b. An Bille um Cheartas Coiriúil (Cionta Gnéasacha a Dhéanamh) (Leasú), 2017 — An Chéad Chéim.
Criminal Justice (Commission of Sexual Offences) (Amendment) Bill 2017 — First Stage.

Bille dá ngairtear Acht do dhéanamh leasú, ar shlite áirithe, ar an dlí i ndáil le pianbhreith a ghearradh, do chur cionta gnéasacha áirithe le Sceideal 2 a ghabhann leis an Acht um Cheartas Coiriúil, 2007 agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Bill entitled an Act to amend the law in relation to sentencing in certain respects, to add certain sexual offences to Schedule 2 of the Criminal Justice Act 2007 and to provide for related matters.

—Kevin Boxer Moran.

Fógraí Tairisceana: Notices of Motions

- 4a. “Go ndéanfar Ordú an 4 Aibreán 2017, ón Dáil, a bhaineann leis an gComhchoiste Speisialta um an Ochtú Leasú ar an mBunreacht a leasú i mír (c) mar a leanas:

That the Order of the Dáil of 4th April, 2017, relating to the Special Joint Committee on the Eighth Amendment of the Constitution be amended as follows in paragraph (c):

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| <p>(i) trí ‘16 chomhalta de Dháil Éireann’ a scriosadh agus ‘15 chomhalta de Dháil Éireann’ a chur ina ionad’;</p> <p>(ii) i bhfomhír (i), trí ‘cúigear comhaltaí a bheidh ceaptha ag an Rialtas’ a scriosadh agus ‘ceathrar comhaltaí a bheidh ceaptha ag an Rialtas’ a chur ina ionad; agus</p> <p>(iii) i bhfomhír (iv), tar éis na bhfocal ‘agus ag Grúpa na nDaonlathaithe Sóisialta agus an Chomhaontais Ghlais’, tríd an méid seo a leanas a chur isteach:</p> <p>‘agus ní bheidh feidhm ag forálacha Bhuan-Ordú 95(2) maidir leis an gCoiste’.</p> | <p>(i) by the deletion of ‘16 members of Dáil Éireann’ and the substitution therefor of ‘15 members of Dáil Éireann’;</p> <p>(ii) in sub-paragraph (i), by the deletion of ‘five members appointed by the Government’ and the substitution therefor of ‘four members appointed by the Government’; and</p> <p>(iii) in sub-paragraph (iv), after the words ‘and the Social Democrats–Green Party Group’ by the insertion of the following:</p> <p>‘and the provisions of Standing Order 95(2) shall not apply to the Committee’.”</p> |
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—*Ríona Uí Dhochartaigh, Aire Stáit ag Roinn an Taoisigh.*

Leasú:

Amendment:

1. To delete all words after “ ‘four members appointed by the Government’ ”.

—*Mick Barry, Richard Boyd-Barrett, Ruth Coppinger, Gino Kenny, Catherine Martin, Paul Murphy, Eamon Ryan, Brid Smith.*

10a. “Go mbreithneoidh Dáil Éireann an Tuarascáil ón gCoiste um Chúram Sláinte sa Todhchaí, dar teideal ‘Tuarascáil maidir le Sláintecare’, ar leagadh cóipeanna di faoi bhráid Dháil Éireann an 30 Bealtaine 2017.

That Dáil Éireann shall consider the Report of the Committee on the Future of Healthcare, entitled ‘Sláintecare Report’, copies of which were laid before Dáil Éireann on 30th May, 2017.”

—*Róisín Shortall,*
Chairman of the Committee on the Future of Healthcare.
[31 May, 2017]

ORDUITHE AN LAE ORDERS OF THE DAY

- 13.** (l) An Bille um Fhorbairt Peitríliam agus Mianraí Eile (Toirmeasc ar Scoilteadh Hiodrálach i dTír Mór), 2016 *athraithe* ó An Bille um Thoirmeasc ar Pheitríliam i dTír Mór a Thaiscéaladh agus a Astarraingt, 2016 — An Tuarascáil (*Leasú 1, atógáil*).
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- 14.** Bille na gCuideachtaí (Leasú), 2017 [*Seanad*] — Ordú don Tuarascáil.
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15. An Bille Iomaíochta (Leasú), 2016 [*Seanad*] — An Tuarascáil.
Competition (Amendment) Bill 2016 [*Seanad*] — Report.
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Asian Infrastructure Investment Bank Bill 2017 — Second Stage (*resumed*).
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GNÓ COMHALTAÍ PRÍOBHÁIDEACHA PRIVATE MEMBERS' BUSINESS

Fógraí Tairisceana:
Notices of Motions:

108. “That Dáil Éireann:

recognises:

- the importance of the Nursing Homes Support Scheme, which provides essential financial support for those in need of long-term nursing home care;
- that the participants of the Nursing Homes Support Scheme contribute to the cost of their care according to their income and assets, and that this contribution can be considerable where an individual contributes up to 80 per cent of their assessable income, and a maximum of 7.5 per cent of the value of any assets per year towards the cost of care;
- the uncertainty created for farm families and family businesses by the potentially uncapped liability in the financial assessment of farm and business assets, particularly, when the farm or business has not been transferred or when the asset has been transferred but for less than five years;
- that the 7.5 per cent per annum contribution applies for the duration of an individuals stay in the nursing home, save where a three year cap applies to the applicants principal residence;
- that in certain circumstances a three year cap can be applied to the assessment of non-residential assets in the case of sudden illness or disability, but that there is considerable vagueness in the definition of ‘sudden illness or disability’, which provides for such a cap; and
- the difficulties and unfairness associated with assessing the notional income from a farm at a rate of 7.5 per cent of the current market value of that farm;

further recognises:

- that family farms make a vital contribution to growth and employment in rural areas, forming the backbone of our rural economy, where it is estimated that farm families spend €8 billion per year in the Irish economy, most of which is spent locally, supporting local jobs and enterprises;
- that family farms are passed down from generation to generation and that it is essential that Government policy support and encourage the lifetime transfer of the farm;
- the adverse impact of the financial assessment on the self-employed and farm families

which is affecting the viability of the farm and business for the next generation;

- that there are approximately 140,000 family farms in Ireland with an average size of 32.7 hectares per holding;
- that the Teagasc National Farm Survey shows that the average family farm income was €26,300 in 2015 and that farm family income varies considerably, with 70 per cent of farms earning an income of less than €25,000;
- that the age of the average Irish farmer is 57 years with 25 per cent of Irish farmers aged older than 64 years;
- that the assets farmers and other self-employed family businesses have are productive assets, and are required to generate income and should not be considered as a measure of additional ability to pay;
- that the current financial assessment is not progressive, fundamentally unfair and has a disproportionate impact on low income farm families, where any further dilution of the farm assets could make the farm non-viable for future generations;
- that under the current system farm families fear the viability of their family farm will be undermined or lost in meeting the cost of long-term care; and
- the commitment given in the Programme for a Partnership Government to review the Nursing Homes Support Scheme to remove any discrimination against small businesses and family farms; and

calls on the Government to:

- immediately publish the recommendations of the Interdepartmental Working Group on the Fair Deal Scheme or in the event that this group have not finalised their work to ensure that their work is finalised within three months from this date;
- honour the commitment in the Programme for a Partnership Government to remove discrimination against small businesses and family farms;
- introduce a reduced charge on the farm/business assets that removes the uncertainty for farm families and the self-employed which protects the future viability of the farm/business asset for future generations;
- reduce the time an asset needs to be transferred prior to entering a nursing home from five to three years;
- provide immediate clarification on the definition of ‘sudden illness or disability’, which provides for a three year cap to be applied to non-residential assets, and to provide a broadened interpretation of ‘sudden illness or disability’ to include those who have been cared for at home for a period of time prior to seeking nursing home care;
- publish and bring forward the necessary primary legislation required to bring effect to these proposed changes to the Nursing Homes Support Scheme without delay following the completion of the review of this issue; and
- ensure that sufficient funding is allocated in Budget 2018 to allow for these changes to become operational in 2018.” — *Mattie McGrath, Michael Collins, Noel Grealish, Michael Harty, Danny Healy-Rae, Michael J. Healy-Rae, Michael Lowry.*

[30 May, 2017]

Leasú:

Amendment:

1. To delete all words after “Dáil Éireann” and substitute the following:

“recognises that:

- the Nursing Homes Support Scheme (NHSS) provides financial support towards the cost of long-term residential care services in nursing homes. It is an important scheme, ensuring that long-term nursing home care is accessible to everyone assessed as needing it, regardless of their age;
- with a budget of €940 million in 2017, the NHSS will support just over 23,600 people by the end of the year;
- the time applicants spend on the placement list for funding has not exceeded four weeks since early 2015 and we must ensure that any changes to the NHSS do not impact on this;
- under the NHSS, an applicant contributes up to 80 per cent of their assessable income and a maximum of 7.5 per cent of the value of any assets per annum. The State then pays the balance of the cost of care. Notably, the first €36,000 of an individual’s assets, or €72,000 in the case of a couple, is not counted at all in the financial assessment;
- the NHSS has a number of important safeguards built into it. Among these safeguards is the provision that nobody will pay more than the actual cost of care. Furthermore, where an applicant’s assets include land and property held in the State, the contribution based on such assets may be deferred and collected from their estate. This is the optional loan element of the NHSS, the purpose of which is to ensure that a person does not have to sell their home during their lifetime to pay for long-term nursing home care. A nursing home resident can apply for this deferral at any stage; and
- an applicant’s principal private residence will only be included in the financial assessment for the first three years of their time in care. This is known as the ‘three year cap’;

further recognises that:

- when the NHSS commenced in 2009, a commitment was made that the scheme would be reviewed. The report of the review was published in July 2015. Arising out of that review, a number of recommendations called for more detailed consideration of key issues, including the treatment of business and farm assets for the purposes of the financial assessment element of the NHSS;
- the Programme for a Partnership Government has also committed to reviewing the NHSS to remove any discrimination against small businesses and family farms;
- an interdepartmental/agency working group has been established to oversee the implementation of many of the recommendations contained in the review of the NHSS;
- considerable policy work has been taking place in the Department of Health in relation to examining potential solutions to the issues raised. Proposals for changes to the NHSS are being developed, with the specific intention of addressing and alleviating the concerns of the farming community when it comes to the uncertainty that many farming and business families feel in relation to the annual contribution to the NHSS and the potential impact of this on the sustainability of the farm or business;
- the NHSS is underpinned by primary legislation, and as such any changes made to the scheme will require amendment to this legislation. The issues currently being

examined are legally complex, and all aspects of the NHSS need to be taken into consideration. The equitable treatment of people under the NHSS must be borne in mind and we must be cognisant of the constitutionality of any proposed changes in terms of equality of treatment;

- it is essential that any amendments made to the NHSS do not in any way negatively impact on its future financial sustainability. The NHSS is a vital piece of the wider healthcare system, and we must be cognisant of the fact that any negative impact on the scheme would have wider detrimental implications for the health service;
- the important position and contribution of the farming community in Irish society is recognised and valued. The importance of maintaining the farm as a productive asset to be passed down within the family unit is acknowledged;
- the important position and contribution of the business community, particularly small family-run businesses, in Irish society is recognised and valued. The importance of maintaining a business as a productive asset to be passed down within the family unit is also acknowledged;
- the concerns that farming and business families have in relation to the NHSS, particularly regarding the uncertainty of future liabilities based on the farm or business value in cases of family members working the farm or business is acknowledged;
- the NHSS already contains provisions in relation to the treatment of income-generating assets such as farms; and
- in particular, the three year cap applies to a person's farm or relevant business under certain circumstances as follows:
 - the person has suffered a sudden illness or disability which causes them to need long-term nursing home care;
 - the person or their partner was actively engaged in the daily management of the farm up until the time of the sudden illness or disability; and
 - a family successor certifies that he or she will continue the management of the farm; and

calls on the Government to:

- bring forward the proposed changes in relation to this issue in the context of Budget 2018;
- honour the commitment in the Programme for a Partnership Government to remove discrimination against small businesses and family farms; and
- publish the necessary primary legislation required to bring effect to these proposed changes to the NHSS without undue delay following the completion of the examination of this issue and decisions in the context of Budget 2018.” — *An tAire Sláinte*.

MEMORANDA

Dé Céadaoin, 31 Bealtaine, 2017
Wednesday, 31st May, 2017

Cruinniú den Choiste um Chuntais Phoiblí i Seomra Coiste 3, TL2000, ar 9 a.m.
 Meeting of the Committee of Public Accounts in Committee Room 3, LH2000, at 9 a.m.

Cruinniú den Chomhchoiste um Dhlí agus Ceart agus Comhionannas i Seomra Coiste 2, TL2000, ar 9 a.m.
Meeting of the Joint Committee on Justice and Equality in Committee Room 2, LH2000, at 9 a.m.

Cruinniú den Chomhchoiste um Iompar, Turasóireacht agus Spórt i Seomra Coiste 4, TL2000, ar 9 a.m.
Meeting of the Joint Committee on Transport, Tourism and Sport in Committee Room 4, LH2000, at 9 a.m.

Cruinniú den Chomhchoiste um Leanaí agus Gnóthaí Óige i Seomra Coiste 1, TL2000, ar 10 a.m.
Meeting of the Joint Committee on Children and Youth Affairs in Committee Room 1, LH2000, at 10 a.m.

Cruinniú den Fhochoiste ar Athleasú na Dála i Seomra 2 (tríd an bPríomh-Halla), Teach Laighean, ar 10.30 a.m. (*príobháideach*).
Meeting of the Sub-Committee on Dáil Reform in Room 2 (off the Main Hall), Leinster House, at 10.30 a.m. (*private*).

Cruinniú den Chomhchoiste um Shláinte i Seomra Coiste 4, TL2000, ar 1.30 p.m.
Meeting of the Joint Committee on Health in Committee Room 4, LH2000, at 1.30 p.m.

Cruinniú den Chomhchoiste um Achainíocha ón bPobal i Seomra Coiste 1, TL2000, ar 1.30 p.m.
Meeting of the Joint Committee on Public Petitions in Committee Room 1, LH2000, at 1.30 p.m.

Cruinniú den Roghchoiste um Fhormhaoirsiú Buiséid i Seomra Coiste 2, TL2000, ar 2 p.m.
Meeting of the Select Committee on Budgetary Oversight in Committee Room 2, LH2000, at 2 p.m.

Cruinniú den Choiste um Nós Imeachta Dháil Éireann i Seomra 2 (tríd an bPríomh-Halla), Teach Laighean, ar 6 p.m. (*príobháideach*).
Committee on Procedure of Dáil Éireann in Room 2 (off the Main Hall), Leinster House, at 6 p.m. (*private*).

SCRÍBHINNÍ A LEAGADH FAOI BHRÁID NA dTITHE DOCUMENTS LAID BEFORE THE HOUSES¹

Reachtúil

Statutory

¹ I gcás nach leagtar scríbhinn ach faoi bhráid aon Teach amháin, cuirfear (D) – Dáil nó (S) – Seanad ina diaidh dá réir sin.

Where a document is laid before one House only it will be appended with (D) – Dáil or (S) – Seanad accordingly.

In-neamhnithe le Tairiscint

Na Rialacháin fán Acht um Achomhairc Talmhaíochta, 2001 (Leasú ar an Sceideal), 2017 (I.R. Uimh. 219 de 2017).

Scéim Pinsean na Gníomhaireachta Cúltaca Ola Náisiúnta Teoranta, 2017.

Scéim Pinsean na Gníomhaireachta Cúltaca Ola Náisiúnta Teoranta do Chéilí, do Pháirtneirí Sibhialta agus do Leanaí, 2017.

Eile

Ráiteas i scríbhinn maidir leis na téarmaí agus na coinníollacha (conradh) faoina ngníomhaíonn nó faoinar ghníomhaigh an Comhairleoir Speisialta, Vicky Finlay (Cúntóir Parlaiminte), mar Chomhairleoir Speisialta don Teachta Pól Mac Eochaidh, Aire Stáit ag Roinn an Taoisigh agus an Roinn Cosanta, le héifeacht ón 9 Bealtaine 2016, de bhun alt 19(4)(a) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.

Ráiteas i scríbhinn maidir leis na téarmaí agus na coinníollacha (conradh) faoina ngníomhaíonn nó faoinar ghníomhaigh an Comhairleoir Speisialta, Claire Urquhart (Cúntóir Rúnaíochta), mar Chomhairleoir Speisialta don Teachta Pól Mac Eochaidh, Aire Stáit ag Roinn an Taoisigh agus an Roinn Cosanta, le héifeacht ón 9 Bealtaine 2016, de bhun alt 19(4)(a) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.

Ráiteas i dtaobh an gaolta na Comhairleoirí Speisialta, Claire Urquhart (Cúntóir Rúnaíochta) agus Vicky Finlay (Cúntóir Parlaiminte), a ghníomhaíonn nó a ghníomhaigh mar Chomhairleoirí Speisialta don Teachta Pól Mac Eochaidh, Aire Stáit ag Roinn an Taoisigh agus an Roinn Cosanta, leis an sealbhóir oifige, nó an í a pháirtneir sibhialta ceachtar acu, de bhun alt 19(4)(c) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.

An Coimisiún um Achomhairc Chánach. An Tuarascáil Bhliantúil, 2016.

Togra le haghaidh Cinneadh Forfheidhmiúcháin ón gComhairle lena leagtar amach Moladh chun fad a chur le

Open to Motion to Annul

Agriculture Appeals Act 2001 (Amendment of Schedule) Regulations 2017 (S.I. No. 219 of 2017).

National Oil Reserves Agency Limited Pension Scheme 2017.

National Oil Reserves Agency Limited Spouses', Civil Partners' and Children's Pension Scheme 2017.

Other

Statement in writing of the terms and conditions (contract) under which Special Adviser, Vicky Finlay (Parliamentary Assistant) acts or acted as a Special Adviser to Deputy Paul Kehoe, Minister of State at the Departments of the Taoiseach and Defence, with effect from 9 May 2016, pursuant to section 19(4)(a) of the Ethics in Public Office Acts 1995 and 2001.

Statement in writing of the terms and conditions (contract) under which Special Adviser, Claire Urquhart (Secretarial Assistant) acts or acted as a Special Adviser to Deputy Paul Kehoe, Minister of State at the Departments of the Taoiseach and Defence, with effect from 9 May 2016, pursuant to section 19(4)(a) of the Ethics in Public Office Acts 1995 and 2001.

Statement as to whether Special Advisers, Claire Urquhart (Secretarial Assistant) and Vicky Finlay (Parliamentary Assistant), who act or acted as Special Advisers to Deputy Paul Kehoe, Minister of State at the Departments of the Taoiseach and Defence, are relatives or civil partners of the office holder, pursuant to section 19(4)(c) of the Ethics in Public Office Acts 1995 and 2001.

Tax Appeals Commission. Annual Report, 2016.

Proposal for a Council Implementing Decision setting out a Recommendation for prolonging temporary internal border control

rialú sealadach teorann inmheánaí in imthosca eisceachtúla a chuireann feidhmiú foriomlán limistéar Schengen i mbaoil mar aon le nóta faisnéise míniúcháin.

COM (2017) 226.

Neamhreachtúil

Tithe an Oireachtais. An Coiste um Chúram Sláinte sa Todhchaí. Tuarascáil maidir le Sláintecare. (Bealtaine 2017).

Tuarascáil Uimh. 118 de 2017 ón gCoimisiún um Athchóiriú an Dlí maidir le halt 117 den Acht Comharbais, 1965: Gnéithe de Sholáthar do Leanaí.

in exceptional circumstances putting the overall functioning of the Schengen area at risk together with explanatory information note.

COM (2017) 226.

Non-Statutory

Houses of the Oireachtas. Committee on the Future of Healthcare. Sláintecare Report. (May, 2017).

Law Reform Commission Report No. 118 of 2017 on Section 117 of the Succession Act 1965: Aspects of Provision for Children.