



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Máirt, 11 Meitheamh 2013*

*Tuesday, 11 June 2013*

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Business of Seanad**

**An Cathaoirleach:** I have received notice from Senator Trevor Ó Clochartaigh that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

Go dtabharfaidh an tAire Sláinte soiléiriú an bhfuil i gceist aige, i bhfianaise an dul chun cinn atá déanta ó thaobh eolaíochta agus cóir leighis de, an bhfuil sé i gceist aige airtríteas réamatóideach a chuir ar an liosta de thinnis fhadtéarmacha atá incháilithe nuair atá duine ag déanamh iarratais ar charta leighis.

I have also received notice from Senator Lorraine Higgins of the following matter:

The need for the Minister for Finance to outline the protocols or contract stipulations, if any, that are in place to stop NAMA employees moving into the private sector immediately following their employment with the agency.

I have also received notice from Senator Marie Maloney of the following matter:

The need for the Minister of Finance to instruct the Revenue Commissioners to accept the local property tax payment via standing order.

I have also received notice from Senator David Cullinane of the following matter:

The need for the Minister for the Environment, Community and Local Government to discuss the recommendations of the local electoral area boundary committee report, and in particular the recommendation to divide the town of Carrigaline, County Cork in two parts between Carrigaline-Ballincollig local electoral area, LEA, and Bandon-Kinsale LEA, and to reconsider this recommendation in advance of legislating for boundary changes within local authorities.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment and they will be taken at the conclusion of business.

## **Appointment of Minister of State**

**An Cathaoirleach:** A letter dated 5 June has been received from the Secretary to the Government regarding the appointment of a Minister of State. The correspondence will be published in the official debate and the Journal of Proceedings.

## **Order of Business**

**Senator Maurice Cummins:** The Order of Business is No. 1, motion re Employment Equality Act, 1998, to be taken without debate on the conclusion of the Order of Business; No. 2, motion re Cork prison, to be taken without debate on the conclusion No. 1; No. 3, Criminal Justice Bill 2013, Committee Stage, to be taken on the conclusion of No. 2; and No. 4, motion re earlier signature of the Criminal Justice Bill 2013, to be taken without debate on the conclusion of No. 3. Statements on hospital services and groupings and the recent configuration will take place on Thursday afternoon rather than today because of the unavailability of the Minister.

**Senator Darragh O'Brien:** On the Order of Business, it is disappointing that the Minister of Health is not making himself available today. When did the Leader get notice of that?

**Senator Maurice Cummins:** He will be here on Thursday.

**Senator Darragh O'Brien:** I know, but we have to schedule business for the week.

**Senator Maurice Cummins:** That is correct. I got notice this morning.

**Senator Darragh O'Brien:** That does not surprise me. I am disappointed that the Minister saw fit to change today's schedule and give a few hours notice that he will not attend to answer questions on hospital services.

I wish to express my sympathies and that of the Fianna Fáil group on the death of former Senator Tom Fitzgerald, who was buried at the weekend. He served with distinction in the House as Whip. I know that there will be another opportunity to give more detailed statements in that regard.

I commend and congratulate the Taoiseach on the excellent start he has made to his campaign to abolish the Seanad. I encourage him to get as involved as he can because it might have the desired effect. I encourage him to comment regularly and often. His proposals to abolish the Seanad have been met with a lukewarm response from his colleagues. He has done no harm to the "No" side.

I ask the Leader to arrange a debate with the Minister for Public Expenditure and Reform on capital investment and infrastructure. We debated the matter on 22 November 2011 and I specifically raised an issue of concern to 12,000 residents of north Dublin regarding the location

of a sewage treatment plant to deal with all of the waste in the greater Dublin area. I mentioned it to the Minister because he is the Minister for public expenditure. I also pointed out that a cost benefit analysis had not been carried out, even though there is an estimated minimum spend of €500 million. On 22 November, the Minister said “I am giving an undertaking now to the Senator that I will have it investigated.” In fact, he said it twice. However, he has not investigated the project. He has not asked his officials or anyone else to conduct a cost benefit analysis or an environmental impact assessment.

The people of north County Dublin will have a plant foisted upon them with an outflow pipe that will process 1,000 litres of sewage per second that will be treated to a secondary level, the minimum standard required. The waste will then be put in Dublin Bay and along the east coast, which are important fishing waters, particularly for shellfish. The plant poses an environmental risk and is not just a risk to the quality of life for the people of north County Dublin. It poses a catastrophic risk to the living environment.

I would like the opportunity to question the Minister again, in this regard. On 22 November he twice gave me a commitment, as is clearly stated on the record of the House. Why has he not followed through on his commitment? Perhaps he is scheduled to come here in the coming weeks. I ask the Leader to arrange for him to attend specifically to answer my question today.

**Senator Ivana Bacik:** The Order Paper contains a motion regarding the construction of Cork Prison that will be taken without debate. I welcome the fact that a new facility will be built on a site that has been condemned for many years for its poor prison conditions by international and national inspectors. I ask the Leader to arrange a debate on the greater and more general issue of prison building and construction, particularly in light of the recent publication of a report on penal policy by the Oireachtas Joint Committee on Justice, Defence and Equality. It recommended a reduction in the number of people imprisoned, the adoption of a so-called decarceration policy to ensure prison is kept as a sanction of last resort and only for violent and dangerous offenders, the development of non-custodial alternatives for offenders who are convicted of minor offences, and the implementation of the Fines Act without delay to ensure people are no longer imprisoned for the non-payment of fines. A welcome result of the motion tabled is the improved conditions at Cork Prison. However, I want us to debate the bigger picture of prison building, construction and conditions in light of the joint committee report. I have sought the debate before and I know the Leader is amenable to allowing it to take place. Perhaps he will arrange a debate with the Minister for Justice and Equality in attendance before the summer recess.

The Bill to abolish the Seanad was published during the recess and we will debate it over the coming weeks. The Government side of the House has given a commitment to hold a referendum which I support. Personally, I am against the abolition of the Seanad and in favour of reform. I will be arguing for that, as I always have done, and look forward to making those arguments during the referendum campaign. However, during the referendum campaign on the future of the Seanad, it will be important that both those who argue for and those who argue against its abolition will be respectful in the arguments. I am not in any way casting aspersions on any individual or individual party because some rather tetchy arguments already have been used. It is important that arguments are not personal and that one argues on principle about---

**Senator Sean D. Barrett:** The Senator’s side started it.

**Senator Ivana Bacik:** There genuinely are differing views in my own party and in Fine

Gael on this issue. People are entitled to personal views and retention or otherwise.

**Senator Darragh O'Brien:** The Senator's party needs it more than most.

**Senator Ivana Bacik:** However, given the referendum is proposed and is likely to take place in the early autumn and given there will be a detailed and comprehensive debate on the subject, one must make sure it is conducted in a respectful manner.

**Senator Katherine Zappone:** In response to Senator Bacik, I totally agree with the last point she made and Members must be respectful. However, I am interested to note the Senator's own favouring of reform, which is not part of the choice that is being given to the people.

**Senator Darragh O'Brien:** Hear, hear.

**Senator Katherine Zappone:** I have two questions for the Leader, the first of which pertains to the Taoiseach's recent comments on the issue of assisted suicide and the fact he does not intend to legislate for it. First however, I pay tribute to Marie Fleming and her family, as other Deputies and Senators have done, and recognise her bravery and determination. However, acknowledging her situation and sympathising with her is different from looking at what Members, as legislators, can do regarding this issue of assisted suicide. I also note, in light of the concerns I raise today, that only today, her husband has been quoted as continuing to be deeply concerned about her deteriorating health. The Irish Human Rights Commission appeared as a friend in court in the case, highlighting a blurring in the case between the two distinct areas of assisted suicide and euthanasia. Assisted suicide differs from euthanasia in that the former is when a competent person makes a rational decision to end his or her own life and is assisted in so doing. Death is achieved through the final direction or actions of the deceased. In cases in which a mentally competent person is terminally ill and his or her quality of life is significantly diminished and that person takes the rational decision to end his or her life, he or she would not be breaking any laws. However, if such a person is unable to end his or her life because of a physical disability and requires assistance, the person assisting him or her would be committing an offence at present. Members are well aware the Supreme Court has indicated the rejection of Ms Fleming's case is not a bar to them legislating for such situations with appropriate safeguards. Consequently, I call for a debate with the Minister for Justice and Equality on the specific issue of assisted suicide.

I have referred to the subject of my second question previously, namely, the issue of corporate tax rates and Ireland's taxation policies for multinationals. I asked for a debate leading up to the G8 summit, at which Ireland will be in the spotlight in respect of its taxation policies and particularly with regard to how it can attract multinational companies here. Grant Thornton recently highlighted a variety of factors beyond our corporate tax rates, including our European Union membership and our English-speaking and highly educated workforce. This weekend, the chief executive of a Swiss pharma group expressed the view that even were we to raise our tax rate to 20%, there would not be a net loss of multinationals from the State since there are so many other attractive reasons to invest in Ireland. Given the pressure that is building up and in particular with regard to the brand of Ireland, I again seek a debate on this issue as soon as possible.

**Senator Sean D. Barrett:** Members on all sides of the House have been concerned with improving the standard of mathematics in this country. Based on the statements made this morning on "Morning Ireland" by Ms Catherine Lewis of Rathdown School and the Irish Math-

ematics Teachers Association, yesterday was not a great day for anyone. The House is united on this issue and has assisted the Minister, Deputy Quinn, and the Minister of State, Deputy Sherlock, with suggestions on how to improve standards in this regard. In the higher level mathematics leaving certificate examination that took place yesterday, question No. 8 was not doable. The  $36^\circ$  angle should have been  $32.8^\circ$  while the  $124^\circ$  angle should have been outside and not inside the triangle. This affected question No. 9, thereby demoralising the students, and this was a no-choice examination, in which one could not avoid the problematic question No. 8. Moreover, the Project Maths syllabus, which Senator Quinn has promoted strongly, was examined in 24 schools and I am informed that questions Nos. 5(b) and 5(c) were not on the syllabus. As for the ordinary level leaving certificate exam paper, question No. 6(a) on constructing an axial symmetry was not on the syllabus. In the junior certificate, “-14” should have read “1-4”. We must get an adequate standard of mathematics teaching. There are unqualified mathematics teachers. We also need such an approach to the printing and proofing of examination papers.

**Senator Mary M. White:** Hear, hear.

**Senator Sean D. Barrett:** I urge the Leader to draw those matters to the attention of the Ministers, Deputy Quinn and Deputy Bruton and the Minister of State, Deputy Sherlock, because promoting ourselves as a high-technology economy and making those kind of mistakes - to the demoralisation of young people - is damaging to the country. We are all agreed on that. There is expertise in that the Minister himself is an architect and Senator Clune is an engineer. We should not be making such mistakes at the expense of so many young people doing exams.

I also ask the Leader to welcome the G8 to County Fermanagh next week. Councillor Alex Baird is the chairman of Fermanagh District Council. I thank Prime Minister Cameron who has brought this great summit to this country.

**Senator Mary M. White:** Hear, hear.

**Senator Sean D. Barrett:** I note that the library in the summit venue is named the Senator Gordon Wilson Library. I am sure the G8 will be as inspired by Gordon Wilson as we were when he was a Member of this House. I wish the summit every success. Having Gordon Wilson so honoured by the G8 in the choice of venue and the naming of the library after him is a tribute to a great man whom we sorely miss in our deliberations.

**Senator Jim D’Arcy:** As Senator Barrett said, the State Examinations Commission has confirmed there was a mistake in the leaving certificate higher level maths paper 2. Senator Barrett referred to other errors. I understand that people can make mistakes but I was very disappointed with what happened in that regard. We must ensure that greater care is taken in compiling leaving certificate examination papers. I heard of a Wallace & Gromit film called “The Wrong Trousers”, but in this case we have the wrong triangle. That is unacceptable in this day and age.

**Senator Mary M. White:** Hear, hear.

**Senator Jim D’Arcy:** We need greater checks and balances. I ask the Minister to set up an internal investigation to report on how those errors occurred in the maths papers, in particular when we are encouraging more students to do maths.

Before I conclude I wish to refer as well to the fact that in the CSPE exam a question referring to the Referendum Commission mistakenly stated the commission presented arguments for

and against. I cannot understand how anybody in charge of civics in this country would not be aware of the position. My daughter, who is brilliant, did the exam but she might have thought Referendum Commission was the name of a boy band. However, such mistakes should not be made.

**Senator Terry Leyden:** I found the Taoiseach's comments in launching the Bill quite offensive when he said the Seanad did nothing to challenge the unsustainable policies of the Celtic tiger. Will the Leader of the House invite the Taoiseach to argue his case in this House, bearing in mind that in 2007 the published manifesto of Fine Gael and the Labour Party was to protect progress? What an endorsement. It is like accusing the steerage passengers on the *Titanic* of being responsible for the ship hitting the iceberg. It is a groundless accusation. At the time the Seanad debated and passed legislation with the Government. We were not the Government. Whatever Government is in place, the Seanad is not the Government. It was a most offensive and unfortunate comment. It is offensive to Fine Gael Members of this House, to previous Leaders of the House and to previous Senators. I am very disappointed in the Taoiseach. I have high personal regard for him as someone from the west. If I was in Fine Gael, I would have voted for him to retain his position as leader of the party at that stage, although I am not sure I would do it now.

In the general election of 2011, a commitment was given to keep the accident and emergency unit in Roscommon Hospital open. It is now closed. The Taoiseach made a commitment to reduce the Dáil by 20 seats. Since then he has said it would require a constitutional amendment but he will not have a referendum on that topic. He also said he would not introduce abortion, and he is introducing a Bill to bring in abortion. All the commitments made by the Taoiseach at the last general election have been broken and it is an extraordinary situation.

I attended-----

**An Cathaoirleach:** Is the Senator looking for a debate?

**Senator Terry Leyden:** -----the Constitutional Convention in Malahide, that beautiful part of the constituency of our leader in the Seanad. I asked the chairman, Tom Arnold, if it was ignoring the elephant in the room and how a convention that costs €60,000 for each meeting could not and would not discuss the most important change in the history of the State, the abolition of Seanad Éireann. I told him why the convention was ignoring it - because the Taoiseach was afraid the convention would not recommend the abolition of Seanad Éireann but its reform and he was afraid to put that question to the convention. If the convention cannot discuss that most important issue, why is it meeting at all?

**Senator Mary M. White:** Hear, hear.

**Senator Aideen Hayden:** I share the concerns raised by Senators Barrett and Jim D'Arcy about the leaving certificate paper. My daughter is sitting the leaving certificate and she and many of her friends are hanging on, their nerves in shreds, particularly this week. For many of these children, their whole futures are riding on this; that is how they perceive it. It is particularly troubling to hear the Irish Mathematics Teachers Association in dispute with the Department of Education and Skills as to whether some of the questions were even on the syllabus.

It is ridiculous in this day and age to have everything hanging on one exam like this. For an exam to go wrong in this way for students does not just affect that exam, but every subsequent exam the students sit because it will undermine their belief in how they are getting on during

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those exams. We should ask the Minister to deal with this and to bring forward a reform agenda not just on the setting of papers, but on how the entire leaving certificate is formulated, putting such pressure on young people. In the past 20 years no one has asked me what I got in my leaving certificate but that makes no difference to the way students sitting that exam feel today.

I welcome the changes announced by the Minister for Social Protection in her review of rent supplement limits. She has introduced higher limits in some urban areas. The Opposition was concerned about rent supplement levels in Fingal and they have been adjusted. I welcome that, particularly the rent supplement limits for single people, who have had real difficulties in accessing accommodation. It is, however, a concern that these limits are only being reviewed every 18 months. It is evident to all of us that there is an increasing demand for housing, particularly rented housing, in larger urban areas. Reviewing rent supplement limits every 18 months is not sufficient to keep up with what is happening in the market.

I have stated before and I am stating again my belief that there will be a significant and acute housing shortage in the country in the near future. I ask the Leader to have the Minister of State with responsibility for housing come into the House to talk about national strategies on this shortage.

**Senator Feargal Quinn:** Senator Barrett referred to the G8 summit taking place on Lough Erne next week. This is a wonderful opportunity for Ireland and I agree entirely that it was Prime Minister Cameron who arranged for it to take place in Ireland, in Northern Ireland, and close to the Border. We could do with a debate on tourism. Senator Mooney has often talked about the opportunity to have a debate on tourism. There are significant opportunities in this sector.

*3 o'clock*

Travelling through Dublin Port recently, I noted with interest that of the 100 cruise ships that will visit Dublin this year, 30 will pass through the East Link bridge and sail 340 m further into the city. This will enable passengers to walk from the dockside into the city centre. Some 4,000 people work in Dublin Port and a new service is operating twice daily between Howth and Dún Laoghaire. These developments are a reminder of how much we can do ourselves. Tourism offers substantial economic and employment opportunities. The Government's role is to provide encouragement, open doors and remove barriers or bureaucracy where it impedes the realisation of these opportunities.

Barriers to genetically modified foods could also be removed. The Seanad has not debated this issue for a significant period, during which changes have taken place in this area. If we do not avail of the major opportunities presented by genetically modified foods, we run the danger of being left behind by other European countries. Some other states have taken steps to embrace this technology which is being developed around the world.

I ask the Leader to arrange a debate on tourism as quickly as possible. We should also have a debate on genetically modified foods to allow Senators to hear both sides of the argument. Ireland has opportunities to develop business.

**Senator Michael Comiskey:** I welcome the appointment last week of Deputy Tom Hayes to the position of Minister of State at the Department of Agriculture, Food and the Marine. I look forward to working with the Minister of State in the months and years ahead. Agriculture has come through a difficult period but thankfully the weather has improved. I hope, with the

appointment of the new Minister of State, the sector will improve further.

A number of speakers referred to the G8 summit that will be held in Enniskillen, which is good news. Many of those who will attend will stay in the north west, including counties Fermanagh, Sligo and Leitrim. The event has implications for tourism and we could do much to promote tourism in the region once the meeting has concluded.

**Senator David Cullinane:** The failure of the Constitutional Convention to discuss the Seanad is not the fault of convention members. We should not call into question the value of the Constitutional Convention on the basis of the remit set down for it by the Oireachtas. We must make clear that the fault lies with the Government. As a previous speaker noted, the Government was afraid to allow the convention discuss Seanad reform. It is not, therefore, the fault of the convention members that they has been precluded from addressing the issue. The convention has done much good work.

I call again for a debate on taxation in the run-up to the budget. As the Leader will be aware, Sinn Féin has tabled a Bill in the Lower House to repeal the property tax. The Seanad needs to have a proper and full discussion on all aspects of taxation as the budget approaches in October. The Leader may be aware that the revaluation of commercial rates in our home area has caused serious problems for small retailers whose rates will double or treble if changes are not made to the current proposals. Industry and the hospitality sector, including hotels, have been given a welcome break through substantial cuts in their rates, whereas small retailers who must cope with a decline in footfall are expecting an increase in rates. Any such increase would create further difficulty for retailers, many of whom would be placed in an unsustainable position of their rates were to double or treble. The House should debate all aspects of taxation as the budget approaches. We should examine alternative and fairer ways of levying commercial rates and discuss corporation and income tax and the various forms of indirect tax. In recent years, there has been a shift from progressive taxation to indirect taxes. We should return to a system of income taxes based on the ability to pay. I hope the Leader will arrange such a debate as we approach the budget.

**Senator John Whelan:** I refer to the future of Coillte, an issue raised by colleagues from all sides. There is consensus in the House that Coillte should remain in public ownership. As my colleague, Senator Comiskey, has pointed out, the Government has moved to appoint a new Minister of State in the Department of Agriculture, Food and the Marine, Deputy Tom Hayes, and I wish him well in his work. He will have responsibility for Coillte, and in that context, I ask the Leader to invite him to come before this House and to finally make a categorical statement on the matter. We have had some interesting mood music about this issue, including various winks and nods that the hills will remain free to roam on, but I would like to see that in writing to be sure that is really the case. Approximately 7% of our land is covered in forestry. It is an important resource, in a strategic sense, as well as being an important tourism, recreation and leisure amenity for people throughout the country, not least in counties Laois and Offaly and the midlands in general. The Government must finally lay to rest any uncertainty regarding the future of Coillte in order that the company can get on with strategic planning and development. The question should be laid to rest before the summer recess.

I also ask the Leader to address the question of when the Government proposes to hold the referendum on the abolition of Seanad. We do not have a definite date or knowledge of the timetable. It was sharp practice for the Bill to be launched last week when the Houses were in recess. That left a lot to be desired in terms of public discourse and providing Members with an

opportunity to engage on the issue. Whoever came up with that idea knew we were not sitting last week. In the same regard, it would be pre-emptive and unfair if the Seanad were to be shot in the nest. Even pheasants know when the shooting season starts. There are rumours circulating that the referendum could be held as early as 11 September, immediately after the summer recess. If that is the case, it would stymie fair and public discourse on a matter that is very important. Even a condemned man before the gallows is allowed a few last words. The Seanad should be permitted at least to make a case for its future. An early referendum is unnecessary, given this Seanad will run its course until the next general election. A stand-alone referendum in the autumn will cost the taxpayer €30 million-----

**An Cathaoirleach:** The Senator is way over time.

**Senator John Whelan:** I thank the Cathaoirleach for his forbearance and ask the Leader to inform the public and this House of the proposed date for the referendum on the abolition of Seanad.

**Senator Paschal Mooney:** I support Senator Quinn's call for a debate on tourism. Indeed, we should have regular debates on tourism in this House. Given that the six-monthly figures will be published shortly, now is an ideal time for the Government to outline the impact of The Gathering so far. Indications are that it is proving very positive, with the exception of the British market, which seems to be the Achilles heel of Irish tourism.

I also call on the Leader to ask the Minister for Justice and Equality to sign the Council of Europe Convention on preventing and combating both violence against women and domestic violence before the end of the Irish Presidency of the EU. We are one of 18 countries in the 47 member Council of Europe that have not yet signed that convention. A great deal of lip service is paid by this Government to the injustices that are being meted out to women every day. Now it is time for action. There is a short window left and the Government would send out a very powerful message, domestically and internationally, by signing the convention.

**Senator Darragh O'Brien:** Hear, hear.

**Senator Paschal Mooney:** I also wish to bring to the attention of the Leader my disquiet, and that of many others, at an article that appeared last week in the *Irish Independent* written by a journalist who decided that he would use the criteria of the first quarter to highlight what he believed was the absence of Members of this House during the sitting periods. The facts of the article are not in dispute. However, two women Members of this House were highlighted and photographed. The journalist knew that one of them, in particular, was severely ill during that period but he still went ahead with his heartless article. The other female Member, Senator Imelda Henry, who is a very dear friend of mine and a good colleague to everyone here, had very traumatic personal experiences during that same period, which meant that she was unable to attend this House as often as she would have liked. These are just two examples.

In light of all the attacks that the media have made on the current Government and the previous Government about any attempt to stifle, muzzle or restrict them in anything they say, are they not firing shots themselves through such an article? The article was heartless in the extreme and it was added to by an equally heartless editorial on the same day in the *Irish Independent*, which effectively said, "Oh yes, we are aware that there were legitimate reasons for some Members of the House not being able to attend but really they should get out of their sick beds and come in and save the Senate". That was essentially the message. Does that journalist

have any humanity or compassion in him when he goes to bed at night? Politicians are citizens of this Republic and have rights the same as every citizen in this Republic. He should pause and reflect on the emotional damage he does to people. They are real people; they are not just cyphers in this House. Will the Minister for Communications, Energy and Natural Resources during his next appearance in the House outline the Government's proposals to curb this type of nasty, insidious journalism?

**Senator Paul Coghlan:** I salute Longford in the Visitors Gallery. I agree with my good friend Senator Darragh O'Brien's tribute to the late great Tom Fitzgerald of Dingle. He was a thorough gentleman who never allowed political differences to interfere with friendship, a bit like the good Senators opposite. I had the honour of serving with him on Dingle harbour board for nine years, Kerry County Council for a period and in this House between 1997 and 2002. We will have another opportunity to say a few more words on another day to tell a few of his witty stories and so on and I look forward to that.

Will the Leader provide an early debate on the Law Reform Commission's report on mandatory sentencing and, in particular, its recommendations that judges be allowed to provide for whole of life sentences, including 35 years for murder, and that the Judicial Council be empowered to publish guidance and guidelines for judges? This detailed document was launched earlier and it would be worthy of debate in early course.

**Senator Trevor Ó Clochartaigh:** Cé go raibh seachtain aimsir bhreá againn, tá an aimsir beagáinín briste inniu. Le linn na haimsire breá, chuaigh cuid mhaith daoine amach ag baint móna arís, mar a dhéantar de ghnáth. The turf cutting season has commenced. Even though we have had bad weather, we had a respite last week and some people got out on to the bogs to cut turf. I have called on a number of occasions for a debate on the future of turf cutting. It is important that we have that debate because my understanding is no agreement has been reached with the Turf Cutters and Contractors Association, TCCA, about turf cutting on bogs. I have been told by its representatives that there has been no meaningful dialogue with them, even though the deputy EU Commissioner who deals with this area told Deputy Brian Stanley and I when we met him a number of months ago that the future plan for the development of bogs in Ireland needed to be based on the plans the TCCA put forward. I am concerned that there will be an escalation of conflict between the turf cutters and the Government apparatus over the summer and I hope that does not happen. It is important that the outstanding issues be resolved. It is also important that the Minister for Arts, Heritage and the Gaeltacht should come to the House to fully debate the issue and to examine both the TCCA and Government proposals to see if a resolution can be found in the near future. Bheadh mé an-bhuíoch dá bhféadfaí é sin a dhéanamh go luath mar go bhfuil an séasúr tosaithe.

**Senator Susan O'Keefe:** Like others, I am concerned about the revelations about the leaving certificate examinations. One of the flaws of the leaving certificate is that young people only get one opportunity. They work hard and a great deal of advice is given to students and parents about preparing for the examinations such as about getting enough sleep, drinking water, not staying up half the night and not cramming. Are we now to advise our children that they should look out for mistakes in examination papers? How are they supposed to know which is their mistake or the examiner's? If we are going to give a lot of advice to young people on how best to achieve results, what advice are we going to give examiners on how best to achieve good examinations? It is disgraceful. I am heartbroken on behalf of all those children. As stated by Senator Hayden an error does not only cause upset in respect of the question concerned but in respect of all questions. It causes students to struggle and lose heart, leading to the whole ex-

amination going down the tubes for them. I cannot believe that no one has apologised for this.

**Senator Fidelma Healy Eames:** Hear, hear.

**Senator Susan O’Keeffe:** No one has stood up and said, “That was my fault: I did that”.

**Senator Marc MacSharry:** The Minister should do it.

**Senator Susan O’Keeffe:** The thousands of children who struggled all last year and this year in respect of this examination have been let down. I cannot find words to describe how upset I am. I do not know how we can ensure this does not happen again but we should at least have an opportunity to discuss the issue with the Minister. Perhaps the State Examinations Commission should be called to appear before the relevant committee to answer questions. Many documents are published without errors. It is not beyond our capacity to do that.

On tourism, I ask that the Leader excuse me from the Seanad on Thursday so that I can help to celebrate Yeats Day in Sligo, which along with the Lily and Lolly Craftfest is our contribution to tourism. We will be doing our best to draw tourists to Sligo and to entertain local visitors on behalf of one of the greatest Senators who sat in this House.

**Senator Diarmuid Wilson:** I am sure Senator MacSharry might be able to assist Senator O’Keeffe in that regard.

I join with colleagues in again welcoming that the G8 Summit is to take place in the Lough Erne resort outside Enniskillen over the course of next weekend. It is very much appreciated not alone by the people of County Fermanagh but by people from Cavan, Leitrim, Donegal and Monaghan from a tourism perspective. The focus on the entire world will be on this part of our country. What a beautiful part of the country it is.

**Senator Marc MacSharry:** Hear, hear.

**Senator Diarmuid Wilson:** It is very relevant. It is important to inform the House that CNN is coming all the way from America to film the Ulster quarter final match between Cavan and Fermanagh. It is hoped that on this occasion, as the eyes of the world are on us, Cavan will win this important match on its journey to the All-Ireland this year.

I agree with Senator Bacik on the need for a balanced debate on the proposed referendum. However, I do not believe the Government side has gotten off to a good start.

**Senator Marc MacSharry:** Hear, hear.

**Senator Ivana Bacik:** It is important for everyone.

**Senator Diarmuid Wilson:** Comments such as “surplus to requirements”, “wasters”, “not fit for purpose” and “irrelevant” are not balanced. Today, a senior member of the Labour Party referred in the *Irish Examiner* to Senators as “fossils and meaningless artefacts”. He also said that the Seanad “adds no fundamental value to politics”.

**Senator Darragh O’Brien:** Who wrote that?

**Senator Diarmuid Wilson:** This is outrageous and unacceptable. It is not fair to blame only the Taoiseach. The Taoiseach has nailed his opinion to the mast. The Tánaiste, Deputy Eamon Gilmore, and the Labour Party, regardless of what they are saying in off the record brief-

ings, are fully supportive of abolishing the Seanad. That is the reality.

**Senator Marc MacSharry:** Hear, hear.

**An Cathaoirleach:** Is the Senator seeking a debate on the matter?

**Senator Diarmuid Wilson:** Yes. Like Senator Leyden, I call on the Taoiseach and Tánaiste to come into this House to answer questions from Members of this House. What are they afraid of? They should put to the people the question on whether to abolish the Seanad or reform it. What are they afraid of?

**Senator Marc MacSharry:** Accountability.

**Senator Michael Mullins:** While I do not always agree with Senator Cullinane I support his call for a debate on taxation prior to the budget.

There is a need for such a debate. I refer in particular to taxes that relate to the creation of employment. On the one hand, all of us have seen how small businesses are struggling in our towns and, on the other, a change in the VAT rate made a significant difference to tourism related activities. We must examine the impact of VAT rates on retailers. Over the weekend I met a number of business people who believe the 2% increase in the VAT rate had a severe impact on the spending power of customers in the retail sector.

I again ask the Leader to arrange for the Minister for Jobs, Enterprise and Innovation to update the House on the programme for job creation. In a positive development, Ireland has been rated as being in the top ten in the latest International Chamber of Commerce open market index, which ranks countries by their openness to trade. We are ranked eighth out of 75 countries and come fifth in Europe, behind Luxembourg, Belgium, Malta and the Netherlands. Given that the Taoiseach set a target of making us being the best small country in which to do business by 2016, we have a bit of work to do.

**Senator Marc MacSharry:** I note the Minister for Health is not available today. We need a debate on men's health in light of the report that men are more likely to die of cancer than women. This might be a surprise to many people.

It brings me no pleasure to call for a debate on the conduct of the Taoiseach in recent weeks. My comments refer to all those who serve in this House, particularly those who served in the previous Senate, such as the Leader, who is the best Leader I have seen in my 11 years here, the Cathaoirleach, Senator Bradford, Senator Healy Eames, Senator Norris - the father of the House - and others who have been here for more than ten years. It is objectionable in the extreme to hear somebody who has as much to do with the lack of reform in this House through the generations as anybody else accuse the Seanad of doing nothing to stop the excesses of the Celtic tiger era. Even as a Fianna Fáil person, we in the north west, and Connaught in particular, were never so proud to have a Taoiseach from our part of the country. Since then, however, his contribution has effectively set Knock airport on the path to destruction. We see him clowning around Europe, acting like a clown it has to be said, and turning the Government and the office of Taoiseach into a circus ring.

**Senator Marie-Louise O'Donnell:** I object.

**An Cathaoirleach:** Have you a question for the Leader?

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**Senator Marc MacSharry:** I asked for a debate on the Taoiseach -----

**Senator Marie-Louise O'Donnell:** I object to that kind of language in regard to the Taoiseach.

**Senator Marc MacSharry:** ----- acting like a clown.

**An Cathaoirleach:** Have you a question for the Leader?

**Senator Marie-Louise O'Donnell:** He is not acting like a clown. How dare you?

**An Cathaoirleach:** Senator MacSharry without interruption.

**Senator Marc MacSharry:** He is acting like a clown. When somebody looks like a clown, talks like a clown -----

**Senator Marie-Louise O'Donnell:** If the Senator has to use -----

**Senator Marc MacSharry:** ----- performs like a clown and insists on turning Government into a circus ring -----

*(Interruptions).*

**Senator Catherine Noone:** That is a bit rich coming from a member of Fianna Fáil.

**Senator Marc MacSharry:** It is a bit rich that the man who now leads the party, looking back at the manifestos of 2002 and 2007 -----

**An Cathaoirleach:** Senator MacSharry.

**Senator Marie-Louise O'Donnell:** On a point of order -----

**Senator Marc MacSharry:** He nominated you as a Senator and when you are here as long as me, you will not make sense of the fact that Fine Gael demanded----

**An Cathaoirleach:** Senator MacSharry.

**Senator Marc MacSharry:** -----in 2002 and 2007 and that is what drove this economy into the ground and the Government of that day.

**An Cathaoirleach:** Senator MacSharry, respect the Chair.

**Senator Marc MacSharry:** Yes.

**An Cathaoirleach:** I ask the Senator to resume his seat.

**Senator Marc MacSharry:** I am not quite finished. It is important -----

**An Cathaoirleach:** You are way over time.

**Senator Marc MacSharry:** I think it is important to state that, out of respect for this House, you are a close confidante of the Taoiseach that he would acknowledge the contribution that you made during your time here, and that of the Leader, or else, frankly, ye should bloody

well resign because he is undermining the contribution you and the Leader have made over the years. How dare he clown around Europe accepting the accolade due to the late Brian Lenihan for putting this country back on the road to recovery.

**Senator Catherine Noone:** Oh my God.

**An Cathaoirleach:** Senator MacSharry should resume his seat.

**Senator Marc MacSharry:** He then stated on radio and television and in Europe that the Seanad was the cause of the economic crisis. Hello? Does anyone in the Taoiseach's office have a brain? At least Senator Whelan stood up to be counted on Sunday last on radio. Some others on that side of the House need to do likewise. I refer, in particular, to the Cathaoirleach, who is the closest confidante of the Taoiseach.

**An Cathaoirleach:** I ask the Senator to resume his seat.

**Senator Marc MacSharry:** You have allowed the Taoiseach to urinate on this House and its Members over the years.

*(Interruptions).*

**An Cathaoirleach:** Senator MacSharry must resume his seat.

**Senator Maurice Cummins:** The Senator is totally out of order.

**An Cathaoirleach:** Senator MacSharry is completely out of order.

**Senator Marc MacSharry:** I am completely in order and you, and the Leader, should be showing leadership in this House and standing up for the contribution the House has made over the years.

**An Cathaoirleach:** Senator MacSharry has shown no respect to the House.

**Senator Marc MacSharry:** The Taoiseach of the day has shown no respect to you, Sir, as a member of the Council of State.

**An Cathaoirleach:** Senator MacSharry is completely out of order. I call Senator Moloney.

**Senator Marie Moloney:** I apologise to the Cathaoirleach for the way in which our colleague has treated him with disrespect. The Senator refers to having respect-----

**Senator Marc MacSharry:** How dare Senator Moloney apologise on behalf of anybody.

*(Interruptions).*

**Senator Marie Moloney:** Senator MacSharry should not-----

**Senator Marc MacSharry:** The Senator should never apologise on my behalf.

**An Cathaoirleach:** Senator MacSharry should resume his seat.

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**Senator Marie Moloney:** Senator MacSharry should show some respect. He refers to people showing respect. He should show respect to the Chair.

**Senator Marc MacSharry:** The Taoiseach and the leader of the Senator's party have urinated all over this House. How dare they. If those opposite were worth their salt, they would bloody well----

*(Interruptions).*

**An Cathaoirleach:** Senator MacSharry should resume his seat.

**Senator Marc MacSharry:** At least Senator Whelan and a couple of others over there are prepared to stand up for the House.

**Senator Marie Moloney:** The Senator referred to how long he has been a Member of the House. I would have thought that by now he would be aware of the need to show respect to the Chair. Senator MacSharry has not shown respect to the Chair and he should not, therefore, speak about the need to show respect.

**An Cathaoirleach:** Senator Moloney should return to the Order of Business.

**Senator Marie Moloney:** I wish to add my sympathies to those already offered to the family of the late Senator Tom Fitzgerald.

I take this opportunity to condemn the State Examinations Commission for its shoddy work in respect of this year's examinations. It should never have allowed incorrect questions to be included on examination papers and must be called to account. I request that the Minister for Education and Skills call the commission to account in respect of this matter. The leaving certificate is by far the most difficult examination anyone will ever sit. My son studied medicine. He attended medical school for five years and GP training college for four and he informs me that the most difficult examination he ever sat was the leaving certificate. How can the State Examinations Commission possibly expect students to provide correct answers if incorrect questions are posed? Somebody must be called to account in respect of the shoddy work relating to this episode. As Senator O'Keeffe stated, someone should apologise to students throughout the country with regard to what they have endured. I call on the Minister to come forward and apologise because it is not good enough that students were obliged to deal with flawed questions.

I take a somewhat different approach from Senator Hayden in the context of welcoming the revised maximum rent supplement limits. The relevant committee spent a number of hours informing officials from the Department that the rent supplement limits throughout the country were too low. I informed them that there is life beyond the Red Cow Roundabout but they obviously did not listen. All the increases which are being introduced relate to the area inside the Red Cow Roundabout. There is nothing for people elsewhere. Let everybody remember that there is life beyond there. I ask the Leader to call on the Minister to further revise the rent supplement limits. Rents in Killarney are extremely high and there is no way that the new supplement limits reflect this. People cannot afford to pay rent at those levels.

**An Cathaoirleach:** The Senator is way over time.

**Senator Marie Moloney:** Everyone else went way over time.

**An Cathaoirleach:** Yes, and we are now out of time. I call the Leader to reply.

**Senator Mary M. White:** I did not-----

**An Cathaoirleach:** Some Members did not show respect for the House today. We are out of time and I must call the Leader. I apologise to Senator White.

**Senator Maurice Cummins:** Senators Darragh O'Brien, Paul Coghlan and Marie Moloney expressed their condolences to the family of former Senator Tom Fitzgerald on his death. I am sure we would all join our colleagues in offering our sympathy to the late Mr. Fitzgerald's family.

Senator Darragh O'Brien requested a debate on capital investment and infrastructure with the Minister for Public Expenditure and Reform, Deputy Howlin, with specific reference to the wastewater treatment plant at Clonsaugh. I will endeavour to have the Minister come before the House to discuss that matter. The preferred site has been identified and the council will prepare detailed plans and complete an environmental impact statement. The EIS, together with the planning application under the Planning and Development (Strategic Infrastructure) Act 2006, will be submitted to An Bord Pleanála. The board will carry out the statutory public consultation report at that stage. In advance of that, the project team is holding public consultations over the next eight weeks to seek feedback on what should be considered in the EIS. Open days are being held by Fingal County Council in Swords on 26 June, 29 June and 3 July. This is the information I can give the Senator on the matter.

Senator Bacik called for a debate on penal policy. I will try to arrange that debate as soon as possible.

Senator Zappone spoke on a number of issues. She called for a debate on branding Ireland in the context of tax in particular. We will try to have the Minister in to address that matter. The Government has indicated it will not be legislating on the question of assisted suicide in early course.

Senators Barrett, Jim D'Arcy, Hayden, O'Keeffe, Moloney and others raised the issue of the errors that arose in examination papers. What happened in the case of these papers is unacceptable. Pupils sitting examinations are under enough pressure without having examination questions put to them that are not framed properly. It is always unfortunate when these errors take place but I suppose our first obligation is to ensure we maintain as calm and supportive an environment as possible for all the examination students who will be sitting other examinations today and throughout the coming days. One of the core principles under which the State Examinations Commission operates is that students cannot be disadvantaged as a result of an error on an examination paper. Therefore, the impact of this error on students' answers will be taken into account by the chief examiner when finalising the marking stream for this examination. It is unacceptable that pupils are put under such pressure because of these errors. It should not happen; it is as simple as that. I will raise the matter with the Minister. Steps should be taken to ensure these types of errors will not happen again.

I note Senator Barrett's comments on the G8 summit. I share his views regarding the late Senator Gordon Wilson, who was such a wonderful Member of the House.

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Senator Jim D'Arcy spoke on the need for greater care to be taken in the preparation of examination papers and called for an investigation. As I said, I will raise the matter with the Minister for Education and Skills.

Senator Leyden raised the matter of the forthcoming Bill to abolish the Seanad. I have stated to the House that I will afford ample time for the Bill to be discussed in the House. I will invite the Taoiseach to come in here on Second Stage to see what the Members have to say about it.

**Senator Terry Leyden:** He will not come in, though.

**Senator Maurice Cummins:** Senator Hayden raised the issue of rent supplement limits, a matter raised by Senator Moloney as well. I understand we will have the Housing (Amendment) Bill within the next week or two and that may be the opportunity to raise the points that the Senators wishes to make on the matter.

Senator Quinn called for a debate on tourism and outlined the fact that Dublin Port will host more than 100 cruise ships this year. This is a growing trade. We will have in excess of 25 cruise ships coming into Waterford and even more coming into the Port of Cork. It is an important area of tourism that generates quite an amount of spending in these areas. I will invite the Minister for Transport, Tourism and Sport to come into the House for a debate on tourism, which has been requested by Senator Mooney also.

With regard to genetically modified food, we have a new Minister of State at the Department of Agriculture, Food and the Marine, as Senator Comiskey stated. We can give him a couple of weeks to read up on his brief but I will certainly put that on the agenda and hope he will come into the House and discuss the matter with us.

Senator Cullinane and Senator Mullins called for an overall debate on taxation, including the revaluation of properties which small businesses in Waterford and in other areas are finding difficult. Senator Mullins also called for a debate on the impact of VAT rates on spending.

Senator Whelan called for a debate on forestry. I am sure the Minister of State, Deputy Hayes, will be willing to come into the House soon to address that matter.

With regard to the referendum date, I have not been informed of the date the referendum will take place. There have been rumours that it may be held in October and others that it will be in September. As Leader of the House I can assure the Senators that I am not aware of the date planned at this stage.

**Senator Mary M. White:** The Taoiseach, in the announcement, did not know either.

**Senator Maurice Cummins:** I have not been informed of the date. As soon as I know the date-----

**Senator Paschal Mooney:** *The Irish Times* will know it before Senator Cummins knows it as Leader of the House.

**Senator Marc MacSharry:** Read about it in *The Irish Times*.

**Senator Maurice Cummins:** -----I will certainly inform the House immediately, as I always have done.

**Senator Paschal Mooney:** After the Leader reads it in *The Irish Times*.

**Senator Maurice Cummins:** I will bring any information in that regard to the attention of the House.

Senator Mooney raised the issue of tourism and the impact of The Gathering. I will ask the Minister, Deputy Varadkar, to come into the House to give us an update on tourism figures for the first six months of the year.

Regarding the convention on violence against women, I will bring that matter to the relevant Minister and hope that we will sign up to that convention.

Regarding the Senator's condemnation of an article in the *Irish Independent* on the attendance of some Members of the House, I thought it was appalling that some Members who were quite ill were mentioned in that article.

**Senator Paschal Mooney:** Heartless.

**Senator Maurice Cummins:** It is regrettable that we have stooped to that type of journalism.

Senator Coghlan called for a debate on the recent Law Reform Commission report on mandatory life sentencing. I will ask the Minister for Justice and Equality to come into the House to address that matter.

Senator Ó Clochartaigh raised the issue of turf cutting. I understand the law is clear on that issue, and I hope the Senator would support upholding of the law in this issue and every other issue where the law must be upheld.

Senator O'Keeffe spoke about Yeats Day on 13 June, which celebrates another great former Senator, William Butler Yeats.

**Senator Marc MacSharry:** We will all be great former Members soon.

**Senator Maurice Cummins:** I am glad that Senator MacSharry also will be attending that Yeats Day event in Sligo.

Senator Wilson raised the issue of the G8 Summit and sang the praises of the tourism product available in the north west.

Regarding the Seanad referendum, I can assure the Senator, as I have assured other Senators, that there will be no time bar in regard to debates on that subject, particularly on Committee and Report Stages. We will have a comprehensive debate on it. I understand Second Stage of that Bill will come into the Lower House on Thursday and will probably be with us in about three weeks' time.

Senator Mullins raised the issue of the impact of the VAT rates on spending, and also called for a debate on the Action Plan for Jobs. I have asked the Minister, Deputy Bruton, to come into the House and address that problem and to outline to us the success of the Action Plan for Jobs. I remind Senators the House debated for a number of hours ideas on job creation which fed into the Action Plan for Jobs. Quite a number of the ideas which came from the House were included. Others may choose to forget this but it is worth recalling this was the situation.

Senator MacSharry called for a debate on men's health. I reject totally the disgraceful comments regarding the Taoiseach.

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**Senator Marc MacSharry:** Will we have a debate?

**Senator Maurice Cummins:** I will treat them with the contempt they deserve.

**Senator Marc MacSharry:** That is the type of contempt the Taoiseach showed to the House consistently. The Leader might as well row in with him.

Order of Business agreed to.

### **Employment Equality Act: Referral to Committee**

**Senator Maurice Cummins:** I move:

That the proposal that Seanad approves the following Order in draft:

Employment Equality Act, 1998 (section 12) (Church of Ireland College of Education) Order 2013,

a copy of which Order in draft was laid before Seanad Éireann on 4th June, 2013, be referred to the Joint Committee on Education and Social Protection, in accordance with Standing Order 70A(3), which, not later than 25th June, 2013, shall send a message to the Seanad in the manner prescribed in Standing Order 73, and Standing Order 75(2) shall accordingly apply.”

Question put and agreed to.

### **Cork Prison Resolution: Referral to Committee**

**Senator Maurice Cummins:** I move:

That the proposal that Seanad Éireann approves the development of a prison in the townland of Rathmore and city of Cork in respect of which copies of documents as specified in section 26(2) of the Prisons Act (No. 10 of 2007) were laid before Seanad Éireann on 7th June, 2013, be referred to the Joint Committee on Justice, Defence and Equality, in accordance with Standing Order 70A(3), which, not later than 25th June, 2013, shall send a message to the Seanad in the manner prescribed in Standing Order 73, and Standing Order 75(2) shall accordingly apply.

Question put and agreed to.

*Sitting suspended at 3.45 p.m. and resumed at 4.05 p.m.*

### **Criminal Justice Bill 2013: Committee and Remaining Stages**

Sections 1 to 3, inclusive, agreed to.

#### SECTION 4

Question proposed: “That section 4 stand part of the Bill.”

**Senator Paul Bradford:** Could the Minister, at his convenience, provide some background on the purpose and intent of section 4?

**Minister for Justice and Equality (Deputy Alan Shatter):** Section 4 provides for amendments to the definition of “occasional transaction”, which is contained in section 24 of the Act of 2010. The definition provides that an occasional transaction in relation to a customer of a designated person means a single transaction or series of transactions that are or appear to be linked to each other where the total amount reaches €15,000. This will ensure obligations in the Act such as customer due diligence apply once this threshold is reached. Section 4 also provides for the lowering of this threshold in private members gaming clubs where the value concerned in a transaction reaches €2,000 and for the wire transfer of funds when an amount of €1,000 is reached.

Question put and agreed to.

Sections 5 to 8, inclusive, agreed to.

#### SECTION 9

Question proposed: “That section 9 stand part of the Bill.”

**Senator Aideen Hayden:** Similar to my colleague, could the Minister outline more specifically the thinking behind section 9 and the amendment to the 2010 Act? I refer in particular to the idea that the designated person knows or has reasonable grounds to believe that a customer is residing in a place outside of the State or is or has become a politically exposed person or an immediate family member or close associate? It is a very broadly drafted measure and perhaps the Minister could provide some more explanation. As someone who has practised as a solicitor, I think it is incredibly broadly drafted.

**Deputy Alan Shatter:** Section 9 substitutes section 37(4) of the Act of 2010, which is part of Chapter 3 of Part 4 of the Act, and deals with customer due diligence, CDD. Section 37 sets out the enhanced CDD measures to be taken by a designated person in relation to customers who are politically exposed persons, PEPs. For the purposes of the Act, a politically exposed person is a person residing outside the State who has been entrusted with a prominent public function at any time in the preceding 12 months. Section 37(10) lists the type of individuals to which this might apply, including a Head of State, Head of Government, Government Minister, Member of Parliament, member of the Supreme Court or of a high level judicial body and others. It does not apply to a middle ranking or more junior official. Section 37 also provides that such enhanced CDD obligations must be applied to an immediate family member or a close associate, with both defined in section 37(10). The enhanced CDD measures which a designated person must apply to a PEP are obtaining approval from senior management for the business relationship and determining the source of wealth and funds for the transaction. This is crucial to ensure protection against money laundering.

Section 9 amends section 37(4) to provide that the enhanced customer due diligence measures must also be applied to an existing customer who subsequently becomes a politically ex-

posed person. It also provides that enhanced ongoing monitoring must be applied to a business relationship with a person who is a PEP. There can obviously be a situation where an account exists for an individual who does not appear to be a prominent individual but who suddenly then stands for election and becomes a Minister. It also provides that enhanced ongoing monitoring must be applied to a business relationship with a person who is a PEP. These are requirements sought by FATF under FATF recommendation no. 6.

An amendment was made on Committee Stage in the Dáil to section 37(6), which previously provided that where the beneficial owner who is a PEP is connected with a customer or service, the enhanced CDD measures in subsection (4) must be applied. The amendment applies the same approach to this subsection as is now contained in subsection (4), that is, so the enhanced CDD measures must apply where such beneficial owner subsequently becomes a PEP.

Question put and agreed to.

## SECTION 10

Question proposed: "That section 10 stand part of the Bill."

**Senator Paul Bradford:** Under this section, dealing with enhanced due diligence, there is a reference to the designated person applying additional measures to those specified in the chapter. What does that mean? Is there a definition of "additional measures" or is this an open-ended suite of options? It simply states that the designated person shall apply additional measures. What are those additional measures?

**Deputy Alan Shatter:** Section 10 amends section 39 of the 2010 Act. It deals with the application of additional customer due diligence measures, the enhanced CDD the Senator mentioned, to a customer or beneficial owner where there is a high risk of money laundering or terrorist financing. The current legislative provisions provide for the option of applying enhanced CDD by the designated person. The amendment provides that enhanced CDD must be applied by the designated person where they have reasonable grounds to believe there is a heightened risk of money laundering or terrorist financing. That means where there are reasonable grounds to believe someone is laundering money or is engaged in terrorist financing, further checks are undertaken that are appropriate to the circumstances to ensure as best as it can be ensured that illegal activities are not being engaged in. What those are may vary depending on the background, circumstances and nature of the transaction. It may well include seeking information or asking the customer for information that may not be readily accessible to the bank and seeking its verification. It is reasonably straightforward. This is very important legislation designed to prevent money laundering and to ensure money is not being made available for terrorist financing that could result in the death or destruction of an individual or individuals.

**Senator Aideen Hayden:** I fully appreciate the bona fides behind the legislation. In a completely separate field, many people are experiencing difficulties when dealing with banks, some of them under the insolvency regime the Minister has championed. In my dealings with people who come to me for assistance I have learned that banks have been taking unwarranted liberties, so to speak, in their dealings with individuals in this recession. While I take the point made by Senator Bradford, my concern is that we should avoid giving additional powers to institutions in the absence of full confidence that they will not misuse these powers for purposes that go beyond the outcome we seek to achieve in the legislation. I do not necessarily expect the Minister to respond.

**Deputy Alan Shatter:** I will respond briefly to the Senator because the issue of banks not always dealing appropriately with individuals who are burdened with debt or are seeking to borrow funds in circumstances where there is either reasonable security for the funds or reasonable capacity to pay has absolutely nothing to do with this legislation. All we are doing between the original section 29 of the 2010 Act and section 10 of this Bill is turning what was an optional discretionary exercise into an obligatory exercise. Under the previous section, the legislation provided for the option of applying enhanced customer due diligence in certain circumstances. As it was optional, if it was not applied, one would not necessarily be open to criticism, even though one was supposed to approach the matter in a particular way. This amendment provides an obligation where there are reasonable grounds to believe there is a heightened risk of money laundering or terrorist financing. This means that if one does not exercise that obligation and it transpires that moneys were used for terrorist financing or money laundering took place and any reasonable assessment of the circumstances would have given rise to such a suspicion, a criminal offence will have been committed. The amendment tightens up our criminal law provisions, as recommended internationally, to ensure people engaged in serious illegality can be identified and the State cannot be used for the transmission of funds that are being laundered or may be used for terrorist purposes.

**Senator Aideen Hayden:** I thank the Minister for his comprehensive explanation.

Question put and agreed to.

Sections 11 to 15, inclusive, agreed to.

#### SECTION 16

Question proposed: "That section 16 stand part of the Bill."

**Senator Diarmuid Wilson:** The section substitutes references in section 98 of the 2010 Act to "the Minister's reasons" with the words "the reasons". I ask the Minister to explain the reason for doing so.

**Deputy Alan Shatter:** This section provides for miscellaneous amendments to the 2010 Act which are consequential on those contained in section 15. Section 15 provides for subsidiaries of a credit or financial institution operating as a trust or company service provider to be authorised and monitored by the Central Bank, rather than the Minister for Justice and Equality. For this reason, the reasons cited cease to be the Minister's reasons and the reference to the "Minister" needs to be excised from this section.

Question put and agreed to.

Sections 17 to 19, inclusive, agreed to.

#### SECTION 20

Question proposed: "That section 20 stand part of the Bill."

**Senator Paul Bradford:** We had an interesting debate on Second Stage with the Minister of State, Deputy Kathleen Lynch, on the conditions justifying authorisation for the blocking - to use layman's language - of mobile telephone signals. We all appreciate the reason the legislation is required and we accept that a certain degree applies in respect of this provision. Modern terrorism and criminal activity are much different from the activities we dealt with in the past.

We must, therefore, have in place whatever measures the security forces require to protect citizens of the State. The Minister did not have an opportunity to address us on the matter. Perhaps he had an opportunity to address the Dáil. I ask the Minister to give us his thoughts on section 20, dealing with the conditions justifying the authorisation of mobile telephone signal cessation and the broad thrust of the legislation in that regard. The legislation is obviously required and is before us because the Minister, his officials and the security forces of the State believe it is needed. However, I ask him to give him an overview of his thinking on this section, which is at the core of the Bill.

**Senator Trevor Ó Clochartaigh:** Cuirim fáilte roimh an Aire. On this issue, there was speculation around the Houses that this legislation was being introduced in haste because of the upcoming G8 summit in Fermanagh. I asked this question of the Minister of State previously but we did not get time to address it - is there any intelligence available to the Minister that there is a clear and present danger, as the Hollywood film would have it? Was this legislation brought forward because of the G8 summit in Fermanagh? Was there a specific reason for bringing it forward, in the context of the G8 summit or any impending terrorist attacks of which we should be aware? Is the Minister confident about security for the summit and does he envisage having to use the powers in this legislation over the weekend to block mobile telephone transmissions?

**Senator Martin Conway:** Section 20 is necessary, for all of the reasons outlined by Senator Bradford. However, I would suggest to the Minister that he could perhaps go a little further. Anybody, irrespective of age, background or terrorist involvement, can walk into a mobile telephone shop and buy a dozen SIM cards for €100 or two dozen for €200. That individual can then use the technology to cause trouble, whether that be by making prank calls or operating prostitution rings. Indeed, in the latter context, the justice committee discovered recently that mobile telephone technology has revolutionised the prostitution industry, as has the Internet. I was on holidays in Spain on one occasion and wanted to buy a local phone. I went into a mobile telephone shop but in order to get a SIM card, I had to hand over my passport, which was photocopied and kept on file. I asked if this was standard practice for Spanish people as well as visitors and was told that no SIM card can be purchased in Spain without the production of identification, which is then kept on file. There is a lot to be said for having a three or four month period during which people must register their mobile telephone number or numbers with their provider, with some form of formal identification. This could be done online or in mobile telephone shops. After that period, unregistered phone numbers should be blocked and should remain so until they are registered.

The use of mobile telephones in the last decade in particular has revolutionised society, 99% of time for the better, although in politics we could sometimes do without our phones. However, there is a nasty element that uses mobile telephone technology for the wrong reasons. That could be resolved quite simply, in my view and I urge the Minister to consider my suggestion.

**Senator Aideen Hayden:** There was an issue raised on Second Stage regarding the blocking of mobile telephone signals. If I am not mistaken it was Senator Moloney who asked what would happen in a situation where there was a need to the block mobile telephone signal in an area and some unfortunate event occurred, like at an international summit, for example, where members of the public were injured. In that context, is there a facility whereby there is an emergency band operated by ambulance services, members of An Garda Síochána and so forth? Is there a specific band they could use that would not be impacted by the general blocking of mobile telephone signals? I agree with my colleague that it is an issue that people can access handsets and SIM cards with little difficulty in this country. My daughter bought one the other

day and she was not asked for any identification whatsoever.

**Deputy Alan Shatter:** I thank the Senator for raising these issues. Part 3 is an important new provision in our legislation, which should have been put in place years ago. It is important that it be put in place because it is essentially about saving lives. Section 19 defines a serious threat as an imminent threat that an explosive or other lethal device will be activated by use of a mobile communications service provided in the State by an undertaking and the activation of that explosive or lethal device is likely to cause the death of a person, serious bodily injury to a person or substantial damage to property. The remote detonation of explosive devices can do one or all three of those things. Unfortunately and tragically on this island, we are not strangers to the lethal impact of such devices. Too many people have died as a result of them. Modern technology allows those devices to be left in a location and then detonated by an individual some distance from the event.

Despite the Good Friday Agreement, we still have on this island a group of criminal terrorists who are quite willing to take the lives of others without any conscious feelings of guilt. We have had in Northern Ireland a number of tragic deaths and I have had to attend a number of funerals there. Explosive devices have regularly been identified in the North over the past two to three years at various locations. These have been neutralised and lives have been saved. I am speaking from memory but I think I am right in recalling that in this State in 2012 there were 98 occasions on which the expertise of the Defence Forces was sought to deal with and identify explosive devices or devices that appeared to be explosive devices and to do what was necessary to neutralise them. On each occasion, the Defence Forces were called in by An Garda Síochána.

In the context of the security of this island, North and South, it is important that these powers exist. They exist in Northern Ireland but our legislation has a gap in this regard. In the context of our legislation, there was a fear grounded on solid background intelligence and information that an explosive device could in some part of the country be remotely detonated and we were dependent on the voluntary co-operation of telecommunications companies, if needed, to shut down a mobile communications system. That was not good enough. With or without the G8 summit, this legislation was under preparation. I was concerned that we should have it but that we should get it right, that it should be proportionate and that balanced protections should exist to ensure mobile telephones could not be arbitrarily shut down would be put in place. We managed to complete substantial work on this with the assistance of the Attorney General's office shortly after a money laundering Bill was published and we saw this as a useful vehicle to turn into a criminal justice Bill in which we could incorporate these measures.

I have been asked if there is any connection between this legislation and the G8 summit. During the G8 summit, which is taking place in Northern Ireland, a number of important world leaders will come to the island of Ireland, many of whom will stay in Northern Ireland and others of whom will stay in the Republic of Ireland. The Garda Síochána and Police Service of Northern Ireland, PSNI, are working jointly to ensure adequate security on the island during the course of the summit.

Who is to know whether some group of terrorists, home-grown or imported or a domestic representative of some foreign terrorist organisation, will see the summit as an opportunity for a "spectacular", to use the IRA phrase? Who is to know? I have no reason to believe it will happen but I believe in the precautionary approach. I believe our legislation should be as good as it can be to ensure we provide the maximum protection for everyone living on this island and everyone who visits it, be they visiting as political Heads of State, spouses of political Heads

of State, a topic about which many have become excited during recent days, or those who accompany them in the performance of their public duty for their countries.

In the context of having the legislation prepared, it makes sense that we enact it speedily. Of course, if an issue arises surrounding the G8 summit - I must again emphasise that I have no reason to believe an issue will arise - and this legislation has to be used to protect lives, it will be so used, but within the confines of the prescriptions detailed in the legislation for the powers to be invoked. Section 20 lists the important conditions in this regard, including that there be reasonable grounds for believing that a serious threat exists. I have outlined the definition of "serious threat". A second condition is that there is a reasonable prospect that the cessation of a mobile communications service within a geographical area would be of material assistance in averting that threat. If there is serious information to indicate there is such a threat, we will ensure the threat is closed off. A third condition is that, having regard to all the circumstances, including the importance of maintaining the availability of the mobile communications service in the geographical area concerned, including the effect of a cessation on users, the giving of an authorisation is necessary and proportionate in its objectives.

Those are the conditions. They are carefully crafted. Taken together with the definition of "serious threat", they are designed to ensure this is not a power that would be used in circumstances in which it would be a nonsense to do so. However, it is a power available to us and one which can be applied to a discrete and distinct geographical area, which could be part of rather than a whole country, but could also be applied to the geographical area of the Republic of Ireland in circumstances in which there was clear and solid information that there would be a series of terrorists bombings in parts of this country. If it were known that these could or would be detonated remotely by mobile phones, who would complain if we shut down the communications system and prevented those intent on violence from achieving their objective of killing and maiming individuals? Who would object to that? There is no rational reason any person would do so. That is what this is about. It is a serious and important reform.

We must ensure our criminal law is up to date with modern technology. In the context of my role as Minister for Defence, this includes assessment of the threats that our civilian population, the Garda Síochána or members of the Defence Forces may be under and assessments of what we can do to diminish those threats, protect lives and ensure people intent on murder and mayhem, or with general terrorist objectives, do not achieve those objectives or do not use this State as an easy target to benefit some foreign cause in circumstances where a foreign Head of State is visiting Ireland and there is a perception that because our laws are in some way defective, it is easier to engage in a murderous act on this island than it might be elsewhere. In the UK, including Northern Ireland, the possibility of doing this already exists. All of us watched with horror as the events in Boston unfolded on our television screens - recorded if they were not seen live - when two explosive devices wrought terror on the streets of Boston at the end of the Boston marathon and innocent people lost their lives or had their lives destroyed. It is reliably understood that, out of fear other devices might be exploded in Boston, authorities used the powers granted under legislation in Boston that we do not yet have. That is the reason why we are doing this. It is in the public interest and in the interest of public safety to ensure those who are intent on violence and terrorism are not given a free pass and are well aware of what steps may be taken to prevent them from achieving their objectives.

On the other question I was asked, it is my understanding that it is technologically possible to close down generally a mobile telephone system while leaving a band open for emergency calls, where appropriate. I am not going to pretend to be an expert on all the technologies of

mobile communications systems. There may be circumstances in which they must be closed down in their totality, including emergency services, but it is my understanding from the advice I have been given that it is possible to have a general close-down while maintaining emergency services in certain circumstances. Based on the fact that people are technologically very bright, who knows whether some terrorist group is aware of the fact that if one closes a system generally but leaves open the emergency services, there is a means of exploiting that radio signal in order to achieve death and destruction?

This is a precautionary measure and I hope and expect the G8 summit will be an historic event on this island. I am proud of the fact that the Taoiseach will be attending it, not only as Head of the Government but also to represent the Presidency of the European Union. I hope the summit goes well, has a productive agenda and achieves its objective constructively, and that people come here in peace and leave in peace in the absence of incidents of any description. Regardless of the G8 summit, this is a crucial precautionary measure for the safety of the citizens and residents of and visitors to this State. We must provide them the maximum protection against terrorist acts.

**Acting Chairman (Senator Paschal Mooney):** I call Senator Keane.

**Senator Martin Conway:** On my question on SIM cards -----

**Acting Chairman (Senator Paschal Mooney):** Senator Keane is offering.

**Senator Martin Conway:** The Minister did not respond to my contribution.

**Deputy Alan Shatter:** I will come back to that. It is a very interesting suggestion and I will certainly follow it up. I am conscious that people can, with great simplicity, acquire mobile telephones. Some of our regular criminals have managed to do this and then dispose of them in the context of certain types of telephones. I am happy to hear any ideas which might render it easier to identify who is using mobile telephones in circumstances - I emphasise this - of serious criminality. I do not think we should be generally listening to people's mobile calls nor should we randomly monitor telephones across the State in any shape or form. We have legislation which makes it appropriate in very limited circumstances for intelligence to be acquired through the use of telephones and it is important that we be able to identify the owners of telephones in those circumstances. I am not suggesting that we should ever put in place in this State the type of surveillance system which, as is now apparent, exists in the United States.

**Senator Cáit Keane:** It is important that an answer be provided in respect of Senator Conway's question on mobile phones and people being obliged to supply their passports or whatever when buying either mobile phones or SIM cards.

**Acting Chairman (Senator Paschal Mooney):** I was not ignoring Senator Conway.

**Senator Cáit Keane:** Not at all.

**Acting Chairman (Senator Paschal Mooney):** It was just that Senator Keane was next in line to contribute.

**Deputy Alan Shatter:** He would have phoned me about it.

**Acting Chairman (Senator Paschal Mooney):** Chances are, I suppose.

**Senator Cáit Keane:** It is a good suggestion. I congratulate the Minister because, as he stated, it is time to move with the technology. It is good that he is now doing so, although we are probably still somewhat behind the technology. The geographic area to which reference is made covers all or part of the State. That is fine when something such as a G8 summit is taking place because every box will have to be ticked, the various leaders will have to be protected, the PSNI will be obliged to co-operate with the Garda, etc.

I am concerned, however, with what will be the position in the normal course, particularly in view of the fact that mobile technology can be used across borders. There is a mast just three miles north of the Border which cannot be closed down and which transmits signals into the South. Is there an agreement in place in respect of policing the various threats that exist, particularly in the context of tracing criminals who flee across the Border when they have committed crimes in either the North or the South? Is what will happen in such circumstances set down anywhere? There is always plenty of time to prepare for G8 summits or similar events but emergencies can arise very quickly and we must ensure there is co-operation between the PSNI and the Garda in the context of closing particular areas north and south of the Border as the need arises. Recent events have shown how criminals can escape from the South to the North and *vice versa*.

**Senator Diarmuid Wilson:** I welcome the fact that what is proposed in the section is going to become law. I live near the Border and I am conscious of the terrorist threat which exists there. The Bill clearly indicates the different matters about which the Minister must be satisfied before granting an order as a result of an application from the assistant commissioner. In circumstances where the Minister for Justice and Equality is not contactable, can another Minister give a direction or an authorisation in his place? I refer here to the need for such directions or authorisations to be given in emergency situations where action must be taken almost immediately. I understand the Minister for Justice and Equality can issue a direction or an authorisation orally. However, if he cannot be contacted, who may provide such a direction or authorisation?

**Senator Trevor Ó Clochartaigh:** The Minister referred to new technology. In recent days we have heard a little about the PRISM data collection system which is apparently being used by the CIA to collect information, etc. In the context of the Bill and from where the information available to the Minister will come, I imagine that quite a number of foreign intelligence agencies are co-operating with the Irish intelligence agency and its counterpart in the North regarding the G8 summit. What is the level of engagement in this regard? If the CIA, for example, gave the Minister a tip-off about an impending bomb attack or whatever, how certain could we be with regard to its reliability? How will the information that will be made available to the Minister be handled? Will the Defence Forces, the Garda or some other entity have responsibility in this regard?

In the context of PRISM, we have been informed that the CIA is mining e-mails and other electronic data held on the servers or server farms owned by the large communications companies. I understand that, for example, Google has a number of the such server farms on the island of Ireland. Do the events about which we have been hearing in recent days happen with the knowledge of the Irish State and the Minister for Justice and Equality? Would the Minister be aware of what is happening in respect of PRISM? Does there have to be permission given to them to trawl through an electronic farm or data storage site based on the island of Ireland? This is in the context of bringing forward new legislation and, as the Minister for Justice and Equality noted, keeping up with the technology. Certainly, technology is changing quickly. Do we sanction such trawling? If it is proved that the prism process is ongoing and taking place on

the island of Ireland in the State of Ireland through these servers etc., are we comfortable with that?

**Deputy Alan Shatter:** We are now ranging far and wide and heading down the prism route in the context of the United States. I will come back to that in a moment but I will first deal with the more direct and simpler query raised by Senator Wilson. I refer the Senator to section 28 (1), which states: “The functions of the Minister under this Part may be performed by such officer of the Minister, not below the rank of Assistant Secretary, as the Minister may nominate for that purpose”. If the Minister was to be abroad on business and uncontactable for some reason, a nominee of the Minister could deal with that issue.

I wish to address the later question that arose. Section 21 provides clearly that an application for an authorisation must be made in the first instance in writing - I emphasise that stipulation, but there is an exception to it which I will come to - by a member of the Garda Síochána not below the rank of assistant commissioner. I will not be getting a direct telephone call from some foreign intelligence agency asking if I could arrange for the mobile telephone system to be switched off. Naturally, there is contact and it is altogether important that there is contact between the Garda Síochána and the PSNI and between the Garda Síochána and our counterpart European police forces. There is a great deal of co-operation and work in dealing with counter-terrorism, the drugs issue, human trafficking and international fraud. There are a range of issues in respect of which the Garda engages and co-operates with police forces not only in Europe but in other parts of the globe when certain issues arise. However, for this power to be invoked it would have to be on foot of a request made by an assistant commissioner to me and I must be satisfied that the conditions referred to in section 20 are met. This means I would have to be furnished with information by the assistant commissioner which indicated that those conditions were met.

There is an exception to the requirement for the assistant commissioner’s application to be in writing. Section 21(5) provides that a notification “may, if the Minister considers that the case is one of exceptional urgency, be given orally provided that the notification shall be confirmed in writing as soon as practicable”. If an assistant commissioner made contact with me and explained to me orally the background to a matter and stated that he was concerned that there could be an explosive incident and that lives could be lost in five minutes’ time and that he urgently needed an order or direction to close down the mobile telephone system, I would not ask him to send me a note about it and let him know that I would think about it. There must be some degree of common sense in these things and the legislation is designed to deal with those eventualities.

On the general issue, I am mindful, as the Minister for Justice and Equality and Minister for Defence, of the serious security issues that every state must deal with. I am especially conscious of the position of states which are particularly exposed to or threatened by terrorism with regularity. The United States is a country regularly at the receiving end of threats of terrorist atrocities. It suffered a major terrorist atrocity, the events of 11 September 2001, but they are not the only events that have happened in the United States that have resulted in the tragic loss of life. Naturally, I understand that a state such as the United States must have in place security arrangements to provide protection for its citizens which are reasonable and proportionate and which ensure the protection of life where that is possible. They must try to ensure that those who pose a threat may be identified, but I emphasise the words “reasonable” and “proportionate”. I would have concerns about some of what has been disclosed in relation to the level of surveillance that is being conducted as, in terms of the Irish Presidency of the European Union,

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I would have concerns, in the context of chairing the meetings of European Justice and Home Affairs Ministers, that the privacy of European citizens is not violated in circumstances that are inappropriate.

Unfortunately, I do not believe, from events we have seen in Europe, that we can take the view that in Europe we do not have individuals who are prepared to engage in terrorist activities and who pose a threat to life and limb. We saw the barbaric incident only a few days ago in London when two individuals were prepared, in open daylight, to murder in the most barbaric way a young drummer in the British Army.

States must take measures that are necessary but, clearly, what has been revealed is an understandable cause of concern. I have no information to indicate that, as the Senator put it, servers in this country are being infiltrated by American intelligence surveillance to identify who is sending e-mails to who or that other communications are in any way being invaded in that manner but there is an issue of Irish nationals in the United States or other European nationals who may telephone home or may send e-mails to friends or relations and who are not engaged in criminal activity but who are people in respect to whom there should be no suspicious and who have entitlements to privacy. In that context there is a meeting scheduled this week between the European Union and the United States as part of the European Presidency. That meeting is taking place in this State. We will be dealing with justice issues and I expect that Europe's concerns about some of the revelations will form part of the conversation and that, on behalf of the European Union, I will be leading that conversation. I am hoping that our American colleagues will share with us the information that is available to address the concerns that have arisen in this context. That is as far as I should put it, but the Senator asked if I have been asked to sanction any surveillance by the United States. To answer the Senator directly, the answer is "No".

Question put and agreed to.

Sections 21 to 28, inclusive, agreed to.

#### SECTION 29

Question proposed: "That section 29 stand part of the Bill."

**Senator Diarmuid Wilson:** I seek clarification from the Minister. A court hearing proceedings for an offence under this section, including any appeal or subsequent proceedings, may, on its own motion or on the application of the Director of Public Prosecutions, order that the proceedings or part of them be held otherwise than in public. Will the Minister explain the reasons for that?

**Deputy Alan Shatter:** It is because, clearly, if there was an issue arising under the legislation there may be information of a sensitive nature that would be very damaging if revealed in public. It may identify the sources of information. It may pose a risk to the security of the State or it may pose a risk to the lives of those who provided information. Clearly, offences would have to be proved beyond reasonable doubt. There will still be the proper level of proof, but we cannot have a criminal prosecution which is designed to deal with issues that could affect the security of the State or deal with matters of criminality in circumstances where, if the prosecution takes place, information could be revealed that could give rise to difficulty. This type of provision is not unusual in the context of this type of measure.

Question put and agreed to.

Title agreed to.

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

### **Criminal Justice Bill 2013: Motion for Earlier Signature**

**Senator Ivana Bacik:** I move:

That pursuant to subsection 2° of section 2 of Article 25 of the Constitution, Seanad Éireann concurs with the Government in a request to the President to sign the Criminal Justice Bill 2013 on a date which is earlier than the fifth day after the date on which the Bill shall have been presented to him.

Question put and agreed to.

**Acting Chairman (Senator Paschal Mooney):** When is it proposed to sit again?

**Senator Ivana Bacik:** At 10.30 a.m. tomorrow.

*5 o'clock*

### **Adjournment Matters**

#### **Long-Term Illness Scheme Eligibility**

**Acting Chairman (Senator Michael Mullins):** I welcome the Minister for Finance, Deputy Noonan, to the House.

**Senator Trevor Ó Clochartaigh:** Cuirim céad fáilte roimh an Aire. Ar bhealach amháin, tá súil agam gur ábhar é seo nach bhfuil mórán saineolais aige faoi, rheumatoid arthritis - cúis an-dáiríre agus cúis sláinte gan dabht ar bith. Táim an-bhuíoch don Aire Airgeadais as teacht isteach mar tuigim go bhfuil sé gnóthach go maith.

This issue has been raised with me by a number of constituents in the Galway area. Rheumatoid arthritis is a serious issue for many people. It is not as might be perceived a condition limited to older people, with many now suffering from juvenile arthritis. I wish to raise with the Minister the costs to people suffering from this ailment. While, thankfully, medical expertise in this area has improved dramatically over the past number of years, this has had a knock-on effect for those suffering from this ailment. While previously a person suffering from rheumatoid arthritis was entitled to a disability payment and, therefore, eligible for a medical card, given improvements in this area people currently suffering from this ailment can remain in employ-

ment and children suffering juvenile arthritis are able to continue with their schooling while trying to live as normal a life as possible. However, to do this they are required to take an extensive concoction of drugs. No drug works in the same way for each patient. The concoction of drugs taken by one particular constituent suffering from seropositive rheumatoid arthritis includes plaquenil, methotrexate, anti-tnf biologic drugs, mobicam, arcoxia and ixprim. She is also taking dietary supplements such as vitamin D, fish oils, glucosamine chondroitin, etc.

It is also suggested by way of treatment that people should improve their nutrition and take up exercise such as swimming, cycling, yoga and Tai Chi and should have acupuncture where possible and engage with a podiatrist, including having orthotics made. They should also undergo regular eye tests and chest x-rays before taking biologic drugs and should undergo regular blood tests to monitor inflammation and the side effects of drugs on the liver, etc. All of this amounts to expensive treatment. I am asking that the Minister for Health will consider the inclusion of rheumatoid arthritis as an illness under the long-term illness scheme. This is a long-term illness that is not curable. Some people are not entirely debilitated and as such are not entitled to a disability payment or eligible for a medical card and are faced with extensive costs in terms of treatment for rheumatoid arthritis.

The cost for another constituent diagnosed within the past year who does not have a medical card and remains in employment was approximately €3,000, of which it was only possible to claim €500 under the Med 1 tax regime. There are also knock-on effects to this person's career in that because of this condition she cannot work to the same extent as previously. The estimated cost of treatment for this particular individual is approximately €1,500 to €1,800 per annum plus an additional cost of €130 per month for probiotics, fish oils, etc.

The symptoms of rheumatoid arthritis have been compared with those of diabetes, which is included on the list of long-term illnesses in respect of which people are eligible for a medical card. The science would indicate they are similar illnesses. If we do not allow people suffering from rheumatoid arthritis to have a medical card to assist them in coping with their illness they will be unable to meet the cost of their treatment and will, sooner rather than later, end up on disability payments. In not allowing this, we are also preventing these people having as good a lifestyle as possible, including remaining in employment. I call on the Minister to consider the inclusion of rheumatoid arthritis on the long term illness scheme in respect of which people are eligible for a medical card, thus enabling such people to treat their ailment and maintain as healthy a lifestyle as possible.

**Minister for Finance (Deputy Michael Noonan):** I am replying on behalf of the Minister for Health, Deputy Reilly. As set out in the programme for Government, the Government is committed to the introduction within its first term of office, on a phased basis, of a universal GP service without fees. This policy constitutes a fundamental element of the Government's health reform programme. This Government is the first in the history of this State to commit itself to implementing a universal GP service for the entire population.

Having examined the progress made in the universal GP care plan, it became clear that the legal and administrative work required to provide a robust basis for eligibility for a GP service based on having a particular medical condition is likely to be overly complex and bureaucratic for a short term arrangement. Relatively complex primary legislation would be required in order to provide a GP service on the basis of a person having a particular illness. As well as primary legislation there would be a need for secondary legislation to give full effect to this approach for each condition.

While it would not be impossible to achieve this, it would take several months more to finalise the primary legislation, followed then by the preparation of statutory instruments. The Cabinet committee on health has discussed the issues relating to the delay in the initial step of the rollout of the universal GP service. In doing so, it has considered the importance of weighing the balance between, on the one hand, resolving the legal issues but with a further delay and, on the other, the need to bring forward an important programme for Government commitment with the minimum of further delay.

No decision has been taken by the Cabinet committee or the Government on changing the first step of the plan to extend GP care without fees to persons with chronic illnesses. Instead, it has been agreed that the Department of Health should examine a number of alternative options with regard to the phased implementation of a universal GP service without fees. The Minister, Deputy Reilly, and the Minister of State, Deputy White, expect to report back to the Cabinet committee in the near future.

Currently, medical cards are provided to persons who in the opinion of the Health Service Executive are unable without undue hardship to arrange GP services for themselves and their dependants. Assessment for a medical card is determined primarily by reference to the means, including income and reasonable expenditure, of the applicant and his or her partner and dependants. In the assessment process the HSE can take into account medical costs incurred by an individual or a family. Those who are not eligible for a medical card may still be able to avail of a GP visit card which covers the cost of general practice consultations. The long-term illness scheme is a separate non-means-tested scheme that provides free medicines and medical appliances to people with specified conditions. There are no plans to extend the list of conditions covered by this scheme.

**Senator Trevor Ó Clochartaigh:** I appreciate that the Minister, Deputy Noonan, is taking this matter on behalf of the Minister for Health. I ask that he convey to the latter my request that he consider a review on the inclusion of rheumatoid arthritis in the long-term illness scheme. Given that finance and the budgetary process is in the remit of the Minister for Finance, perhaps he will review the amount that can be reclaimed under Med 1 in order to help those who are finding it difficult to cope with their medical expenses. He might make provision to allow those with rheumatoid arthritis, in particular, to claim more in the interim until a specific review can be completed.

**Deputy Michael Noonan:** I will inform the Minister, Deputy Reilly, of the Senator's views and will ask him to read the Official Report to ascertain those views as expressed. It is too early to speak about what might or might not happen in the budget. Perhaps the Senator will raise that issue with me at a later stage.

### **NAMA Staff Recruitment**

**Senator Lorraine Higgins:** I thank the Minister for Finance for taking this matter on the Adjournment which relates to the need for him to outline the protocols or contract stipulations, if any, that are in place to stop NAMA employees moving into the private sector immediately following their employment with the agency. This matter has come to national attention in recent times as a result of reports that a senior official at NAMA who was responsible for managing some of its biggest and most indebted borrowers took up a new job with a London-based property investment firm just weeks after leaving his position with the agency. To allow a se-

nior NAMA official to end up in a private property company raises serious questions about the judgment of NAMA's board and potentially shows a flagrant disregard for Irish taxpayers, on behalf of whom NAMA was set up to acquire the best return on those assets transferred from Ireland's bad banks. These are the same banks that the Irish taxpayer bailed out.

The conflict that emerges between this individual and the well-being of the Irish taxpayer and the State is that Paul Hennigan, as a partner of Prime London Partners, brings a huge benefit to this firm. In his prior incarnation in NAMA he would have gained vast knowledge of the properties on the NAMA loan book, the valuations of those properties and the outstanding loans on them. He would also know the best buys, so to speak. He also brings with him a network of people in NAMA with whom he has worked. Many of my fears were confirmed by an article in *The Irish Times* of Friday, 3 May 2013, which stated: "senior asset recovery manager Paul Hennigan...has just left Nama to join a UK fund that wants to expand its Irish interests." Did the State not put a price on this or put in place a contractual stipulation between NAMA and its employees? This latest scandal to envelope NAMA comes in the aftermath of an incident involving another employee, Enda Farrell, who forwarded 29 e-mails to his wife's e-mail account and 15 e-mails to a property investment company containing details of every property controlled by NAMA. Coincidentally, this property company subsequently employed Mr. Farrell. Something is going wrong in this agency and it has to be addressed now. These actions have the potential to significantly undermine NAMA's ability to recover the optimum amount for its assets on behalf of the Irish taxpayer.

More disturbing, there has been an attempt by Mr. Hennigan to silence me on this issue and to bully me into submission.

**Acting Chairman (Senator Michael Mullins):** The Senator should not name people who are not here to defend themselves.

**Senator Lorraine Higgins:** I will not name Mr. Hennigan again.

**Acting Chairman (Senator Michael Mullins):** That is a bit cynical.

**Senator Lorraine Higgins:** On Monday morning I discovered a message from him on my voicemail after he called my office asking me to remove from my website what he described as a highly offensive statement regarding my earlier submission on this issue to the Seanad. He indicated that he would take legal action against me because of the insinuations I was making. I want to make it clear that I am making no insinuations. I am merely trying to protect the Irish taxpayer from possible improper actions by former employees of NAMA. I accept that people have a right to earn a livelihood and to move on and take up employment elsewhere as they deem fit and as job opportunities arise, but to be allowed do this immediately with the kind of commercially sensitive information to which I referred or to use this information as a means of securing a position is quite simply beyond what is acceptable.

In light of the circumstances of these cases - and these are only the two of which I am aware - I call on the Minister to undertake an immediate review of all existing contracts for senior officials to ensure that employees are prohibited from taking up positions of employment in any property-based company for a minimum of one year following their employment in NAMA and that all employees of the agency sign confidentiality agreements. It is common practice in most jobs of this status and description that a non-compete and confidentiality clause is inserted into a contract to prohibit an employee from taking up a similar post in a rival firm or speaking of

the information garnered in his or her prior position for a period of time. We need to protect the family silver. We cannot have practices like this being facilitated by this State and we need to put an end to them now.

**Deputy Michael Noonan:** At the outset, I note that all NAMA employees are employees of the NTMA and are assigned to NAMA by the NTMA. Under the NTMA business model, all employees are recruited on the basis of individually negotiated contracts. In addition to NAMA, the NTMA carries out a range of commercial asset and liability functions on behalf of the Government and its ability to successfully perform these functions is critically dependent on its ability to attract employees, often with specialist skills, from the private sector, including those at middle and senior management level. That is the basis on which NAMA has recruited close to 300 staff from the private sector over the past three years and it would not have been possible to move from a standing start in December 2009 to become fully operational with a €32 billion balance sheet one year later without that ability to recruit the appropriate expertise and experience from the private sector. That expertise and experience are now producing results for NAMA. The Senator will have noted that NAMA recently announced a profit for the second consecutive year and that it has generated cash of €12 billion in its three years of existence. It is important that the NTMA's ability to attract private sector employees is not in any way disrupted. Mobility with the private sector is a critical component of the NTMA model and if it is to be successful we have to accept that such mobility can be a two-way street.

Employees assigned to NAMA, as is the case with all other NTMA staff, are subject to section 14 of the National Treasury Management Agency Act 1990, which prohibits an employee from disclosing any information obtained while carrying out his or her duties as an employee of the NTMA. In addition, employees assigned to NAMA are also subject to a prohibition on the release of confidential data under sections 99 and 202 of the National Asset Management Agency Act 2009. NTMA employees, including those assigned to NAMA, are also subject to the Official Secrets Act and contravention of these various legislative prohibitions is a criminal offence. The prohibition on disclosing confidential information applies indefinitely and extends to former employees. I am aware that NAMA is very conscious of the risk of potential abuse or misuse of information by staff who leave the agency. The NAMA CEO recently noted that the best defence against such possible abuse or misuse of information is to ensure, as NAMA does, that assets are openly marketed and subject to competitive sales processes.

In the private sector, employers normally deal with potential post-employment issues through inclusion of longer notice periods for certain positions and, in certain cases, through contractually agreed provisions whereby the employee agrees not to work in certain sectors or for certain firms for a defined period after departure. I am advised that the notice period for NTMA employees assigned to NAMA is typically three months. NTMA contracts for employees assigned to NAMA contain a provision entitling the NTMA to place an employee on garden leave at any point during the notice period during which time he or she may not work for another employer.

With regard to contractual provisions not to work in certain sectors or for certain firms for a defined period of time after leaving, these can create difficulties because, in effect, they restrict an employee's scope and legal right to earn a living in his or her particular area of expertise. The situation is exacerbated by the position in NAMA where, because of its finite life, people are recruited on specified purpose contracts, namely, their period of employment lasts for as long as their function is required by NAMA. Unlike other public sector employees, their contracts do not extend to the normal retirement age. There is a danger that if specialist staff are

offered specified-purpose contracts with rigorous clauses limiting their freedom to return to their sector of expertise afterwards in order to earn a living, that it would become very difficult to recruit staff. I make these points simply to note that the issue is complicated and that I do not believe it is amenable to a one-size-fits-all approach.

As was indicated by the chief executive of the NTMA at a meeting of the Oireachtas Joint Committee on Finance, Public Expenditure and Reform on 24 January last, the NTMA has been engaged in a review of its policy in respect of notice periods and post-termination restrictions on employment. The review commissioned by the NTMA was conducted by the law firm, Matheson, and has now been completed. Arising from the review, I am advised that the NTMA is implementing a number of changes to its employment contracts, including the introduction of longer notice periods of three to six months - up from one to three months - for middle and senior NTMA management employees and garden leave provisions to be included in all employment contracts. These changes will be introduced immediately for new NTMA employees and for existing employees as they are promoted. As already stated, the three-month notice period and garden leave provisions already apply to NTMA staff assigned to NAMA. I am advised that additional post-termination restrictions on employment will be considered on a case-by-case basis in respect of senior NTMA management employees in particular. However, the imposition of such restrictions will need to be carefully balanced against the NTMA's need to recruit good candidates for whom such restrictions may act as a significant disincentive to taking up employment with the NTMA.

**Acting Chairman (Senator Michael Mullins):** The Senator may ask a final question and I caution her not to make any person identifiable.

**Senator Lorraine Higgins:** I note the contents of the Minister's reply. I also note the specific requirements contained in section 14 of the NTMA Act 1990 and section 99 of the NAMA Act 2009. Will the Minister provide confirmation that criminal proceedings will be taken against those employees who breach the sections to which I refer? Will such employees or the companies for which they work be precluded from negotiating property deals with NAMA at this time?

With respect, I am of the view that the notice period should be longer. A period of three to six months is not significant, particularly in light of the fact that we are dealing here with a property-based business. The pace of recovery in this country has been incredibly slow and not much will change in the property market in the three to six months after employees leave NAMA. As a result, such individuals would be in an advantageous position going forward. I would be concerned about that fact. As already stated, I am only interested in taxpayers getting bang for their bucks and in ensuring that we obtain optimum prices for all properties sold through NAMA. I would hate to think that anything untoward might be happening. The prohibition period is not sufficiently significant and I am of the view that it will not stem the problem which will arise as a result of employees leaving NAMA and taking up work elsewhere.

**Deputy Michael Noonan:** There are three items of legislation which compel employees of the NTMA and, consequently, NAMA to respect the need for confidentiality. I refer to the NAMA Act, the NTMA Act and the Offences against the State Act. It is a matter for the Garda to investigate whether breaches of these Acts have taken place. It is then a matter for the DPP to decide whether any breach warrants a prosecution. That is the normal procedure when offences are alleged and that is what applies in respect of breaches of the laws to which I refer. As stated, Matheson carried out a review of the contracts being given to the employees in question and

has recommended the implementation of a longer notice period of three months to six months before such employees can return to the private sector. As stated earlier, the NTMA and NAMA are also considering introducing longer periods in respect of certain senior officials. This matter is ongoing and, in that context, I will draw the Senator's views to the attention of Mr. Frank Daly, chairman of NAMA. My advisers can discuss it with him when the opportunity arises. A number of those advisers are abroad but I will be meeting them on Thursday and I will draw the Senator's views to their attention.

**Senator Lorraine Higgins:** I thank the Minister.

### **Property Taxation Collection**

**Senator Marie Moloney:** I thank the Minister for coming before the House to deal with this matter. In raising it, I am representing a couple who are on unemployment benefit. Two of their children are sitting the leaving certificate and, despite the shambles which occurred with certain examination papers, I hope they will obtain enough points to allow them to go to college in the autumn. The couple to whom I refer are indicative of couples throughout the country at present. They pay all their bills on a monthly basis because they have no other choice and it is the only way they can afford to do so. They pay for their home and car insurance and their broadband - which is not a luxury because they need it in order that their children might carry out homework and exam research online - in this way. Like many others, the people to whom I refer have been put to the pin of their collar in the context of paying their bills. While they do not agree with the property tax, they are going to pay it because they do not want to break the law.

When they came to me, we researched the various methods of payment and they chose the option of paying by direct debit. They opted for a direct debit because if one pays at one's local post office, one is obliged to pay €1 per transaction. If, therefore, one pays on a weekly basis, one's property tax will increase by €52. In any event, the couple in question set up a direct debit on their deposit account but when they sent in the necessary information they were informed that it is not possible to set up direct debits on deposit accounts. They went to their bank and were informed that the only way to pay would be by means of standing order. They were also informed that they could open a new deposit account and keep €2,500 in it and they would not, therefore, be obliged to pay any charges. If they had €2,500, I would not be raising this matter.

The couple in question tried to pay by standing order but the local property tax section of the Revenue Commissioners stated that it could not accept this form of payment. I contacted the section and an official informed me that this method of payment had been discussed but that a decision against its use had been taken. I became infuriated at this point because he said that the Revenue Commissioners would not be able to identify payments from people that were made by means of standing order. That is absolutely ludicrous, particularly as the Revenue Commissioners collect tax from almost every citizen. I pay a number of bills by means of standing order and those to whom the money is going have no difficulty identifying my payments. If I miss a payment, I will quickly be informed of this fact.

I would like the Minister to instruct the Revenue Commissioners to accept local property tax payments made by means of standing order. If people do not pay their local property tax Revenue will, as it has categorically stated, take the money from their deposit accounts. We are faced with a situation whereby Revenue will do the latter but will not allow people to pay

the tax from their own accounts. It is a crazy set-up. A significant number of people will not or cannot pay the local property tax and it is incumbent on us to make the process of paying it as easy and as cheap as possible. I would welcome the Minister's comments and his agreement that people can pay the local property tax via standing order.

**Deputy Michael Noonan:** I thank the Senator. The Finance (Local Property Tax) Act 2012, as amended, provides that the liable person shall elect in the local property tax return to pay the tax by one of the methods specified by Revenue in the return. It is a matter for the Revenue Commissioners, who are charged with the administration of the tax, to determine the range of payment options available. Given that more than 1.55 million local property tax returns have been filed by property owners to date and, by the end of last month, over €121 million had been transferred by Revenue to the Exchequer, I am very satisfied with the range of options that the Commissioners have made available to pay the tax.

Instalment payments can be made by way of deduction at source from employment, occupational pension income or from certain payments made by the Department of Social Protection and the Department of Agriculture, Food and the Marine, by direct debit, or in cash through approved payment service providers. For those wishing to pay in cash, they can pay weekly, monthly or they can pay the charge in a single payment, using one of three approved payment service providers, namely, An Post TaxPay, Payzone and Omnivend.

The Revenue Commissioners advise that where any of the phased payment options is chosen, no additional administration or interest charge is imposed by Revenue. Normal transactional charges, however, may be levied by the property owner's financial institution or by a payment service provider where the property owner chooses to make the payment via a single debit authority, a debit or credit card, a direct debit or by way of cash payments.

The range of options provided has meant that property owners can choose a method of payment that suits their particular circumstances, and it is clear that property owners have responded to the flexibility provided.

Senator Moloney is requesting that Revenue also accepts local property tax payments by standing order. I am advised by Revenue that standing orders do not facilitate the orderly collection of taxes for the Exchequer. This is due to the arrangements put in place to manage standing orders by financial institutions.

The Commissioners further advise that they do not use standing orders for tax payments for a number of reasons. Customers set the date of payment and where there are insufficient funds on the date payment is due, no payment will be made. Revenue will not be notified of any unpaid standing orders. Revenue would be obliged to check each month to ensure each standing order is paid and managing large amounts of standing orders creates significant reconciliation difficulties. This can occur where customers do not provide sufficient information to identify the source of the payment. By contrast, direct debit payment gives greater certainty and facilitates the orderly collection of taxes while ensuring safeguards for customers. A direct debit requires the customer to authorise Revenue to take a payment. The customer can cancel the payment at any time. From an Exchequer point of view, if the payment goes unpaid, Revenue will be advised within five working days and will be able to pursue payment. This is not possible with standing orders. In addition, with direct debits, Revenue will always know the source of the payment and will be able to update the customer record accordingly electronically. It is not possible to manage standing orders in this fashion.

Consequently, I am advised by the Revenue Commissioners that there is no intention to change their practice of not including standing orders as a payment option, and that this policy applies across all taxes.

If the objective of the Senator's motion is to facilitate the payment of local property tax by equal instalments from bank accounts, it seems to me that the direct debit option fits this need very well, while at the same time providing security for the Exchequer and administrative efficiency. It would not be reasonable for me to suggest that Revenue would move to a payment system, which is riskier from the Exchequer's point of view and is less efficient in that it leads to administrative delays and costs.

I am satisfied that the Revenue Commissioners have put a significant amount of information into the public domain on payment options, and both the LPT return and booklet covers this in some detail. It is also open to any property owner who has a query on any aspect of the various payment options to call Revenue's dedicated LPT helpline on 1890 200255.

**Senator Marie Moloney:** I thank the Minister for that reply but I cannot say I am happy with it because he is only telling me what I already know. He outlined what customers who have insufficient funds can do but that can happen with a direct debit as well. If they send in a direct debit and there are insufficient funds, the outcome will be the same. Not many people will be in the same position as the people to whom I refer. Some weeks ago their daughter needed €5 for class materials but they did not have it. Money is very tight for this couple in terms of having to opt for cash payments for these charges. The Minister said it is not the Revenue Commissioners who are imposing this charge on them but technically they are still being charged, regardless of whether it is An Post or another entity.

These people want to pay this tax but we are not making it easy for them to do so. Many people will not pay it. I cannot understand why the Minister could not suggest to Revenue to accept standing orders as a method of payment. Surely it can identify who is paying them and if they are not being paid. I am not happy about this and people throughout the country will identify with the position in which this couple find themselves. I know they will not take this lying down. They suggested they would raise the issue on the Joe Duffy radio programme but I asked them to wait until I raised it with the Minister and got a reply from him. I told them I was sure he would be able to facilitate them but, unfortunately, they were right and I was wrong. I am very disappointed with the Minister's reply.

**Deputy Michael Noonan:** The Revenue Commissioners have given the reasons they do not accept payment of any tax, not just property tax, by way of standing order. It is different from a direct debit because if there is no cash to meet the direct debit, the Revenue is notified within five working days. With the way the banks operate standing orders, it is not notified. It has to go back and check paperwork and continue checking it to see if it is paid. There are other options. In terms of the couple the Senator describes, first, if they are on social welfare with two children it seems to me that they are below the limit. They could defer it and not pay it on the basis of a deferral. Second, if they are on social welfare they could ask the Revenue to deduct directly from social welfare payments.

**Senator Marie Moloney:** It cannot be done through unemployment benefit.

**Deputy Michael Noonan:** The Revenue says it can deduct from social welfare payments if it is voluntary. It cannot compulsorily deduct from social welfare payments but with the agree-

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ment of the couple, the Revenue can deduct from them.

**Senator Marie Moloney:** I am sorry but it cannot be done through unemployment benefit.

**Deputy Michael Noonan:** I will check that for the Senator.

**Senator Marie Moloney:** I would be delighted if the Minister would do that.

**Deputy Michael Noonan:** I think the Senator is mixing it up. The Revenue Commissioners cannot compulsorily deduct but they can deduct on a voluntarily basis. There is also a cash option through a post office. There are other options but Revenue will not collect any tax by way of standing order for the reasons I have outlined. The Revenue Commissioners are independent in the exercise of their tax collection functions. They are not subject to being compelled by me or by anybody else. I will not ask them to do this because the reasons they have given for not doing it seem to me to be good, sound reasons.

**Senator Marie Moloney:** I thank the Minister.

### **Business of Seanad**

**Acting Chairman (Senator Michael Mullins):** I advise Senator Cullinane that the Minister for the Environment, Community and Local Government will be delayed for 15 or 20 minutes as he is responding to Topical Issues in the Dáil. With the Senator's agreement I will ask the Cathaoirleach to ensure his matter is taken tomorrow.

**Senator David Cullinane:** That is no problem.

**Acting Chairman (Senator Michael Mullins):** With the Senator's consent the matter will be taken tomorrow and I thank Senator Cullinane for his co-operation.

The Seanad adjourned at 5.45 p.m. until 10.30 a.m. on Wednesday, 12 June 2013.