



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Máirt, 04 Feabhra 2014

Tuesday, 04 February 2014

Chuaigh an Cathaoirleach i gceannas ar 14.30 p.m.

Machnamh agus Paidir.
Reflection and Prayer.

Business of Seanad

An Cathaoirleach: I have received notice from Senator Fidelma Healy Eames that, on the motion for the Adjournment of the House today, she proposes to raise the following matter:

The need for the Minister for Arts, Heritage and the Gaeltacht to ensure that all avenues are explored to enable a year long viable ferry service to Inis Mór for its inhabitants.

I have also received notice from Senator Kathryn Reilly of the following matter:

The need for the Minister for Education and Skills to discuss the inclusion of politics and society as an examinable subject for the leaving certificate; when students will be taken in to teacher education courses for the purposes of teaching the new curriculum; and when the subject is expected to start being taught.

I have also received notice from Senator Denis O'Donovan of the following matter:

The need for the Minister for Agriculture, Food and the Marine to provide compensation for the hard-pressed inland fishermen who suffered huge losses of gear and equipment during the prolonged storms over the Christmas period.

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

The need for the Minister for Transport, Tourism and Sport to consult with the National Transport Authority and the Department of Social Protection with a view to carrying out more regular inspections of taxi ranks in the Cork area to ensure a more comprehensive implementation of the regulations.

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

I regret I have had to rule out of order the matter raised by Senator O'Donovan as it was replied to in a similar motion on 15 January 2014. I regret also that I have had to rule out of order

the matter raised by Senator Burke as the Minister has no official responsibility in the matter.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, motion regarding the European small claims procedure, referral to committee, to be taken on the conclusion of the Order of Business without debate; and No. 2, statements on the charity sector to be taken at 3.45 p.m. to conclude no later than 5.45 p.m., with the contributions of the spokespersons not to exceed eight minutes, all other Senators not to exceed five minutes, and the Minister to be called on to reply to the debate no later than 5.35 p.m.

Senator Darragh O'Brien: On 23 January we debated storm damage and flooding, which preceded the events of this weekend. The Minister of State at the Department of Foreign Affairs and Trade, Deputy Costello, took that debate. I have great regard for the Minister of State on a personal level but he had no answers for us whatsoever. He said so on the day. The Minister for the Environment, Community and Local Government, Deputy Hogan, who took the debate on the Bill before that debate and the Minister of State at the Department of Finance, Deputy Brian Hayes, are the Ministers responsible for this area.

If anyone checks the Official Report they will see that the Minister of State, Deputy Costello, said in response to me and other Senators that he did not expect to answer questions here on that issue. That is not acceptable. I asked specific questions which are still relevant, to know whether the Minister of State at the Department of Finance, Deputy Brian Hayes, or the Minister for the Environment, Community and Local Government, Deputy Hogan, has met the European Commissioner for Regional Policy, Mr. Johannes Hahn, and whether the Government intends to apply for additional funding under the EU solidarity fund that the previous Government used in 2009.

I do not know why Senator Gilroy is jumping up and down. Maybe when he is in Europe he can talk to-----

An Cathaoirleach: The Senator should address the Leader.

Senator Darragh O'Brien: We will not hold our breath for that.

Senator John Gilroy: I thank the Senator for the vote of confidence.

An Cathaoirleach: Does the Senator have a question for the Leader?

Senator Darragh O'Brien: It is a very serious issue.

(Interruptions).

Senator Darragh O'Brien: It is in this regard first.

An Cathaoirleach: The Senator, without interruption.

Senator Darragh O'Brien: Frankly, there was no point to that debate on 23 January

because no answers were given and there has been no follow-up. I got more answers in the ante-room from the officials than I got from the Minister of State. I do not blame him for that but, as it is not his portfolio, why was he here? He came in here to read a statement. That is the first point.

The Taoiseach is intimating that we will apply under the EU Solidarity Fund. If the Taoiseach is aware of the conditions attaching to the fund, however, he will realise the application will not be successful because the level of damage is not sufficient for the country to apply for it. In addition, on the day the Government announced the emergency fund of €45 million, 20 January, I asked the Minister of State, Deputy Costello, whether that was separate to the normal annual funding of the OPW for coastal erosion and flooding measures. I got the answer from the official that, no, it is not separate and that the annual OPW budget for this is being put into that €45 million emergency fund, so any work that was going to happen during the course of the year is in that fund already. The Minister of State, Deputy Brian Hayes, then announced on Monday an additional €10 million fund to assist people who have been flooded over the weekend in Limerick, Cork and the north west. We all know that is not sufficient. Is the €10 million he is referring to part of the €45 million or is it a separate fund under the Department of Social Protection?

To have all of these questions remaining unanswered tells me the Government in this instance does not know what is going on and does not know where it is going to apply for funding or who is responsible for it. Unfortunately, we are going to have other weather events over the next few days and the situation is going to get worse. To seek the answers that I asked-----

An Cathaoirleach: The Senator is over time.

Senator Darragh O'Brien: I am just finished. On 23 January, when I asked specific questions, the Minister of State, Deputy Costello, gave a commitment that he, through the officials in the Department of the Environment, Community and Local Government, would come back and answer those specific questions. That has not happened. Because of that, I am proposing an amendment to the Order of Business today that the Minister of State, Deputy Brian Hayes, or the Minister, Deputy Phil Hogan, would come into this House for one hour only to answer specific questions with regard to how we are going to compensate people and remediate and improve our flood defences in the short term, and to answer the questions I put to the House on 23 January that remain unanswered.

Senator Ivana Bacik: First, I wish our colleague, Senator Feargal Quinn, well. I understand today marks an important anniversary in that it is his 21st year in the Seanad. I know all of us will want to join in those good wishes to him.

I also support the call made by my colleague, Senator Averil Power, on Thursday for a debate in the wake of the reports of the RTE payout to the Iona Institute and other named individuals. I believe she was calling for a debate on free speech in light of that. I was delighted to attend, with Senator Power and Senator Norris, a protest on Sunday against censorship and homophobia, at which approximately 2,000 people attended. The Minister, Deputy Rabbitte, put out a very important and useful statement about this on Friday when he spoke of the need to ensure that recourse to defamation laws does not have a chilling effect on the conduct of public debate around LGBT rights, in particular in the context of the lead-up to the forthcoming referendum on marriage equality. It is important that any of those who hold themselves out as commentators on issues like this, including ourselves, would appreciate that debate in this

arena can be robust and, on occasion, hostile in a democracy, and we must be able to take that. What we have seen over recent days and what has generated great public concern has been the emergence of a sort of chilling effect through threats of libel in the course of the debate.

In that context, I also very much welcome that the European Parliament has today voted for an EU roadmap against homophobia and discrimination and is calling for an action plan to combat homophobia along the lines of the strategies already in place for discrimination on the basis of disability, gender equality and Roma integration. I believe that recognises the very serious issue that homophobia remains for LGBT people throughout Europe, with people in many countries still experiencing unacceptable levels of harassment and discrimination. We need to remember that in the context of the debate we have been having here.

Senator Katherine Zappone: I second the call from Senator Bacik in regard to that kind of debate and I look forward, I am sure, to Senator Norris adding to that with his great eloquence. I very much support that.

I have a question for the Leader but I first want to welcome reports yesterday that the Minister, Deputy Burton, succeeded in resisting cuts of €440 million to welfare spending. I congratulate her on this. The cuts were successfully resisted because her Department's research showed they would disproportionately affect those on lower incomes. This is a good way to do business. The Minister is pursuing a vision for reform. Although she has made some decisions I disagreed with and voted against, I acknowledge the tough job she faces.

I call for a debate on an issue which the Minister, Deputy Burton, was first to place on our agenda, namely, the idea of introducing a living wage in this country. She put forward this proposal based on the formerly experimental and now mainstream operation of that mechanism, on a voluntary basis, in the United Kingdom. It has been a very successful initiative, with 80% of employers expressing the view that it has enhanced the quality of their employees' work. In addition, absenteeism is down 25% and staff turnover has declined. A living wage is a benchmark based on clear and plausible evidence for an adequate living standard and is a response to income inequality. Unlike a national minimum wage, a living wage is an evidence-based rate of pay. I participated in a seminar last week led by the Vincentian Partnership for Social Justice where economists and social policy experts got together to begin considering how a living wage for Ireland might be calculated. It is an idea that is very worthy of pursuit, especially as the economy begins to pick up. It could be an instrument for ensuring people on lower pay have an adequate standard of living when other boats start to rise. It might even function as a helpful redistributive mechanism which would operate within the context of business as well as in the public sphere. The time is right to invite the Minister to the House for a debate on the concept of a living wage and how we might contribute to its formulation as a practical possibility in this country.

Senator David Norris: I join colleagues in calling for a debate on homophobia in a context where an attempt is being made to close down that debate. It is disgraceful that RTE has shown such a Gadarene rush to pay up on this issue. I wonder about the legal advice the State broadcaster was given, because I very much doubt it was clearly in the line which RTE took. As a taxpayer and television licence payer, I would like to know why my money is being given to these people. I know they will not co-operate with the Standards in Public Office Commission, which is extraordinary. I know they are controlled by a company called Lolex Limited which was founded in 2006. I would like to know how they achieved their status in society.

An Cathaoirleach: Does the Senator have a question for the Leader?

Senator David Norris: I have already asked it and will continue asking it. They are self-appointed and are answerable to nobody. They have consistently misrepresented scientific papers and been rebuked by the authors of those papers. They did that at the Constitutional Convention, of which I am a member. It is amazing to me that they are allowed to bully people.

An Cathaoirleach: Is this relevant to the Order of Business?

Senator David Norris: It is very relevant. I have asked the question and I prefer not to be interrupted.

I take this issue extremely seriously. I sat in this Chamber and listened to colleagues on these benches tabling motions that were effectively apartheid in nature. Had I been a Roman Catholic, a black person or a Jew and anything remotely like that was attempted, the person would have been fired out of this House straight away. Would the Cathaoirleach and colleagues like to imagine how it felt for me to sit here and hear valued colleagues suggesting that I should not be allowed to purchase cake decorations, weddings invitations and so on, that I should be denied the service of a hairdresser, as if I needed it? People should take this issue seriously. This country is rampant with homophobia, including throughout the media. There are decent people in the media who are terrified to open their mouths. I hear all the time about the liberal D4 conspiracy, the Dublin media and so on. Where the hell are they? Where were they when I was being crucified? Where are they when Panti, a remarkable man, comes out and tells the truth?

We might have an opportunity now of turning the spotlight on the Iona Institute. I am asking the Leader the same question I asked of his deputy, on which occasion I did not get very far. The Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, just equivocated with the usual old blather from one side of his mouth and then the other. Will the Leader instigate some degree of research into the Iona Institute? From where is it getting its money? Why does it not co-operate with the Standards in Public Office Commission, SIPO? Who made it an institute? In Britain, it would be legally prohibited from using the word “institute” because it is self-appointed.

An Cathaoirleach: Senator, you are over the time.

Senator David Norris: Fine, I am over time but, as I said on Sunday, the homophobes have had 2,000 years on the stage and I believe we are entitled to a few words now and again.

Senator John Gilroy: Yesterday morning in Cork I spoke to a number of business people whose businesses have been ruined by the flooding that affected the city centre the previous night. I was in Limerick later that afternoon and I spoke about it to the Minister of State, Deputy Brian Hayes. I was impressed with his response. However, he must now match the urgency of his words with the urgency of his actions. I invite him to Cork to see, at first hand, the devastation of much of the city centre and to explain to the business people what he plans to do. Many of the businesses in the city centre that have been affected have been unable to secure insurance since the last flooding four or five years ago. I call on the Minister for the Environment, Community and Local Government, Deputy Hogan, to intervene and ensure that some of the hard-pressed businesses, which have been going through a very difficult time recently, are given some type of rates break at this time. The Minister, Deputy Hogan, is the man who can deliver such a thing. The scenes in Cork and Limerick yesterday were pitiful, but I call atten-

tion to the quiet dignity shown by the people in the area. It is very commendable.

The local authorities must continue to do what they can. Sandbags should be made available immediately today because there is a severe risk that Cork city centre will be affected by flooding again tonight. We must put a strategy in place in the immediate term to offset the worst effects of the anticipated flooding.

Senator Marc MacSharry: I second Senator Darragh O'Brien's proposed amendment to the Order of Business with regard to flooding. I agree with Senator Gilroy about the tragedies we have seen throughout Cork and Limerick, with businesses and people put out of their homes. This is replicated nationwide. As I said a couple of weeks ago regarding the other storm, we must not lose sight of the fact that there are cases throughout the western seaboard. To give an example, in Bundoran and south Donegal, rock armour was thrown around as if by a juggler in a circus ring. It was phenomenal. It was thrown into car parks. The many surf schools that operate all year round cannot get to where they carry out their business, so there is an employment issue too. In Strandhill and Rosses Point in Sligo two golf courses are at risk because of substantial erosion that has been exacerbated as a result of the recent storms. According to the front page of *The Sligo Champion* today, in west Sligo the McDermott family are completely cut off from their house because of the amount of rock and debris thrown up by the ocean. This is replicated on the coastline all along the western seaboard. Obviously, there are very serious concerns in Cork and Limerick about businesses and people out of their homes, but the north west is also affected.

The bottom line is that the minor works scheme, even if it is €250 million over the term of this Government, is not sufficient to deal adequately with this issue. We must get more funds. Whether they must be diverted from other areas, and I know they are scarce at this time, or we get them from Europe, they must be secured and these coastal communities must be dealt with. Clearly, the type of rock armour used in this country is not sufficient for the modern weather challenges with which we are presented. We have seen that with the flood supports in Limerick and Cork against the Shannon and the Lee and with the coastal supports against the Atlantic Ocean inflicting the full brunt of its power on Donegal, Sligo, Mayo and other communities.

Today is World Cancer Day. As we speak, the European Cancer Concord is launching a cancer bill of rights. It will be introduced and launched by Professor Patrick Johnston, a cancer specialist at Queen's University. Three people die from this disease every minute. There were 14 million new cases globally last year and 24 years hence there will be one fatality every ten seconds. We are losing the battle with cancer. This would be an appropriate time to review our national cancer control programme, which has celebrated some successes but which remains flawed in tackling this battle, particularly for the people who happen to live north of a line from Dublin to Galway.

Senator Imelda Henry: We have heard a great deal about neknomination in recent days. I take this opportunity to sympathise with the Byrne family in Carlow, the members of which were so courageous in coming out publicly - so soon after the death of their loved one - in order to warn people about this phenomenon. It is not just young people who are partaking in this craze. Parents are also involved, which is shocking. Will the Leader request that the Minister of State at the Department of Health, Deputy Alex White, come before the House to discuss this matter? On several occasions I have asked that the Minister of State appear before us in order that he might explain why it is taking so long to deal with the issue of cheap alcohol. Out of curiosity I watched a number of the neknomination videos on Facebook and many of the dares -

if one wants to call them that - did not take place in pubs, where drinking occurs in a controlled environment. Much of what is happening is related to the sale and ready availability of cheap alcohol. This is a major issue. I do not contribute to the Order of Business that often but I seem to refer to the same issue on each occasion I do so. Will the Leader ask the Minister of State, Deputy Alex White, to come before us, as a matter of urgency, and indicate when the Government is going to take steps to deal with the sale of cheap alcohol?

Senator Fiach Mac Conghail: I support the calls made by Senators Bacik and Zappone earlier, and that made by Senator Power last week, for a debate on homophobia. Last Saturday night, Rory O'Neill - also known as Panti - made an extraordinary statement from the stage of the Abbey Theatre which, as of today, has amassed 80,000 views on YouTube. However, the national broadcaster and other broadcasters are afraid to show the footage of the event. Rory O'Neill did not mention any names when bearing witness in the context of his own experience of oppression but the fear remains among broadcasters and other media outlets in the context of disseminating his comments more widely. Thank God for social media in this instance because it allows for witness to be borne with regard to oppression. Rory O'Neill suggests that we are all a little bit homophobic. I would include myself in that regard. We must be aware of our use of language, in the context of how it can undermine and cheapen relationships, and of the need for respect. I call on the Leader to accede to the calls from colleagues for a debate on homophobia.

On 12 October 2011 and 18 April 2012, our group brought forward Private Members' motions on the connection between human trafficking and prostitution. On 27 June 2013, the Joint Committee on Justice, Defence and Equality recommended the introduction of a law to ban the purchase of sexual services. The Chairman of the joint committee, Deputy Stanton, stated:

The Committee finds persuasive the evidence it has heard on the reduction of demand for prostitution in Sweden since the introduction of the ban on buying sex in 1999. It concludes that such a reduction in demand will lessen the incidence of harms associated with prostitution and – particularly in view of the predominance of migrant women in prostitution in Ireland...

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

Senator Fiach Mac Conghail: I call on the Leader to arrange for the House to consider the joint committee's report in order that we might continue the debate on this matter. I am aware that there are Senators who disagree with me in respect of this issue.

Senator David Norris: There certainly are.

Senator Fiach Mac Conghail: I had the pleasure and privilege of being involved in the work done by the joint committee in the period leading up to the compilation of its report. We would like that report to be considered and debated by the Seanad in order that we might keep the issue alive and hear the views of those on both sides.

Senator Mary Moran: I support the call made by colleagues for a debate on homophobia. I was fortunate to see Rory O'Neill's "Noble Call" speech in the Abbey Theatre on Saturday night. As Senator MacConghail noted, there is a clip available on YouTube and I recommend it to those who have not seen it. The Senator also noted that this reflects the good side of social

media. It was heart-rending to watch a man describe how he felt intimidated just standing at a bus stop. I recommend the YouTube clip as evidence of why everybody in this country should have free speech and why people should not be afraid to speak out. Senator MacConghail deserves to be commended for giving Rory O'Neill the opportunity to speak on Saturday night.

3 o'clock

I too, raise the disturbing phenomenon known as “neknomination”. This word first entered my vocabulary at the weekend as I had no idea what this frightening practice was previously. I commend the family of the young Carlow man, Jonny Byrne, who died at the weekend, specifically his father and brother, on speaking out and pleading so eloquently for the practice to stop. Given our relationship with alcohol, the need to engage and educate society on sensible and safe drinking practices has been a key theme in recent years. Nekonomination is a game with real and serious consequences, as we saw in the cases of two young men at the weekend. If allowed to continue, the practice will claim more lives. I am concerned by the response of Facebook and other social media outlets which have stated there is nothing they can do. Much more can be done to stop this phenomenon. I commend the Union of Students of Ireland on the launch on Sunday last of its Break the Chain campaign, which calls on young people to stand up and break the chain by refusing to give in to peer pressure.

An Cathaoirleach: Does the Senator have a question for the Leader?

Senator Mary Moran: I ask that the Minister of State at the Department of Health, Deputy Alex White, come to the House to provide a timeline for the approval by the Government of the heads of the public health (alcohol) Bill. This legislation must come before the House as a matter of urgency.

Senator Sean D. Barrett: I welcome the holding by the Royal Irish Academy of a symposium on bicameralism today. I hope the House will be able to debate the papers and proceedings from this meeting when they are published. Senators Paul Coughlan and I have been to the wicket already. Senator Maurice Manning is acting as an umpire and Senator Zappone will speak later at this highly commendable endeavour.

I am concerned about the operations of the single euro payments area, SEPA. David Murphy has reported on RTE that the Government is expected to collect €700 million less tax in January than originally anticipated as a result of the introduction of the new SEPA system, although we may make up the shortfall in February. Mr. Murphy stated that transactions which used to take two or three days in banks now take seven days, with processing times expected to fall eventually to between three and four days. It is strange that we joined a system in which transactions take twice as long to process as was previously the case. I ask for a debate on why on earth we joined SEPA.

Senator Michael Mullins: I join Senator Gilroy in expressing concern about the flood damage in Cork. Twelve months ago, I raised the possibility of establishing a central fund for flooding with the insurance companies. If someone has the unfortunate experience of being injured in a road traffic accident where the other driver is not insured, the motor insurance bureau will provide compensation to the injured party. It is interesting to note that property and business owners in the United Kingdom who cannot obtain insurance cover for flood damage are able to draw from a specific fund in the event that their properties are damaged by flooding. I understand all the UK insurance companies contribute to the fund. We should consider

the establishment of a similar mechanism. Insurance companies are refusing to provide cover for properties that may only have been damaged by flooding once in the past 30 years. This is causing problems for businesses and householders. I ask the Leader to invite the relevant Minister to the House to debate this issue and ascertain how we can move forward, including the possibility of the Government introducing amending legislation. Flood defences are necessary but we must also ensure that property owners who take the risk of running businesses are given adequate protection.

Senator David Cullinane: I support the proposed amendment to the Order of Business. I concur with Senators who described last week's debate on flooding with the Minister as most unsatisfactory. Unfortunately, the Minister did not have answers to many of the questions that were asked. The emergency funding of €45 million that has been made available is completely inadequate to deal with the damage that has been caused by flooding in some parts of the country, including counties Galway, Cork, Kerry, Waterford and Limerick. Dwellings have been damaged, livestock has been lost, businesses have been destroyed and land has been made unworkable. In some parts of the country, it has been described as the worst flooding in living memory. While every cent is valuable - it will be good news for the local authorities that will be able to distribute money to those who need it - the proposed allocation of €45 million is simply not enough. We need to do more.

I would like to refer briefly to the fact that this House will not sit on Thursday. It is unsatisfactory that this House is being punished for the Government's failure to get its act together. We do not have legislation to enable us to sit. Senators have called for discussions on a range of issues in recent weeks. We could easily debate some of those issues on Thursday if the Government could provide the relevant Ministers. Flood damage, on which Senators have called for a debate again today, is an example of such an issue. We could discuss the forthcoming whistleblowing legislation. Just one hour has been set aside for tomorrow's debate on the youth guarantee, which is of fundamental importance to young people. Senator Mac Conghail has called today for a debate on prostitution and the purchase of sex. We could consider many other issues, including alcohol consumption, homophobia and collective bargaining and trade union recognition, in this House on Thursday. We will be a laughing stock again on Thursday even though it will not be our fault that this House will not be sitting. It is appropriate to raise this unsatisfactory arrangement with the Leader here today. I cannot see why the Leader cannot get Ministers to take statements on any or all of those issues on Thursday. I am not happy we are being told again that we are not sitting because there is no business. It is simply not good, in the context of Seanad reform and how we do business in this House.

Senator John Kelly: It is more than regrettable and lamentable that we are sitting for just one and a half days this week. This House seems to have form in this regard. It is totally unacceptable that we sometimes work for just one and a half days earlier in the session, only to have four-day sittings and late-night sittings with rushed and guillotined legislation in Christmas week and in Easter week. Along with Senators Whelan and Landy, I openly canvassed against the grain for the retention of this House.

Senator David Norris: Well done.

Senator John Kelly: We had the support of many others.

Senator Terry Leyden: The three musketeers.

Senator John Kelly: Thankfully, the people bought into this. We promised change in this House. We said we would do business in a different way. When the people voted to keep this House, it was incumbent on the Government to structure business in an orderly way and to make sure legislation comes through this House in an orderly fashion. We should not be sitting for one and a half days one week and for four days the following week.

I agree with Senator Cullinane, who mentioned six urgent matters we could discuss in this House on Thursday. I will mention three others. Reference has been made to the “neknomination” phenomenon, which is afflicting the young people of today. We have already lost two people. This is winding down, but my information suggests that something structurally worse than “neknomination” is coming through. It is important that we deal with these issues in this House before that happens.

We should also be discussing the plight of mortgage holders who are insolvent. We have insolvency legislation that applies only to those who can afford to buy into it. This is a serious matter for thousands of people in this country.

I would like to conclude by calling on the Leader to organise a debate on the proposed by-laws that will increase the charges that have to be paid in respect of boats moored on our canals and waterways. The deadline for submissions to the Minister on this issue was yesterday. He will now decide how to implement the bylaws. At present, the charge for mooring a boat is €126 a year. The proposed new charge is €3,500 a year, which is absolutely outrageous. Between 300 and 400 people are mooring on our canals and waterways. Most of them are retired couples from England who are receiving small English pensions. This proposal will drive them off the water and back to England. They are contributing hugely to local economies throughout this country. I ask the Leader to arrange a debate with the Minister on this matter. I do not want an Adjournment debate. There are too many people in the House who would agree with me on this. There needs to be a broad debate with the Minister. As was already said, I compliment Joe O'Connor, the president of USI, for his intervention on the neknomination issue.

Senator Terry Leyden: I also commend Joe O'Connor on his statement in this regard.

I ask the Leader of the House to arrange for the Minister for Education and Science to come to the House to outline the Government's reaction to the decision of the European Court of Human Rights, ECHR, on 28 January 2014. This majority decision - 11 to six - related to the case of Louise O'Keeffe which she courageously fought for 15 years. She fought it through the courts, including the High Court and the Supreme Court, and they all turned her case down. The ECHR in Strasbourg has concurred with her. It is interesting that the acting judge from Ireland, Peter Charlton, was on the minority side and opposed the decision of the majority. He was acting for Judge Ann Power-Forde who had to stand aside in this case because of some previous decisions or situations, and rightly so. It raises many issues. The Tánaiste spoke about it on Sunday and the Minister for Education and Skills spoke about it yesterday. There does not seem to be any coherent Government response to this case. The State has a responsibility to children and did not act in a proper manner. It is very easy for the State to say that it washed its hands and that it was the responsibility of the board of management, the local clergy who appointed teachers and the bishop who was a patron of the school. In this regard, the State paid for the teachers and inspectors were visiting schools, yet they could not and did not detect the abuse that occurred in this particular school in Dunderrow in Cork. There are many cases throughout the country where children were let down by the State. I commend the decision of the court in awarding damages to Louise O'Keeffe but it will certainly open the floodgates. There will

be numerous claims against the State and it could cost as much as the Residential Institutions Redress Board. I would like a debate here with the Minister for Education and Skills to find out exactly the State proposes to do in this regard.

Senator Michael Mullins: I join colleagues in calling for an update from the Minister of State with responsibility for primary care, Deputy White, on the progress of the Public Health (Alcohol) Bill in light of the “neknomination” craze of the past week or ten days. I join in extending sympathy to two families who have been bereaved as a result of it. Many people have been very quick to criticise and blame Facebook for this but I will not do so. We cannot blame technology. As a society, we need to examine seriously our relationship with alcohol and start to promote a much more responsible attitude to alcohol consumption. It is frightening to think that 1,000 people per year - three times as many as are being killed on our roads - die as a result of alcohol abuse. A total of 2,000 beds in our acute hospitals are being occupied every night by people with alcohol-related problems. I saw some figures from a survey conducted recently across Europe on drinking habits among young people as young as 15 or 16. It showed that young people in Ireland consume 30% more than the EU average. In that study, Irish students reported that in the 30 days prior to the survey, 48% of them had consumed alcohol, 40% had more than five drinks in a single drinking session and 23% had one or more episodes of drunkenness. We have a major issue to confront as a society. I hope that the legislation will address issues such as pricing, structural separation in supermarkets to make it less enticing or convenient for people to purchase alcohol, sponsorship and marketing. The lost cost of alcohol has already been referred to in the House today. In light of all that has been said about the lack of business to be conducted in the House over the next week or so, we should set aside several hours in the next weeks to address this critical issue of national importance confronting many families across this country.

Senator Feargal Quinn: We had a good debate last week - perhaps not long enough - on the floods although these do not seem to have improved after it, I do not know whether the debate caused even more flooding. We must ask whether the responsibility for the floods lies with ourselves when one considers the planning permissions given over the past 20 years to enable development to take place on land that was certainly unsuitable. This may not be the cause of some of the recent very severe floods but it must be a consideration. It may be tempting not to find time to have a further debate on this issue but it is worthy of debate as more wet weather and flooding is anticipated at high tide this evening.

Senator Barrett raised the matter of the Single European Payments Area. I have been hearing about this for years and we have been looking forward to its introduction. We hear now that it may not provide anything like the opportunity we thought to speed up payments across international borders.

The House will have a debate on Europe tomorrow. The European Union has expressed an opinion on the right to vote for expatriates. Britain will not permit expatriates to vote in British elections once they have been in exile for 15 years and the EU has ruled against it. We need to debate this issue and tomorrow’s debate would be an opportunity to do so. This is a short sitting week which suggests to me that we should use this time to debate a number of issues that would benefit the community as a whole.

Senator Susan O’Keeffe: On World Cancer Day and despite all the challenges, I wish to pay tribute to the work of *safefood* and RTE who through the “Operation Transformation” programme in recent years have brought to life the idea of living and eating more healthily. It is

a great community-based activity which in the true sense of public education encourages us to have better eating habits and to take more exercise. Some of us in this House, including myself, might benefit from such a transformation.

I ask the Leader if tomorrow at 10.15 a.m. he might lead the men of this House out to the Merrion Square gate of Leinster House because we are organising a photograph to encourage men to stand up against domestic violence against women. It is part of the Man Up campaign which was launched last year. As public representatives it would be terrific to see as many of the men of both Houses at the gate to support what can only be described as one of the worst situations we face in Ireland, the number of women and their children who face domestic violence every day. At any one time, 12,000 women are in situations of domestic violence. The support of the Leader and of male colleagues would be most appreciated.

Senator Labhrás Ó Murchú: I wish to comment on the abuse of alcohol which has been raised in the House on many occasions for as long as I can remember. We usually have such a debate in the wake of a fatality. I have commented on this fact before that it takes a fatality at the weekend and then we have a debate. At any time it is a tragedy for parents to lose a young child but it is harrowing to watch parents on television trying to make sense of what has happened. Their pride and joy goes out for a night's entertainment and later they hear the dreaded knock on the door to tell them that the young life has been snuffed out as a result of the abuse of alcohol. The Taoiseach and the Ministers have come out promptly to condemn this abuse but we know the same debate and concerns will be expressed over and over again. The main reason for that is that we are not prepared to tackle the dread and the terrible malaise that goes with the subject of alcohol abuse. Members will remember the debate we had on the ban on smoking in public places. There was an outcry initially about that but everyone now agrees it was the right thing to do. Smoking was a major health issue and we know that to be the case. We also know that if one were to debate that issue with people now they could not even remember the opposition to that ban when it was brought in. The same fundamental approach needs to be taken to this issue, although not in respect of the banning of alcohol in public places. We need to bring in legislation to deal not only with the low pricing of alcohol but with this issue which is causing anti-social behaviour, threatening people's security and, above all, resulting in the loss of young lives.

The same issue applies to alcohol advertising. There should be no glamorising of drink - it is as simple as that - be it in advertising or in programmes. We can remember a time when people were seen smoking in every film we watched or in a studio during the broadcasting of a programme. That no longer happens. That practice went quietly and it is now finished. The exact same thing must happen with the glamorising of drink. I ask the Leader to ask the Minister to come into the House for a broad-based discussion not only for us to express our concerns but to see what we can do to prevent what is happening. I am shocked every time I watch BBC programmes that show camera footage of what happens on the streets after people leave nightclubs. It would outrage people. That is where we are at with this problem and we must do something about it.

Senator Martin Conway: I wish to thank the Leader for organising a debate on the recent flooding incidents last Thursday week. I thought it was a very suitable and informative debate, although I would have preferred if the Minister, Deputy Hogan, or the Minister of State, Deputy Brian Hayes, had been in attendance but the Minister of State, Deputy Costello, who was in attendance, certainly took our views on board. The flooding that occurred after Christmas was a west of Ireland issue, initially affecting County Clare the worst and then its neighbouring coun-

ties. However, this is now a national issue. It requires a national response. All areas along our rivers or the shore have now been affected.

We saw many news reports last night of areas of the country, including the Leader's city of Waterford, that have been destroyed by flooding. We now need an emergency national response - a short-term, medium-term and long-term strategy - to deal with this new reality. There are people in Limerick city, Clare and other counties who are now homeless and who have no insurance as a result of what has happened. Flood insurance is not available to many people and damage caused as a result is not covered by many of the insurance companies operating in this country. The Government will have to step in and repair these people's homes and make emergency funding available in order that they can rebuild their homes and move back into them.

In addition, the Government will have to put short-term measures in place to ensure that those houses are not flooded again. It will have to come up with a long-term strategy to deal with the new reality of the threat of flooding throughout this country. That will have to be done in association with the European Union because we simply do not have the money to do the necessary work to prevent a repeat of what has happened. Now that it is a national issue, a further debate should be held on it in this House. Hopefully, we will see many more Members contribute to that debate than contributed to the earlier one when the Leader gets around to organising it.

Senator Paul Coghlan: I congratulate Senator Quinn on his 21st anniversary as a Member of this House today. Like Senator Barrett, I was present for some of this morning's session on bicameralism at the Royal Irish Academy. While I must confess I had never heard of it before, I was delighted to learn something of Tristram Shandy and the Mill's principles regarding difference and separateness, which are very important matters. Our former colleague, Dr. Maurice Manning, made a very interesting presentation; they were all very interesting. I have asked for the papers and it would be useful to circulate them among Members.

I am sure we are all concerned about the judicial appointments review committee's submission to the Department of Justice and Equality as part of its consultation regarding the judicial appointments process. It used strikingly strong language in stating that the current system is "demonstrably deficient" and that the system must always attract high calibre candidates. While all members of the Judiciary have been appointed under the present system, they also point out that "the relative success of the administration of justice in Ireland has been achieved in spite of, rather than because of the [present] appointment system". The committee proposes that the merit principle be enshrined in legislation and it has called for a judicial education system. We would all agree with these points, which would be the useful subject matter for a debate in this House-----

Senator Terry Leyden: Not when the Government is appointing and dis-appointing-----

Senator Paul Coghlan: ----- as would the Smithwick report, which debate I have already requested. The judicial appointments review committee pointed out that there have been seven adverse changes since 2008 to the pay and pension provisions of members of the Judiciary. That may be why so many of these learned judges are due to retire by a certain date, which is sad. One who comes to mind is Mr. Justice Peter Kelly. He has been such a stalwart in how he has cleared his desk and operates. There are others, of course. It will be a sad day for the country that we will lose so many in such a short space of time, resulting in so many inexperienced judges on the benches in the near future. While they are all experienced and learned people-----

Senator Terry Leyden: The Senator would make a good judge, himself.

Senator Paul Coghlan: -----this is-----

An Cathaoirleach: Is the Senator seeking a debate?

Senator Paul Coghlan: Of course; I have said that. With respect, it is a very serious matter. I would recommend it for a debate as well as a debate on the Smithwick report, separately.

Senator Cáit Keane: I agree with what other Senators have said about Nekomination regarding the IT aspect of it, and also personal responsibility, peer pressure and ensuring that the chain is broken.

Senator O’Keeffe spoke about diet. I am sure some Senators saw a television programme last night about how age related macular degeneration can be reversed with diet. The Taoiseach opened a fine new building for the world renowned research centre in Waterford Institute of Technology in 2012, which is proving to be successful. In Ireland we spend more than €133 million annually on age related macular degeneration and we need to focus on prevention rather than cure. Some 4% of people in their 40s suffer from it, 9% of people in their 50s, 23% of people in their 60s, and 45% of people aged over 70. That means that nearly half the population is suffering from this by the time they reach 70 at a time when our population is ageing. We are looking at a health budget that is widening every day. The Minister for Health has been invited to the House to discuss another subject. When he comes, we should add this matter to that debate. Prevention is 100 times better than cure. The research in the Waterford Institute of Technology has shown the benefit of eating green vegetables and a good healthy diet. We should add that to the debate when the Minister comes in, given the condition’s prevalence in Ireland.

Senator Tom Sheahan: I wish to raise two issues relating to the justice portfolio. When will the coroners Bill come before the House?

Could we ask the Minister for Justice and Equality to come to the House to discuss the possibility of making it compulsory for pedestrians and cyclists - three cyclists have been killed already this year - to wear reflective jackets in areas where there are no footpaths or lighting? As it stands, I had a run-in with this over Christmas. I met a man who walks the roads and wears a long dark coat. God forbid any poor driver might come along and be unfortunate enough to be involved in an accident. I put it to the man on two occasions over Christmas that I would bring him a reflective jacket. He said that he had three of them at home but would not wear them. It is okay because the person who will get knocked down by a car at 25 mph will be killed, but the person driving the car will have to live with that for the rest of his or her life. I believe it should be compulsory for people walking and for cyclists in areas where there are no footpaths or lighting to wear reflective jackets. I call on the Leader to arrange a debate on the matter with the Minister for Justice and Equality.

Senator Marie Moloney: There are so many issues we could speak about today from flooding to neknominations to the amount of time the Seanad is sitting this week. However, I will refrain because other Senators have mentioned them.

I pay tribute to Kerry Group, which last night announced that it is handing over the site of the former Denny plant to the people of Tralee. It is a generous gift and gesture from Kerry Group. We all know that Kerry Group is a fantastic employer in Kerry and other places. I con-

gratulate the company and I hope the people of Tralee will benefit greatly from whatever they decide to do on the site.

I wish to compliment and criticise RTE in the one go. I compliment the station on the programme regarding the death of several infants born at the Midland Regional Hospital, Portlaoise. However, what annoys me about the matter is that it always takes until the media bring something up before we have our investigation. The matter was reported to the Minister of Health of the day and no investigation took place. I know the people concerned are at the Oireachtas Joint Committee on Health and Children and that the Minister is there as well, but surely we should have an investigation the minute someone reports something like this, rather than letting it go on for years and then try to carry out an investigation afterwards.

I wish to criticise RTE over an advertisement I saw last night. I will be lodging a complaint with the Advertising Standards Authority for Ireland and I have contacted Age Action Ireland about it as well. I am unsure if other Members have seen the advertisement by Energia regarding getting rid of a grandfather because he costs too much. It is demeaning to grandparents and insulting, to say the least. Everyone knows that grandparents have a vital role to play in people's lives, especially in lives of their grandchildren. To depict grandparents as an expense or a nuisance is terrible. Could we have a debate on the standard of advertising in the country?

Senator Catherine Noone: I rise to raise an issue that I am constantly raising at the risk of being a killjoy in the House. I am referring to happenings in the past week relating to the practice of neknominations, which have their roots in the United Kingdom and Australia. Unfortunately, they have been imported back to the country by our young emigrants. We are all understandably concerned at the developments here. There have been suggestions from various quarters that Facebook and other social media should step up to the mark and ban them. Remarkably, it seems that Facebook is of the view that the practice does not actually breach its conditions, which is frightening in itself.

This leads me to the wider discussion that is needed and, as far as I am concerned, could not be had often enough in the House in respect of society, namely, attitudes towards alcohol and our need to reassess Ireland's relationship with alcohol by reviewing things such as minimum pricing and the segregation of alcohol. However, we need a wider debate on society and how on earth we, as a society, can educate young people in the dangers of over-drinking. We have never been so connected with social media, and yet so completely disconnected on this issue. Like others, I call for a debate on the progress that the Minister of State, Deputy White, is making on the public health (alcohol) Bill.

I concur with Senators White and O'Keeffe on the issues they raised. There is a worrying report by a UN agency which warns that new cases of cancer are set to rise by 50% by 2030. The study claimed that cancer deaths will likely rise from-----

An Cathaoirleach: Are you looking for a debate?

Senator Catherine Noone: Yes I am. The study claimed that cancer deaths will likely rise from 8.2 million to 13 million, as the world's population grows. This goes back to the question of nutrition.

An Cathaoirleach: You can make those points during the debate.

Senator Catherine Noone: Bear with me for one moment.

An Cathaoirleach: You are over time.

Senator Darragh O'Brien: The Senator is way over time.

Senator Catherine Noone: I am not way over time. Everyone was over time today as far as I can see. I would like to call for a debate on nutrition as well as on alcohol.

Senator Rónán Mullen: First, I welcome what Senator Coghlan said. I do not think it would be any breach of the separation of powers if we were to have a debate about the way judges are appointed and the operation of our Judiciary. This is a Government that has both appointed and disappointed judges. It would be timely to have a debate about the separation of powers and about the way our judges are appointed.

It is often said that we should save for a rainy day. These days people clearly understand the origin of that phrase. It is clear that we did not put enough money aside for the rainy day, the stormy day or for floods, and I echo those calls for rapid and increased intervention by the Government in that area to assist coastal communities, with particular emphasis on small businesses. I raised this in the Seanad before. The European solidarity fund has been reduced from €1 billion to €500 million, following agreement by the member states, at a time when the size of the fund should be increasing. We should also have a debate about the fact that while only public facilities are capable of attracting compensation from the EU, there may be a need to extend it to cover those who have sustained private losses. That is very serious and it is interconnected with jobs and with growth in our communities.

I would welcome any debate about equality and what that means. I also must say that RTÉ could have saved the public money if the requisite apology had been forthcoming. That is a serious matter. I certainly think that the payments by RTÉ were a welcome development in the cause of promoting a civil debate where people stop bullying each other for having a different point of view.

Senator David Norris: -----that would be wonderful.

Senator Lorraine Higgins: I wish to bring up the same issue that has been raised by several Members, namely, the recent neknominations craze which has swept Ireland and which regrettably has resulted in the loss of lives. It is imperative that the Government responds to this issue, given that it straddles a number of Departments. It seems that increasing YouTube and Facebook hits is the aim of the whole phenomenon but it goes against all evidence-based data which indicates that this kind of behaviour has to stop. It is appalling that Facebook, YouTube and other social media outlets will not take down these videos. What these children are doing is akin to self harm. There is no evidence to suggest that some of these people are not under 18. It should be of concern to all legislators here and we need to get the various Ministers to come together with a joined-up approach. We need to look at the Department of Health, the Department of Justice and Equality, as well as the Department of Communications, Marine and Natural Resources. Unless we do so, we are shirking our own responsibilities to the Irish people.

An Cathaoirleach: Senator Brennan, did you indicate that you wished to speak?

Senator Terry Brennan: Ní bheidh mé ró-fhada. From 1 April, heavy goods vehicles from the South will have to pay £1,000 for using roads in Northern Ireland. Coming from an area where many HGVs and hauliers traverse the Border on a daily basis, this is a significant additional charge on them. If they miss the deadline of 1 April, it will be £10 per vehicle for

every day they cross the Border. I am concerned about it. I think it will put the small haulier, who may have two or three jobs in his company, out of business given that in the region of 500 to 600 HGVs from Great Britain come through our ports per week and do not have to pay similar charges.

Senator David Norris: Hear, hear.

Senator Terry Brennan: We should have a debate on the issue. It should be tit for tat. We pay in Great Britain, France and Germany. When travelling in reverse there should be a charge on HGVs from Britain to this economy for using our roadways.

Senator Maurice Cummins: While almost 30 members contributed to the Order of Business, we do not have 30 members present at this stage.

The question of storm damage was raised by Senator Darragh O'Brien and several other Senators. The Government intends to exhaust every possible avenue with the European Union to try to access funding. With regard to the debate in the House on storm damage two weeks ago, the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, was to come in and address that debate but he was called away at short notice and the Minister of State at the Department of Foreign Affairs, Deputy Joe Costello, took the debate on his behalf. Members had called for the debate and it was organised at quite short notice. That was the reason the Minister of State, Deputy Joe Costello, agreed to come to the House for the debate. I thank him most sincerely.

The flooding in Cork, Limerick, in my own city and county, in Wexford and in many other areas is devastating for all the people involved and our heart goes out to them, but they need more than sympathy. There is a need for greater financial assistance to be made available. There is also a need to address the issue on a long-term basis in respect of planning for the future. The Minister is on record as saying that the €45 million that is available this year is simply not sufficient. As the responsibility rests between the Department of the Environment, Community and Local Government and the Office of Public Works for various aspects of the provision and repair in relation to flooding, I will endeavour to have the Minister of State at the Department of Finance, Deputy Brian Hayes, or the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, come to the House to address this very important matter given that many areas have suffered devastation in recent weeks. If the high tides and south east gales persist, there is a danger of further problems, not only in the next few weeks but into the future, and that will have to be planned for.

Senators Ivana Bacik, Katherine Zappone, Fiach Mac Conghail and others raised the issue of LGBT rights and addressed a matter raised by Senator Averil Power last week. In that regard we can certainly have a further debate on homophobia in this House. The House has been to the forefront in debating the issue and will continue to do so and will not be prevented from doing so. We will certainly try to arrange for a further debate on the matter.

I should say to Senator David Norris that it is not in my remit to investigate any organisation. It is not my responsibility to initiate an investigation into an organisation.

Senator Katherine Zappone acknowledged the work of the Minister for Social Protection, Deputy Joan Burton, and called for a debate on a living wage in Ireland. I will certainly invite the Minister to come to the House. As the Deputy is aware she will be in the House tomorrow for an hour for statements on the youth guarantee implementation plan.

Senators Gilroy and MacSharry also raised the storm damage.

Senators Henry, Moran, Mullins, Noone and others commented on neknominations. Society must adopt a more responsible attitude to alcohol consumption. I call on all young adults not to engage in the neknominations craze and not to apply peer pressure when it comes to drinking. Many Members called on the Minister of State at the Department of Health, Deputy Alex White, to come to the House to discuss the public health and alcohol Bill. It is taking time to prepare that legislation but I will ask him to come to the House to give us an update on the issue.

Senators Barrett and Quinn referred to the SEPA and perhaps that can be raised with the Minister of State at the Department of Foreign Affairs, Deputy Donohoe, when he visits the House tomorrow. That would provide an ideal opportunity to raise the matter with him.

Senator Burke called for a central fund paid into by insurance companies for flood damage and perhaps that can be addressed when the Minister attends the House.

Senators Cullinane and Kelly raised the sittings of the House. I said last week during the debate on Seanad reform that Departments will have to address the situation where we have little or no legislation at the beginning of a term and a rush of legislation towards the end of a term. These peaks and troughs have existed for as long as I have been a Member of the House but they need to be addressed. On many occasions, we hear that the Government is responsible and accountable to Dáil Éireann and I cannot demand that Ministers come to the House for statements on any item within their remit. Some Ministers are co-operative but others, for many reasons, have been unable to give the time Members expect.

Senator David Cullinane: Disgraceful.

Senator Maurice Cummins: At this point in time, I envisage the House may only meet two days over the next two weeks as well because of the lack of business. I have no intention of ordering business for three days when two days will suffice. Members have called for various debates. I can schedule all of them on Thursday every week for the next three weeks without a Minister present but if I do that, Members will say they cannot have debates without Ministers and ask what is the point.

Senator David Cullinane: I have no objection. Where is that coming from? That might be the view of other parties but it is not ours.

Senator Maurice Cummins: That is the dilemma I am faced with and that is what I have to deal with in ordering the business of the House.

Senator Leyden mentioned the Louise O’Keeffe case, which was raised by a number of Members last week. The matter was discussed for the first time at Cabinet this morning and I am sure when people have had time to examine the findings of the judgment, we may be in a position to debate the issue then.

Senator Quinn raised the flooding issue and I note his comments in that regard.

Senators O’Keeffe, Noone and Keane called for a further debate on living and eating more healthily. Senator O’Keeffe called for support for an event to stand up against domestic violence and I will support that tomorrow morning. Senator Paul Coghlan spoke about the importance of bicameralism and the seminar taking place today. I note his and Senator Mullen’s points about the judicial appointments and the submission from the Judiciary. I do not know

whether it is a topic we can debate. We would have to refer to the separation of powers and so on but we will certainly consider it. Senator Paul Coghlan requested a debate on the Smithwick report. I have asked the Minister for Justice and Equality to come into the House to discuss that matter. He has been very helpful to us in the House.

Senator Paul Coghlan: Hear, hear.

Senator Maurice Cummins: He has come here to debate many issues. He will be here today for the statements on the charities sector. I am sure he will come here soon to debate the Smithwick report and the many other items proposed by Senators.

Senator Keane spoke about age-related macular degeneration and the “Nationwide” programme yesterday, which was very enlightening. Professor John Nolan and the Waterford Institute of Technology are world leaders in this research. The Oireachtas Joint Committee on Health and Children should also address it.

Senator Sheahan asked about the Coroners Bill 2007. I will find out about it because it seems to have been stuck for quite some time on the Order Paper, since before the Government came into office. I will find out when it is intended to progress that Bill. Senator Sheahan also made an important point about pedestrians and cyclists, calling for the compulsory use of reflective jackets. He pointed out that this is especially important on roads with no footpaths or lighting, where one can come across people who are not wearing reflective jackets and it is very difficult to see them. It is common sense to wear them but we will have to address the question of whether they should be made compulsory. I note the Senator’s points.

Senator Moloney lauded the Kerry Group’s gesture in handing over the site of the Denny plant to the people of Tralee, which deserves congratulations. I note her comments about RTE.

Senator Brennan spoke about HGVs using the roads in Northern Ireland and the additional charges that will accrue to businesses and the danger to small businesses and hauliers. I will bring that matter to the attention of the Minister for Transport, Tourism and Sport.

An Cathaoirleach: Senator Darragh O’Brien has moved an amendment to the Order of Business, “That a one-hour debate on compensation and remediation work arising from the recent flooding and on the work necessary to improve our flooding defences be taken today.” Is the amendment being pressed?

Senator Darragh O’Brien: In light of the Leader’s response that he will seek a further debate I withdraw the amendment.

Order of Business agreed to.

European Small Claims Procedure: Referral to Joint Committee

Senator Maurice Cummins: I move:

That the proposal that Seanad Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union

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and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No. 861/2007 of the European Parliament and the Council of 11th July, 2007 establishing a European Small Claims Procedure and Regulation (EC) No. 1896/2006 of the European Parliament and of the Council of 12th December, 2006 creating a European order for payment procedure,

a copy of which was laid before Seanad Éireann on 27th November, 2013, be referred to the Joint Committee on Justice, Defence and Equality, in accordance with Standing Order 70A(3)(j), which, not later than 6th February, 2014, 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.

4 o'clock

Charities Sector: Statements

Senator Chathaoirleach: I welcome the Minister for Justice and Equality, Deputy Alan Shatter, to the House for statements on the charities sector.

Senator Martin Conway: Cuirim fáilte roimh an Aire go dtí an Teach. In recent weeks and months, the charities sector has been in the spotlight for all the wrong reasons. The tradition of charitable giving in this country goes back generations. We are a nation of givers, going back to the people who went out as missionaries all over the world. Our achievements in international peacekeeping are one aspect of this, as well as what we have done to support people far less well-off than ourselves. We did so at a time when this country and its people did not have many resources. In short, the principle of giving is an innate element of the Irish psyche.

There was also an innate sense of trust among Irish people when it came to their giving to charitable causes. Unfortunately, a small but significant element within the charities sector has breached not just the legal trust, but also the moral trust of the public. People have no issue whatsoever with a fair day's wage for a fair day's work. Nobody has a difficulty with persons in senior positions receiving appropriate remuneration. The key word here, however, is “appropriate”. What we have discovered through revelations in recent weeks - indeed, recent years - is that significant salaries are being paid in the sector, in some cases well in excess of what even the Taoiseach or the Minister responsible for legislating for the sector receives. There is something fundamentally wrong in that scenario.

When a private, wealth-generating company is paying a chief executive officer a significant salary because that person is leading the generation of wealth, that is reasonable. It certainly

is not reasonable, however, for an organisation that generates its resources from taxpayers in the first instance to pay those types of salaries. “Section 38” and “section 39” have become buzzwords of late, but there was very little public awareness of what was happening in these organisations prior to the recent revelations. To have chief executive officers of charities receiving remuneration far above and beyond what is reasonable and appropriate is not acceptable. The corporate governance of charities has been an issue for a long time. In 2009, when the then Government made an effort to deal with these issues, the Fine Gael Party in opposition supported that initiative because it was the right thing to do. My party has sought to ensure that the pathway the Minister is charting is the correct one and that time would be taken to ensure it is so.

That pathway having been decided, it was wholly appropriate for the Minister, in the midst of the emerging controversies, to make an announcement in January of his intention to proceed in setting up a charities regulatory authority. The establishment of that body certainly will help to bring clarity to the situation. There remains a requirement, however, in the coming years, to examine forensically the management of charities in this country, from the smallest organisations to the major players. There were thousands of registered charities in this country, some with obscure titles. I believe A Pint a Month is the name of one charity. I wonder what it does. Perhaps it does some very good work, but I do not know.

We must have a discussion about and a forensic analysis of charities. There are charities doing the same work as other charities, so there is duplication. That must be examined. If there is a national charity doing very good work, do we need a plethora of localised charities doing the same work and effectively duplicating resources? Certainly, the accountancy element of charities requires forensic examination. Charities are set up as means for companies to be efficient with their taxation payments. Many companies make very generous donations to charity. These are totally legitimate, appropriate, above board and very welcome. They give enormous support to charities. However, others make donations to charities which could be described, in the most charitable language, as somewhat obscure. One would question if that is appropriate, if technically legal.

The behaviour of accountancy firms must be part of the overall conversation we have about charities. I do not believe there should be a differentiation between somebody paying their taxes and somebody putting a euro in a bucket. The money should have the same element of transparency. The ordinary individual’s concept of charities is very simple. They want transparency and to ensure that the vast majority of what they contribute is going to the cause to which they have chosen to contribute. At present, as a society we cannot give an undertaking that this is happening. It is happening in many charities, but it is not happening in many charities as well.

It is appropriate and proper that scrutiny has focused on charities. As I said earlier, the contribution of individual citizens to charities should have the same transparency as the payment of taxes. I will be interested in the Minister’s response to this debate. Significant progress has been made already, but I consider the progress made to date to be only a starting point. To restore the ultimate and absolute confidence of the Irish people in charities will require a job of work. That job has started and will continue for the lifetime of this Government. I sincerely hope it will continue under the next Government, because it will take a significant period of time to achieve the absolute confidence we need.

Senator Labhrás Ó Murchú: I welcome the Minister. He is one of the Ministers who come to this House regularly for debates. Today’s debate is particularly important. As has

been pointed out by Senator Conway, the charities sector in this country is well supported by the public. It touches every aspect of Irish life. Much of it is not out in the open because of the confidentiality of the work being done.

Senator Mary Ann O'Brien has spoken on the regulation of the charities sector on many occasions and I believe she reflects the view of many people involved in that sector. It is not as if it is an imposition to progress this matter, but it would be at the request of the sector itself. There are many reasons for that, but one of the main ones is a lack of governance. There is lack of governance and there are many concerns about that. Where that exists it affects people who are involved in charities and are doing genuine work. Certain suspicions can be aroused simply because of the perceptions that exist about the lack of governance.

We can be very proud of the manner in which Irish people regularly respond to emergencies at home and abroad. Even in a time of recession, we always seem to be prepared to respond in a generous way. There is a historic background to this because in the past we benefited from similar generosity on the part of others when we were in need. One stand-out instance in this regard involved the Choctaw tribe of native Americans which made a considerable financial contribution during the Great Famine. It must have been exceptionally difficult for the tribe to which I refer to do that. When members of the Choctaw tribe visited Ireland in the past ten or 12 years, they obtained an immediate sense of appreciation and gratitude for their forebears' act of kindness. This was only one instance of the support and assistance Ireland has received when it has needed it. This is one of the reasons our people want to respond to the suffering of others.

The thousands of volunteers who collect money or deliver assistance on a weekly basis go about their business in a very quiet, almost anonymous, way. It does not matter to which organisation one is referring in this regard. It could be the Society of St. Vincent de Paul, which may hear about a family that is virtually destitute and which will, in an easygoing way, make an approach and offer assistance. There is no fanfare of trumpets in respect of such acts. It could also be those involved with meals on wheels who deliver meals to elderly people who would otherwise not eat properly. Then there is the work done by other organisations in respect of families that are obliged to deal with particular emergencies. For example, a loved one may have died abroad and the family cannot afford to bring the body home. The list in this regard is absolutely endless. That is why it is so important to ensure that the work of charities is not undermined, minimised or misrepresented in any way.

One of the most worrying aspects of the recent debate in respect of this matter relates to the fact that the deliberations of the Committee of Public Accounts were similar to those one might see on a television drama. People were, of course, outraged by what they heard. They would have been extremely disappointed by the fact that the money they donated from their meagre resources was not used for the purpose, namely, to help others, for which they thought it should be used. This all comes down to the need for transparency and accountability, both of which must be legislated for. We can draw up all the pious wish lists that we want but the simple fact is that these will not be delivered upon. When the current controversy blows over it will be forgotten to some extent, if not fully. At that point, we will be obliged to start all over again.

I am glad the Minister is taking steps to initiate implementation of certain aspects of the Charities Act 2009. I am also pleased that the Opposition has supported him in this regard because this matter should not be a political football. It is absolutely vital, particularly in view of the current controversies, that answers are obtained and that markers are put down in order

to ensure that there will be no recurrence of what happened in the past. In the wake of recent revelations, there is a sense of suspicion and caution among people. If one comes out of one's bank or credit union and encounters an individual selling something on behalf of a charity, one will question whether the money is actually going to go to charity. The position is similar in respect of requests for donations received in the post. I know many people who are delighted to receive such requests. They want to make charitable contributions and they are glad that there are organisations which are prepared to use the money they receive for the right causes and in the right way. People do not resent being asked for donations. However, due to the fact that answers have not been provided in respect of certain questions that were posed - it is important that such answers will be forthcoming - members of the public are wary.

Not only do we have a need for a regulator, we must ensure that said regulator is properly resourced. In recent years, regulation and oversight have failed. We must not allow this to happen again because we will have no excuse as we will have had an opportunity to examine regulation in other areas. It is vital that the regulator is properly resourced and has sufficient powers. However, we must also avoid building an unnecessary bureaucracy. We know the reasons red tape is introduced. We must bear in mind, however, that there are no question marks hanging over hundreds of charities which are under pressure as a result of limited staff and resources. We must take a balanced approach that does not impose excessive stress on such organisations, especially in the current climate where there is a danger of a knee-jerk reaction. The money people give to charities must be used for the purposes for which it is given and expenditure on salaries and other items should not be excessive. These are givens which should not be questioned. We must also restore confidence in the charities sector. The Minister responded quickly when the recent controversy broke. I hope he will, as a matter of urgency, ensure the 2009 legislation is implemented, especially given that it enjoyed the support of the Opposition and Government of the time.

We have an opportunity to achieve some balance by ensuring we do not paint everyone with the same brush. We must bear in mind the differences between charities, which are good in themselves.

Senators who contribute to this debate do so because they have a strong belief in charity. If it were not available, many people would suffer and slip through the net without fully knowing what has hit them. Let us think of those vulnerable people who benefit from charities and acknowledge those charities which do the work we expect of them.

Senator Lorraine Higgins: I thank the Minister for coming before the House to discuss the charities sector and the recent difficulties in which charities have found themselves. The sector includes an estimated 12,000 non-profit organisations, of which 7,000 have charitable status. The combined figure of employees in the sector stands at more than 100,000 and charities also have more than 560,000 volunteers on their books. Their total annual income amounts to approximately €6 billion. All of this presents a logical case for protecting charities and taking progressive action.

The recent scandals which engulfed a number of charities, specifically the charity associated with the Central Remedial Clinic, have sickened donors and the wider public. Unfortunately, they have also had a detrimental impact on charities' ability to fund-raise across all areas. The sector is facing mounting financial pressures at a time of increasing demand for their services. In recent months, charities and groups have had to work with scarcer resources and are struggling to attract new support and funding as a consequence of events which have mired the

charitable scene. Coupled with this, many middle and low income households are faced with stagnant incomes, leaving them with less to spend and much less to give. A further demonstration of the effect of this is the fact that prior to the scandals which emanated from the media before Christmas, almost 60% of organisations had experienced a decrease in income in the past three years, while two thirds of non-profit organisations had experienced an increase in beneficiary numbers in the same period. According to Fundraising Ireland, donations to charities fell by 40% over the Christmas period. Indeed, according to Fundraising Ireland, donations to charities were down 40% over the Christmas period. I know from my involvement in a local campaign with two well-known Irish charities that they raised an absolute pittance. I spoke to one of the regional organisers of an organisation that does great work with the elderly in the west who told me it raised less than €1,000 over a seven-day period. This would have been a pittance to that organisation in times past. Unfortunately, that was all people could muster up over the period in question. This is regrettable in light of the demands on the services in question. If a business were to sustain such a decrease in revenue, it is fair to say it would be faced with closing its doors. Charities, many of whom for the most part provide essential support services for their benefactors, are no different.

There is no doubt that the Charities Act 2009 will play a vital role in ensuring the revival of the charity sector, the effects of which need to be felt now more than ever. The forthcoming appointment of a charities regulator will also be of assistance. It will result in increased transparency and accountability for charities operating in this country. Having spoken to representatives of charities that are based in my local area, I am aware that they welcome this move. It will certainly give people the confidence to start donating again. Given that the charity sector receives millions of euro in funding from the Government and the public each year, it is imperative that the Government, in addition to fulfilling its role as the custodian of taxpayers' money, ensures the sector is regulated and overseen. Unfortunately, we have learned recently that a lack of regulation or enforcement can present the Government and the charities themselves with significant problems. While we are awaiting the establishment of the charity regulator's office, we can ensure wrongdoing is being eliminated in other ways.

I spoke a few weeks ago in this House about a special edition of "Prime Time" that was broadcast before Christmas. It focused on a charity called Victory Outreach, which used pretty appalling practices when dealing with heroin addicts who were attempting recovery with it. It forced those who came to it for assistance to work for up to 18 hours a day to raise funds for it, with daily targets and no pay. The addicts had to give the charity between €80 and €150 every week from their social welfare payments. Victory Outreach allowed service users to go cold turkey, which is not advised by experts who work in addiction. The residents were not given chemical assistance or professional counselling. They were told to use prayer as a way of getting over their addictions. They were also told to stop taking their prescribed medication. This is an absolutely appalling abuse of human rights by a so-called charity, which started working in Ireland in 1997 and operates up to five recovery homes in this country. As it is clearly operating in a market in which supply does not meet demand, it has learned to abuse its special position.

To make matters worse, I understand the Irish courts are referring people who come before them to Victory Outreach. I implore the Minister for Justice and Equality to take action in this regard. I acknowledge and accept that delicate issues relating to the separation of powers arise in this regard. Somebody somewhere has to stop this practice from going on. While addiction services that are funded by the HSE are required to meet minimum standards, Victory Outreach is not funded by the HSE, which means there is no provision in law for the regulation of its

residential treatment or rehabilitation centres specialising in addiction. It is most regrettable that organisations like Victory Outreach are allowed to operate outside standard practice. The charity's much-maligned practices were highlighted recently in the charity's US organisation, where a contractor was paying illegally low wages to workers from the church, as it calls itself, to renovate hotels. I am fearful that its lack of morality and scruples might cause Irish service users to be subjected to the same or similar treatment or human rights abuses. For that reason, I ask the Minister for Justice and Equality to look into this operation and take whatever action he considers necessary to protect those who most need to be protected.

I am a fervent supporter of the great work done by many charities in this country. I try to make whatever impact I can by raising funds for a number of them. I recognise the important role that Irish charities play at local, national and international levels. As a public representative, I have engaged with many charities and their services on behalf of my constituents. Their readiness to help and their impact must never be under-estimated. They are of critical importance to every small town and village in this country. Their tentacles stretch as far as delivering services in health, social services, education and emergency relief. From an international dimension, we must not forget the part Irish charities play in keeping Ireland's international reputation right up there among the most benevolent countries in the world. Two and a half years ago, I was lucky enough to travel to Ethiopia as part of an Oireachtas delegation. I got to see the work being done by some of the fantastic charities that are being funded by Irish Aid. I have first-hand experience of the work of this sector throughout Ireland and in sub-Saharan Africa. This cannot be underestimated when it comes to alleviating crises in war-torn and hunger-ravaged countries. Some people have spoken here about the Charities Act and the fact that it will ensure greater accountability for charities, protect against the abuse of charitable status and fraud and enhance public trust and confidence in charities. These are all very important reforms, not least because charities constitute a sector in Irish life that suffers from a high degree of mistrust on the part of the public as a result of the scandals that unfolded recently. In the absence of the enforcement of the legislation, we may well have contributed to usurping the trust that has been built up between the public and charities. I know this legislation was drafted well before the Minister came into office and certainly the recession and the difficult economic times in which we found ourselves made it very difficult to make any real progress in this area. To that end, we must ensure that the entire sector and the goodwill it attracts from the public are not decimated as a consequence of any further financial scandal raising its ugly head. That is something we should be keen to avoid so that all genuine charities, of which there are many, that are working very hard for their respective causes can continue safe in the knowledge that their sector is properly regulated and free from such risks. It is vitally important that we uphold the highest possible standards when it comes to charities so that they can benefit from their own high standards and the trust of the public as a consequence.

While I have focused up to now on the pioneering rules about to be enforced, I take the opportunity to acknowledge and laud the great work being done by organisations such as Dóchas and The Wheel among others who have endeavoured to voluntarily change the standards applicable to the not-for-profit sector. They have shown great initiative in their own individual endeavours and the spearheading of a governance code for community, voluntary and charitable organisations is indeed a wonderful feat. While their efforts go some way towards initiating a charter for charities, it is imperative for us as a Government to help complement their efforts without delay.

I welcome the opportunity to contribute on this issue and hope some of the issues raised by

me and other group members will be taken on board by the Minister. It is imperative that the Government and the not-for-profit sector work together in solidarity to achieve the same goals of transparency, accountability and value for money. That is the only way we can all move forward together. I take the opportunity to welcome visitors from Rotary Ireland who are in the public gallery today. I had the pleasure of speaking with them earlier. I wish them well in all they do.

Senator Mary Ann O'Brien: I welcome the Minister to the House this afternoon and thank Senator Ó Murchú for his kind words. I entered this House having had the experience of setting up a charity and the parallel experience of having a business. As the business grew, I understood that corporate governance was very important and necessary, although I have put on the record that it was a very boring, part of running a business. I published this report and met with the Minister on a number of occasions in February 2013. We had a debate last May. I again acknowledge the meetings I had with the Minister and his excellent team headed by Úna Ní Dhubghaill and all the work they have done. We knew the regulator was on the way, unfortunately as it has turned out, too late.

When I was researching this report, I visited the Office of the Scottish Charity Regulator, OSCR, as well the English regulator in London. Even though they have been in the media recently following our own scandals and have made statements about how awful it is for Ireland, Scotland and England had their own scandals even after the regulators were set up. OSCR is the one towards whom we need to look. Scotland has a very similar sized population although OSCR has 23,000 charities to look after and 23 employees. It can be done quite cost effectively.

The Minister for the Environment, Community and Local Government launched his code of good practice in July 2012. That was definitely a case of putting the cart before the horse. Charities were asked to sign up to the code of practice about leading their organisations, exercising control, being transparent and accountable, working effectively and behaving with integrity. We have 7,000 charities with 100,000 employees. Eighty charities have signed up to that code of practice with a further 80 pending signing. I look forward to the Minister's response. I hope he will expedite the establishment of the regulatory body. I refer to my report and I am convinced that the regulations need to be doubled in strength, a case of belt and braces. We do not want to have a system full of red tape but unfortunately the damage has been done by the awful practices in the CRC. I do not understand why Rehab is waiting for a board meeting before the chief executive officer can divulge her salary. For goodness sake, what is the great secret?

I was aided in doing my report by very able accountant colleagues who know all about this wonderful world of SORP, statement of recommended practice, and which must be implemented in Ireland. Every charity must take on this practice. It is a consistency in accounting treatment, policies and principles so that the accounts of all charities will be similar and international best practice is adhered to. To my knowledge, SORP stipulates that the information about the salaries of any worker in a charity paid more than €75,000 - from the CEO to the man with the bucket on the street - must be transparent. Increments of €10,000 over €75,000 must be recorded as public knowledge.

I hope the website will be simple and easy to navigate. I am 53 years old and I am not very familiar with social media websites. I want the website to be idiot-proof. I want to be able to find the charity I am looking for and be able to see immediately that, for example, 65% of its funding comes from Government and the remainder from fund-raising. I want to be able

to see how much goes to administration and marketing and how many executives are earning more than €75,000. Such a system would enable the public to trust charities again because as a previous speaker said, 99.9% of charities are wonderful. We are all passionate about this sector which has 560,000 volunteers and has €6 billion to help the most vulnerable in our society. However, we have lost a lot of ground with a 40% drop in donations since the scandal began.

Money must be expended to fund education and training. In my report I talk grandly about corporate governance but I intend to attend a course in corporate governance. Anyone involved in a charity, big or small, needs to attend such a course. Officers of charities should be trained in corporate governance. I may sound like I am whining at the Minister but I am convinced of the need for a belt and braces approach. There cannot be enough transparency.

I attended a wonderful ITCR conference in the Aisling Hotel. It was planned to establish the regulator this August and perhaps the Minister will say it will be established earlier now. It will be a difficult task to establish a regulatory system and to have the boom-boom effect that I am asking for. More resources will be needed as quickly as possible. I suggest there should be training for board members and management teams. I suggest the regulator should host a micro-website with information on corporate governance and SORP.

I fund-raise actively with my husband and we have no shame. We look in America and anywhere there are people with money. However, following the scandals, there is huge resistance from the giant philanthropic funds or the large multinationals because they adhere to their corporate governance code and would be greatly concerned if they were to get any little wobble in that respect. We have had a national wobble here and we need to correct ourselves because the real money is with those and we would not have to go to members of the public who do not have the money to give at this time. The big boys, as part of their corporate responsibility, which is part of every business person's need, will ask about one's corporate social responsibility. If my little business was talking, as it were, to a multiple in England, that multiple will ask me about my corporate social responsibility and I would set out my corporate social responsibility tactics within the company and our plans for the year. All companies want to give but we need to know that those to whom we give are running their charities in a responsible and good way. I look forward to the Minister's reply.

Senator Catherine Noone: I welcome the Minister to the House. As other Senators have said, we are all concerned about recent disclosures regarding charitable organisations, with one in particular having captured the headlines and having undermined confidence in a serious way. We all share a concern about the impact these revelations are having on charities. We saw in the run-up to Christmas that donations were markedly down, by 40% as Senator Mary Ann O'Brien said, and I would say they are down by at least that, even though some charities have not had anything to do with the recent disclosures.

We need an increased level of transparency and accountability in the charities sector. The Charities Act 2009 provides for a system of regulation for charities and at the heart of this Act is the creation and support of strong trust and confidence in our charities. This is needed now more than ever. Charities welcome the establishment of a regulator as much if not more than everyone else in society. The phased introduction of the Charities Act is necessary, as is another measure, which I have discussed in passing with the Minister on a few occasions, namely, the need to consider the establishment of a charity quality assurance mark above and beyond that. That would operate as a guarantee that a charity adheres to a high standard of transparency and accountability while spending a low amount, say, less than 20%, on administration. Such a

simple mark would encourage those who do not have time to research their charities thoroughly to give with the agreed assurance that the charities adhere to the necessary principles of transparency and accountability and that they would be able to gather that information at a glance. I am thinking in terms of a type of Guaranteed Irish logo for the charity sector, which would immediately indicate to the public that the charity is adhering to the proper regulation, for want of a better word. A person would be assured with one glance at the logo. It is natural that it would have to include the full disclosure of salaries of senior staff, to which Senator O'Brien referred. The idea that the chief executive officer of a charitable organisation can get away with not disclosing his or her salary while calling on others to do so is the height of hypocrisy and is exactly the type of thing that undermines the confidence and faith the people place in charities when donating.

The Charities Act provides for a new regulator to be established for the charities sector and the Minister has indicated he will put an interim regulator in place very soon. The charities regulatory authority is to be an independent State agency charged with the registration and regulation of all charities operating in Ireland. The establishment of this body is essential to the full roll-out of the Charities Act and I am glad to see that going ahead. While I understand the establishment of the regulator as envisaged in 2009 had to be curtailed due to economic necessity, I am on record as having called for its establishment in 2011. I suppose we all wish that could have been done at the time. The Minister's commitment to this now is commendable certainly in the context of recent developments.

The Charities Act is important legislation as for the first time it defines "charitable purpose" in law. It provides for comprehensive statutory regulation of charities and establishes the legal basis for a significant increase in the information about charities and their affairs to be made available to the public. For reasons of cost it was no longer possible to implement the Act as originally envisaged and yet we have never proposed the repeal of the legislation, such is its importance. Such a move would not represent an advance in the regulation of the charities sector. Instead the Minister has put great effort into finding the best way to bring key measures of the Act into force in a way that does not involve unsustainable expenditure on the part of the State and yet is capable of delivering a demonstrable improvement in the regulation of the sector. In this sense I believe this solution is very workable and practical.

In recent weeks we have heard a series of disturbing allegations about the use of charitable donations by different organisations. The details of these have been the subject of considerable examination in both this House and the media, and have caused concern among the public, making our work all the more urgent. It is vital to restore confidence in our charities sector. Future donations depend on it and the future of the sector depends on it. Therefore the vast majority of charities welcome it. Historically Ireland has been one of the most charitable nations in the world and we punch well above our weight in this regard. I would hate that to change as a consequence of recent revelations. The new system of charities regulation provided for in the Charities Act will be very important in remedying this. I commend the Minister on his work.

Senator Feargal Quinn: I welcome the Minister to the House. I am delighted he is here because I know he is a good listener. He has had the opportunity to listen to some very pertinent points, particularly by Senator Mary Ann O'Brien, whose experience is very useful.

I have been a Member for 21 years. When I first came in here, I said to the people in charge of salaries that I would like to consider donating my salary to charity. However, I was advised this was only possible after the State had got its share. There is a lesson here if the State always

lets people know it wants its share and is not willing to let individuals take all of what they are due because it wants to do that itself. About ten years ago there was a bit of a fuss because some very high-income people were paying very low tax rates. The State understandably decided to prevent people from using those tax-efficient measures to reduce their tax and to require them to pay a minimum tax. However, the State included philanthropy in that list of tax-free systems. In other words the State prevented high-income people giving their money away, as it wanted its share first.

I believe the State has a duty to do something about that itself. Everybody in this debate is pointing out how generous Irish people are which, of course, we are on a personal basis. The United States also has a very high number of donations, but people are not required to pay tax on philanthropic donations. It is up to the State to pay its share on what we are going to do here. Clearly there are some scandals and we want to ensure we overcome them. However, on the other hand we need to ensure the amount we give to charities is also encouraging people to do that.

I welcome the debate. Further to the Irish Water scandal and the secrecy regarding charities and semi-State bodies, I believe there is a need for much more transparency. For several years, I have proposed that we have a public website based on the United States model allowing the public to see at a glance where every cent of taxpayers' money is being spent, whether on roads, charities, salaries of public servants, contracts or debt. Probably for obvious reasons, politicians do not want this type of transparency. I believe we will have no choice but to move in this direction as the public are unsatisfied with the *status quo*.

I recognise that the Minister of State, Deputy Brian Hayes, has established the Ireland Stat website but that is not the type of website I have been calling for. It merely shows some well-known figures on exports, for example. What we need to show is exactly where every cent is spent, including spending on charities and the salaries of those employed by charities.

We have been raising the issue of the need for a charities regulator for a long time in the Seanad and I am pleased to note that the Minister is able to move on that now. A charity register is a good idea as well and I have before me a description from the United Kingdom Charity Commission's website of its system. It refers to how the website shows key facts about the work and finances of every charity such that a viewer can see at a glance whether a given charity is up to date with its report and accounts. This information is good for the customer and I believe we need a similar system here. Transparency in charities can help to increase much-needed revenue, which has been falling since the crisis, as we have heard today. Given that the State gives so much money to charities, there should be far more impetus on the side of Departments to audit the accounts of charities and to examine charities from a business-oriented perspective to analyse their efficiencies in reaching their targets. We need to know the impact of a charity's work as well and we should examine the work of charities more like the way in which a business in the private sector would measure itself. At the same time, the private and not-for-profit sectors can play a role in making charities more transparent and efficient. The situation in other countries is worth noting as well.

Some years ago, the Minister for Health told me of the problem of the number of quangos which were spending Government money and their own money. One particular case involved three charities in one town doing the same work. Each had their own public relations department and each came to the Minister to make an appointment. That simply does not seem to make sense. I know the Department and the Minister did their best to overcome that.

In the United States, there are websites such as that run by the non-profit organisation Charity Navigator, which I came across some time back. It evaluates charities in the United States, rating them on a 0 to 4 basis. Could we operate a similar system here? It provides an in-depth analysis to the customer or the person who is donating. This type of charity rating is worthwhile.

In the case of the salaries of the chief executives of charities, which has been part of the discussion, there is a good deal of murkiness. In particular, a report emerged last year stating that four charities, which shared millions of euro in State funding each year, had refused to reveal how much their chief executives were paid. That has been touched on in the House today. While more transparency will, I hope, mean more donations in the long term, I believe some charities should get away from the murkiness that surrounds them as it has probably given them many problems.

I wish to address the matter of business and charities. As someone who was in business for many years, I know that working with charities can bring benefits to businesses which are not always recognised. Our company decided only to sell bread that was four hours old. This meant we had to give away a good deal of bread every night and charities came along to collect it. This was a real win-win situation. I seldom use the word “accountant” without an adjective, not necessarily a bad adjective, but the accountants could not understand it. Anyway, it was actually rather good for business because it meant the bread was fresh and people drove past other supermarkets to come to ours to get fresh bread. It also meant that charities benefited. There is a major opportunity for businesses to get involved with waste food. We have had some debates in the House on food wastage and we can do a good deal more.

Another point relates to the crowd funding of charities. Crowd funding is a great system in the United States which is now in Ireland as well. I am involved in one group - I am declaring my interest - called Link Finance, in which local people and others make small contributions to a business. It greatly helps the business and it is a way of being able to help. It does not have to be a charity as such, but it is a wonderful way to encourage businesses to set up with the help of the local people in that area.

I believe we can do a huge amount here. I have raised the following example before, but it is worth highlighting again. In the US, there is an organisation, DonorsChoose, which runs a website that allows people to give to projects in American schools. It would be worthwhile if the Minister’s people can look up the website, *donorschoose.org*. The organisation collects proposals from teachers and makes them available to public schools through its website. I believe it is the kind of thing that can help schools a great deal, because people can see what is being done, whether it is worthwhile making a contribution, and it encourages extra giving.

I am delighted the Minister is here today. It is good of him to attend this Chamber, but he is also a good listener. I hope he gets some benefits from the wide and varied discussions that we are having here today.

An Leas-Chathaoirleach: I congratulate you, Senator, on your 21 years of unbroken service in this Chamber today. I now call on Senator Moran, who has five minutes and not five years.

Senator Mary Moran: It may seem like that, but it will not be.

I thank the Leader for arranging this important topical debate on the charities sector, and I

would also like to thank the Minister, Deputy Shatter, for being here this afternoon. I would like to add my congratulations to Senator Quinn on his 21st anniversary in the Seanad. As he was delivering his speech, I thought about the wisdom that he has brought to this House. We have all benefitted from his many wise and wonderful comments, and his help to all of us who have recently joined the Seanad.

Revelations in the charity sector have hit the front pages of our local and national newspapers in the last few months. The explosion of the Central Remedial Clinic top-up payments and the remunerations scandal have been very damaging to the sector, along with the lack of transparency at Rehab. Just today we got another comment from the chief executive of Rehab, stating that the Department of Justice and Equality did not have a right to dictate how Rehab spent its lottery scheme funding received from the Government. Rehab has received over €32 in respect of the lotteries fund in the last seven years, yet it baffles me that it appears to feel no obligation to the State which allows these funds to be provided, and the people from whom the money was raised.

When people take money from their pockets and give to a charity, they rightly expect such money to be used on the people which the charity service supports, and not to be spent on advertising, annual reports or staff vehicles. People feel that they have been misled because they never thought their money would be used for anything other than helping people. Even those who did not donate to these charities feel apprehensive and hurt by the revelations in recent months. There is a definite wrong perception and misinterpretation as to what charitable organisation is about and we need to look at that. Our day-to-day interactions with charitable organisations typically involve the person who shakes the can in front of the local shop, or the group that heads off to Africa to help build schools or provide supplies. These are charities, but charities are also the groups that provide services to those with disabilities, services to the elderly and services to disadvantaged children. There are many of these charities here at home who provide a large portion of the services in the disability sector.

Since entering the Seanad over two years ago, I have called for clarity and transparency with service providers in our region, who are supplied with considerable public funds. I have made numerous verbal and written submissions to local providers, asking for financial accounts and statements, with queries on them. My requests have unfortunately often gone either unanswered or only partially answered. I have found the lack of transparency at a local level very surprising in the last two years, which unfortunately meant that when revelations broke about the CRC and Rehab, they caused me to be less surprised than others.

Irish people are known for their generosity and charity the world over. We provide support to the groups at home and abroad almost blindly, as we believe fervently in the charity that they provide. I believe we are being reminded of times gone by. It is time to change the culture of those in charge and recognise the accountability towards the public. Charities, the HSE and service providers should have nothing to hide and should provide information, as stated today, on the valid and important questions we are asking here today and which the public has been asking since before Christmas. I call on all of those charities and service providers in receipt of public funding to provide their expenditure in an itemised fashion on a website as stated by Senator Mary Ann O'Brien.

I work and have been involved with many people in a charitable organisation who are now reaching the latter stages of their lives and who find it hard to find the website. It should, therefore, be user friendly. All of this money and every cent of public money should be accountable

on the website. One should be able to log in and click on administration without getting headings such as “Miscellaneous” showing vast sums of money. Every cent should be accounted for. We are owed nothing less. Members must know where every cent of the funding goes.

Some within the Irish sector should take a page out of the Salvation Army’s book. I read recently that its chief executive in the UK earns £10,500 sterling, with £10,258 sterling in benefits and still manages to run a top organisation, centred on charity and the people for whom it provides. We have to wonder if the sector has lost the run of itself at the upper level, because huge work is being done. Some 99.9% of the charities are doing excellent work. As a public representative and a private citizen I should not have to chase down facts and figures, and nor should anybody else, on the expenditure of public moneys as I have been doing for more than two years and still be left asking questions. I will continue to call for transparency at local and national level. I look forward to the appointment of the charities regulator before Easter.

I have worked with charitable organisations for many years as have many people here and I know first hand the impact the revelations of recent months have had on charitable giving and the damaging psychological effect it has on those involved in the sector. The grand troops in charities have been left to bear the brunt of the decisions of those in places of responsibility. I encourage people to continue to give to these charities. We have other well-funded organisations who work overtime to restore the faith of the people and provide the transparency we all deserve. The front-line people who are working in these charities, the nurses who are helping to provide for respite, those who cook dinner for disabled people in day services, give way above and beyond what their job entails and they are suffering as well.

Senator Jillian van Turnhout: I hope not to use all my time. I agree with what my colleagues have said, so I will not repeat, in particular, what my colleague, Senator Mary Ann O’Brien, has said. It is important to instill confidence and trust and also that there is ease of access to information. Senator Feargal Quinn gave us some examples from the US. I wish to pick up a point raised by Senator Mary Ann O’Brien in regard to the use of SORP and compliance and the proposal that all salaries above €75,000 be declared. We have had a huge focus on chief executive officers. I have seen organisations finding a way to skew this by employing their chief executive part-time but having other officials within an organisations at much higher salaries on a full-time basis.

I wish to add to what Senator Mary Ann O’Brien said by proposing that we would know all salaries above €75,000. When I talk about salaries I am talking about the remuneration package, any health insurance benefits, pension benefits and anything extra, such as cars, that are not in the normal cut and thrust. I would also like to know how much time that person is giving to that job, whether it be 100% or 50%. In that way we should know *pro rata* what is their salary. We have seen organisations appear before various committees which have worked only part-time for a public service and part-time for a private service and yet seem to be able to get a multiple times salary for that work.

5 o’clock

I am somewhat concerned over the use of the term “charity”, which is being used quite broadly. My real concern is over the use of public money and how the State is funding organisations. Regardless of whether an organisation is set up as a private company or a charity, I want to know that that public money is going to good use. I want the same scrutiny to apply to them and I do not want a public company to hide behind company law and claim that as a public

company it does not need to declare this.

I have a concern where the State is funding 100% or 90% of some services. In those cases should the State not run the service rather than it being called a charity? I believe there is an historical legacy for us here. We have organisations which started with really good purposes - traditionally religious organisations providing services mainly in the medical field. They have now professionalised and are running organisations with multi-million euro budgets. However, if we question their work they will rely on that historical legacy to get them out of trouble. I have a major issue with that because the same yardstick should be used regardless of the service provided. There is an issue with the State funding some organisations which historically get an increase of 2% or a reduction of 5% on the previous year. It is just up or down with the normal trend and all organisations are dealt with by way of the same measure. There is an issue where no tenders are sought and no responsibility on the State to outline what service it is expecting for its money. Let organisations come in and bid to provide those services.

Did the Minister know that the new Child and Family Agency will fund 700 organisations? I still do not know what all those organisations are. We have a responsibility and we have an opportunity to change it.

The Minister is moving as quickly as he can on the issues of the regulator and the board. While the regulator needs to be resourced it needs to be given the teeth such that if it has a concern it can address it. I have come across statements at committees or in the media which I have read repeatedly and tried to understand what they are telling us. It is like a secret code and it is necessary to parse the words. I still do not know if I understand what they are telling us or if they are telling us the truth. When the regulator is set up, some organisations will rush to compliance, but I am worried about agencies that believe they will swing around to compliance or use such terms. If the regulator is not getting the information it needs about these organisations, we need to be sure we will be able to back it up.

I totally agree with my colleagues and simply wanted to add those comments.

Senator Colm Burke: I welcome the Minister to the House and I welcome his decision to commence the provisions of the Charities Act by appointing a board and an interim CEO, and having staff in place by Easter, which is an important step in this area.

When we came back here in August 2013, for some reason I started getting phone calls from people complaining about moneys being paid to a number of different organisations in the middle of August. Obviously members of the public had concerns for some time. On foot of those phone calls I submitted questions to the HSE and the Department of Health. I hope the replies I received do not indicate how we will do business in the future. I asked the following: if the full details of the salary of senior management and chief executive officers of these voluntary hospitals and organisations were disclosed to the HSE and the Department of Health; if the payscales that applied were similar to the payscales for an equivalent position in a HSE hospital; and if in addition to salary, which was paid to these staff in hospitals and voluntary organisations, the HSE or the Department of Health was aware of any other remuneration being paid.

The response I received in October before the story broke confirmed that they were aware of irregularities, but for some strange reason were not prepared to disclose them to the Oireachtas Joint Committee on Health and Children. However, within a very short period of time they were prepared to disclose them to the media. I hope this does not set a precedent for future

genuine queries with Members of the Oireachtas being the last to be told. When the structures under the Charities Act are set up, I hope that it is not only available to Members of the Oireachtas but also to the general public, without the necessity of submitting questions.

The reply indicated that the payscales developed over many years on an agency-by-agency basis and did not necessarily reflect the comparable size, scale and complexity of each organisation today. It indicated that the matter was currently being addressed jointly between the HSE and the Department of Health with a view to bringing the pay rates of section 38 agencies into line with Department of Health salary scales and that a pay policy would issue shortly in that regard. In 2012 the HSE clearly stated that section 39 agencies should not exceed the payscales that applied to the HSE. Here we are two years later and we still have not received clarification.

Follow-up questions on one of the organisations that is not disclosing salary details were dealt with on 16 January. The HSE, as part of the service-level agreement process for 2014, will require all funded agencies to disclose senior management remuneration and will have systems and processes in place to oversee compliance with respect of each funded agency's service agreement. If the service-level agreement for 2014 clearly sets out the need for full disclosure, why is there still reluctance to making the disclosure at this stage? Do we need to wait for another three months for the agreements to be signed before there is full disclosure? When will the HSE release that information to us?

It is interesting to note the scale of the funding that is taxpayers' money. The reply clearly set out that more than €100 million was being paid to eight different organisations. Between €50 million and €100 million was being paid to four organisations. Between €10 million and €50 million was being paid to 36 organisations. Some 131 organisations are receiving between €1 million and €10 million. That is a lot of money and Members of the Oireachtas and members of the public are entitled to know how it is being spent. We are entitled to know the information that, based on the 2014 service-level agreement, section 39 organisations are now required to reveal, which is very welcome.

However, it also raises other questions. HSE funding to 2,680 organisations now represents 25% of the health budget. Why have we now become so reliant on organisations to provide services in which the State should be far more actively involved? How do we work towards achieving efficiencies by amalgamation of some of these agencies? Will we get better value for money for that? Those are issues we need to address when looking at this overall area. The debate is not just about the implementation of the terms of the Charities Act, but also about getting value for money for the taxpayer in the long term.

Senator Denis O'Donovan: I welcome the Minister to the House and I wish him every success in fast-tracking the proper regulation of the charities sector, in particular by implementing the 2009 Act introduced by the then Fianna Fáil-led Government. At a minimum, the public deserve to know where their money is being spent and that it is being spent correctly. Most of those who have spoken today are *ad idem* on the need for accountability and transparency, traceability in terms of where all our hard-earned money goes, to which charities it goes, and how it is spent. We need to move to address the fundamental problems in the corporate governance of these bodies. Like my colleague, Senator Ó Murchú, I compliment Senator Mary Ann O'Brien because she has raised the matter in the House before. She seems to have a great understanding of the difficulties in the charity sector and the need for proper governance. Sometimes when people raise issues in the House, as I do occasionally in respect of the fishing industry, it goes unappreciated.

When our party passed the Charities Act in 2009, it represented a milestone in the development of the regulation of the sector and a major leap forward at that stage. However, recent events have propelled the matter forward and we are now at a stage where the Minister and the Government must implement the Act and ensure full and proper transparency. The original purpose of the Charities Act was to reform charities law to ensure greater accountability, protect against abuse of charitable status and enhance public trust and confidence in charities by ensuring increased transparency in the sector. We should also realise that in the past 20 years charities seem to have blossomed. No matter which way I turn nowadays, there are charities. When I was a child, there were only one or two charities and normally we would throw in a few pence for African children. That was the thrust of it. Now, we seem to have charities everywhere. I have no problem with that provided they are properly regulated and controlled.

Last year, I embarked on a walk for a charity called Féilecáin because it had a personal interest for me. It offers counselling for women who have had stillbirths or who lose babies born prematurely who do not survive. The organisation does wonderful work and I had first-hand experience of how it operates. It is probably one of the lesser-known charities. A situation presented itself to my family and the organisation did a wonderful job. I was pleased that I walked 13.5 miles and raised between €1,200 and €1,300, which I handed over to the organisation. It is only a small story but often I wonder when we contribute to the various charities where the money goes and how it is spent.

The other point I wish to raise with the Minister, without going over ground that has been covered by other speakers, is the regulation costs and the independence of these charities. I realise the Minister is setting up a regulator and a board. I understand in Northern Ireland at the moment the charities regulator costs close to £1 million per annum to run. I hope this will not be a further burden on the State. Charities that are registered should pay €100 or €200 per year depending on their size. Some of the larger charities could pay €1,000 to ensure that the cost of running the regulator or governance body for proper regulation is covered. Such an organisation should be self-sufficient in so far as it can be. It is a major expense but it is worthwhile, having regard to what we have seen coming out of some of these charities. If investigations must take place, whether initiated by the HSE, the Committee of Public Accounts or any Government agency, it is only right and proper that people know where the money they contribute is spent.

In Ireland, there is a vast spirit of generosity in our psyche. I have no doubt that in any of the countries in the world where a person travels he will not find as generous a public for contributions. Some of the people I see contributing have little to give, but they give anyway because they believe they are providing help to the less well off in society and that is what charity is all about.

I wish the Minister well. This topic is far bigger than party politics. It is a major issue that must be examined in a global context and we must get to the bottom of it. If we do not and if we do not grasp the nettle and rid ourselves of the rot that may have set in among some charities, the innate charitable spirit in all Irish people will be lost. We must ensure that does not happen because, if it does, society as a whole will suffer and those most vulnerable in our society will probably suffer most.

Senator Denis Landy: I, too, welcome the Minister and thank him for coming to the House in a week when the schedule of the House has been curtailed to one and a half days. It is an absolute disgrace. There are many subjects that Members would like to debate and on which

they have called for debates, such as flooding, which occurred again at the weekend, and other issues. It is important that we say as much. The House is available for work and we should be allowed to do our work.

Having said that, I thank the Minister for coming to the House because he has shown a great interest in this issue. We had a debate on it, which was led by the Labour Party group and, in particular, my colleague, Senator John Whelan, in September 2012. At the time we pointed out and predicted many of the things that have since come to pass. At the time, Senator Whelan said that by not setting up the regulator we would be penny wise and pound foolish, and so it has turned out.

A total of €3.5 billion per year is provided by the State to charities and the overall budget of charities is €6 billion per annum. Yet we see the disgraceful situation whereby the chief executive of Rehab and her staff have refused to tell the Irish taxpayer what they are getting paid and have refused to tell us, the investigations led by the Minister aside, where moneys are being expended and spent. We also have the disgrace involving the Central Remedial Clinic. Again, that has raised a cloud and genuine contributors to the organisation have been confused by the refusal to reveal where money is going. What we have is a gravy train in some of the charitable organisations, but not all. There are sweetheart deals for people who have set themselves up not as people to support charities or the needs of people who are involved in various organisations, but as leaders of hierarchies to feather their own nests. They are on ridiculous and scandalous salaries. They get bonuses and expenses and they are organising their own redundancy and retirement packages.

It should not go unsaid, however, that there are some fantastic charities in the country. Everyone in the House is involved in charities in one way or another. We have all been reared to do so and we take great pride as Irish people in the work we do. One need only have seen the report on the television news last night about the people of Limerick for confirmation of this. They flocked into the local community centre to help their neighbours and to provide food for people who had no kitchens or facilities.

It must be said as well that there is currently no clarity or transparency in the system that purports to represent charities and charitable organisations in the country. Therefore, I welcome what the Minister is doing in this legislation, that is, bringing forward a regulator and doing so in the coming months.

I have a question for the Minister on the number of directors that will be appointed. Can the Minister give us some detail and comment on how these directors will be appointed and what qualifications they will require? Before anyone is appointed, we need to be clear that these people are equipped for the job and that their bona fides stand up in respect of what they will be doing and how they will marshal and patrol this sector of society. Too many people in the country are in the golden circle and too many people are appointed for the wrong reasons. As I have already stated, this is a €6 billion enterprise in this country. A total of €6 billion per annum is expended and we must ensure that when the charity regulator and the associated directors are put in place, they are doing the right job for the right reasons.

I have another question for the Minister on the registration fee. I believe it is envisaged that all charities will have to register. Will the Minister give some clarity in respect of how the fee will be arrived at? Will the ratio be based on the expenditure of the organisation? Will the Minister consider bringing that in halfway through this year rather than waiting until next year?

There are 8,500 charities in the country. Most of them receive money from public funding and from donations from people. It is imperative that when the Minister puts in place the regulator all charities are required to be transparent and that clarity in what they are doing is uppermost. Many members have mentioned how this will be done and I will not repeat it but at the end of the day, when a person hands money into a charity, he or she needs to know how it will be spent. In simple terms, that is what we need to see from this process.

Again, I thank the Minister for coming to the House.

Senator David Cullinane: I join previous Senators who commended Senator Feargal Quinn on his 21 years in the House, and hopefully he will serve many more. I also join Senator Denis Landy in expressing my disappointment that the House is not sitting on Thursday. The Leader said the House will possibly not sit on the next two Thursdays because of the failure of legislation to come before the House but also because some Ministers are not prepared to come in for statements on important issues. I commend the Minister who is present and who has come into the House on a range of issues and at any time he has been asked. Unfortunately, that is not the case with all Ministers. We, as Senators, will get it in the neck again for not sitting through no fault of our own.

Senator Fidelma Healy Eames: Hear, hear.

Senator David Cullinane: That is deeply unfair on Members who want to turn up for work and do their job.

It is important that we have this debate, even though it is only statements, and that we are given the opportunity to reflect on what can only be described as the scandals of recent weeks in respect of charities. Like so many issues in the State, it takes a scandal to drive the political machine to do what it should have done many years ago. That is the reality. Since the foundation of the State, charities have been unregulated. We have failed to deal with the issue simply because they were charities and people were afraid to speak out on topics such as salaries, top-up payments, bonuses and the need to regulate the sector in the first place. I believe that has done untold damage to charities and, more important, to the people who depend on them, who are the primary focus of all of us in this House.

Senator Denis O'Donovan mentioned the shiny piece of legislation the Government of which he was a member introduced in 2009 that promised to regulate the charities sector. He hailed it as significant, and it was in terms of it being a Bill that was enacted. The problem was that it was never delivered upon and was never implemented either by the previous Government or this Government and we are three years into this Government's term of office. The Labour Party and Fine Gael have had almost three years to rectify this but instead they rested on their laurels. It was only in the aftermath of the scandals of recent weeks that the Minister has acted and agreed to the establishment of a regulatory authority. Unfortunately, the failure to act on this issue has been part of the scandals we are witnessing. Despite the fact that it is welcome and certainly a step in the right direction, the establishment of a charities regulatory authority by Easter is simply not enough. We have to implement in full the 2009 Act and do so as soon as possible.

It is also important to point out, as we discuss the charities sector, that the most vulnerable in society are already suffering massively due to the unfair and unjust cutbacks which have been implemented by the Government in the past three budgets. In its analysis, the ESRI has

pointed to the most vulnerable and low-paid workers and people on benefits and welfare who have disproportionately borne the brunt of those cutbacks. They are the people who depend on charities. As a result of the failure to fund many schemes and benefits which were previously funded by the State, they are turning to charities to meet basic needs such as sheltered employment, educational provision, training, recreation and food. How many Senators have had people in their clinics who cannot afford to put heating oil in their tanks or pay for food, an electricity bill or a gas bill and have turned to the Society of St. Vincent de Paul or some charity for help? I am sure every Senator has, at some point, come across families who have found themselves in that position. That is because of the policies the Minister and his party have put into action. In my view, the charities sector is filling a gap which in the era of the welfare state was the responsibility and the concern of the State. It is the poor, the disabled, the vulnerable and those groups who depend on charities for services who suffer most when people do not give to charities. We have had, on the one hand, a whole raft of cutbacks in benefits and services which these people need and, on the other, the potential damage caused to the charities sector, which cannot provide the service it could provide in the past, by a small number of charities. That is appalling. As a number of Senators have pointed out, the vast majority of charities do very good work where their chief executive officers and those at the top do not get the big salaries and top-up payments that some are receiving. As with so many things in this country, the actions of a few have damaged the many. That is unfortunate.

Minister for Justice and Equality (Deputy Alan Shatter): The Senator can say that again in the context of a whole range of things that happened on this island for 30 years.

An Cathaoirleach: Senator Cullinane to continue, without interruption.

Senator David Cullinane: The Minister is being very disingenuous in his response to the views of-----

Deputy Alan Shatter: The actions of a few resulted in the deaths of 3,000 people on this island.

An Cathaoirleach: Senator Cullinane to continue, without interruption.

Senator David Cullinane: The Minister's response in the context of dealing with the charities issue is absolutely appalling.

Deputy Alan Shatter: This sort of selective moralising-----

Senator David Cullinane: The Minister's selective moralising, with respect to himself, is that he has failed in his response to mention many atrocities which were carried out by the British Army and loyalist paramilitaries. His focus always in this House is to talk about one side of the conflict in the North and never deal with the basic injustices which were at the heart of that conflict in the first place.

An Cathaoirleach: The Senator has one minute left.

Senator David Cullinane: There were people on this side who stood up.

Senator Mary Moran: Shame. On a point of order, this is totally moving away from the subject of the debate. It is dreadful for Sinn Féin to introduce comments like this.

An Cathaoirleach: The Senator has less than one minute left.

Senator David Cullinane: I am not the person who introduced this at all; it was the Minister. One needs to get one's facts right. I am defending my party-----

An Cathaoirleach: On the issue we are discussing-----

Senator David Cullinane: -----and the comments which have been made by the Minister in the context of this issue.

An Cathaoirleach: On the issue that is being discussed.

Senator David Cullinane: With respect, the Minister was the person who interjected.

An Cathaoirleach: The Senator has half a minute left.

Senator David Cullinane: He should apologise because we are talking about the charities sector and the scandals we have seen in the sector in recent years. If he cannot face up to the fact that he has failed in recent years-----

An Cathaoirleach: I ask the Senator to conclude.

Senator David Cullinane: -----and he wants to engage in diversion tactics, that is a matter for him. I came in to deal with the very real concerns-----

An Cathaoirleach: Senator Cullinane-----

Senator David Cullinane: I am going to take my time.

An Cathaoirleach: But the Senator's time has expired.

Senator David Cullinane: The Minister interjected and I am going to take the time I need.

An Cathaoirleach: I call Senator Fidelma Healy Eames.

Senator David Cullinane: The scandals which have erupted understandably have had a hugely negative effect on public confidence which has led to a dip in donations to charities. The recent revelations of generous salary top-up payments and gold-plated pensions paid from charity funds at the Committee of Public Accounts hearings are proof that the sector needs urgent regulation. The reality is that the Minister was forced to act because of those scandals. The reality is also that far too many people are depending on charities because of the austerity policies which his party has put in place.

An Cathaoirleach: The Senator is way overtime. I call Senator Fidelma Healy Eames.

Senator David Cullinane: He needs to do more than just establish the regulatory framework. He needs to implement-----

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

Senator David Cullinane: -----the 2009 Act and to make sure that people who depend on charity are not denied any services of the Government.

An Cathaoirleach: Senator Cullinane, please.

Senator David Cullinane: I am sorry if I have upset the Minister.

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An Cathaoirleach: The Senator is way over his time. I ask him to respect the Chair.

Senator David Cullinane: I am sorry if I upset the Minister but on issues like this-----

An Cathaoirleach: The Senator is way over his time.

Senator Fidelma Healy Eames: The Senator is using my time.

An Cathaoirleach: Will Senator Cullinane please resume his seat?

Senator David Cullinane: -----when representatives of the Dáil or the Seanad raise important issues, we have the outrageous comments that we have had from the Minister. We get such comments on occasion from the same Minister-----

An Cathaoirleach: Will the Senator please resume his seat?

Senator David Cullinane: -----in respect of the issues which we are all trying to debate here. He should not force us to engage in diversionary tactics as he is trying to do here today, which is appalling.

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

Senator David Cullinane: I am looking for an apology from the Minister for again introducing issues which have no relevance whatsoever to the issue we are discussing.

Senator Mary Moran: It is the Senator-----

An Cathaoirleach: Will the Senator please resume his seat?

Senator David Cullinane: He is doing a disservice to people who depend on charity by not facing up to his responsibilities and answering questions that were asked.

Senator Mary Moran: Shame.

Senator Lorraine Higgins: The Senator is being unfair.

An Cathaoirleach: Will the Senator please resume his seat?

Senator David Cullinane: I find that appalling. He should apologise.

An Cathaoirleach: Will the Senator please resume his seat.

Senator David Cullinane: The Minister should apologise.

An Cathaoirleach: Will Senator Cullinane please resume his seat?

Senator David Cullinane: With respect, I am asking the Minister to apologise, through the Chair-----

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

Senator David Cullinane: I ask the Cathaoirleach to ask the Minister to apologise. I am entitled to do so.

An Cathaoirleach: I ask the Senator to resume his seat. I am not asking any Minister to

apologise to the House.

Senator David Cullinane: I ask the Cathaoirleach to ask the Minister to apologise, which he should do.

An Cathaoirleach: The Senator is being disrespectful to the House.

Senator David Cullinane: The Minister has been disrespectful to me, as a public representative, and my party and I will not tolerate it. We are elected with a mandate to do a job.

An Cathaoirleach: The Minister made a political charge. I ask Senator Cullinane to resume his seat.

Senator David Cullinane: I will not tolerate that from this or any other Minister. I want him to apologise for the comments he made.

Senator Fidelma Healy Eames: On a point of order, Senator Cullinane is behaving selfishly.

An Cathaoirleach: Senator Healy Eames must speak to the motion.

Senator Fidelma Healy Eames: I was hoping to speak for three minutes but I will now have only one minute of speaking time.

I thank the Minister for coming to the House for these important statements. His decision to appoint a charities regulator is welcome and timely. The appointment is urgently needed in view of the many scandals we have had and the many more that may yet emerge. I also note the important and good work done by a number of charities. We could not survive in Galway without the help provided locally by the Society of Saint Vincent de Paul, the Samaritans and a number of other organisations.

In the context of the Minister's appointment of a charities regulator, will it be possible require all charities to make public all salaries and provide the detail on their websites? I ask the Minister to respond specifically to that question.

It is despicable that the chief executive of Rehab has declined to report her salary. Her ongoing refusal to do so does not look good and has given rise to considerable doubts. I and many other Members are being asked how many others are part of this culture of top-ups. I ask the Minister to elaborate on the issue of transparency and how we will bring to an end the shroud of secrecy that covers public service salaries and the top-up payments made from revenue from car parks, shops and other sources. People are outside in all types of weather shaking buckets to collect donations that will support children and others who require help while charity income is being used to top up salaries. I recommend that all salary information be made transparent and reportable and is published on an annual basis on the websites of each charity.

Senator Michael Mullins: I welcome the Minister and his statement that regulation will be addressed very quickly. It is a scandal that a few greedy people have done so much damage to the charitable sector in recent months. It is also a disgrace that, after more than 90 years as a sovereign State, we have not yet managed to regulate charities, which channel large sums of money nationwide.

We must acknowledge that many wonderful charities do amazing work caring for the most

vulnerable in society and many operate on a voluntary basis. The Society of Saint Vincent de Paul, for example, relies almost exclusively on volunteers to run its organisation, including in my home town of Ballinasloe where it does amazing work. Organisations such as Concern and Trócaire, which are funded through Irish Aid, are well regulated and must meet stringent conditions before they can receive moneys from Irish Aid. We are all aware of the amazing work such organisations do with the most deprived people on the planet. Were it not for non-governmental organisations coming to the assistance of people in the Philippines, Syria and many other troubled parts of the world, the unfortunate people in these regions would be in a much worse position.

Once every charity has been registered and is properly regulated and accounts for all of its finances, we will have to rebuild trust in the charitable sector in order that people start contributing to charities again. Last Saturday night, I took part in a church gate collection on behalf of the Irish Heart Foundation. While people are still generous, they are a little more sceptical, with some asking whether we had permits and so forth. A major job of work remains to be done to restore confidence in the sector. In applauding the work the Minister is doing I urge him to bring the matter to finality as a matter of urgency.

Deputy Alan Shatter: I apologise to the House. I have some sort of a bug and cannot guarantee that I will not start croaking at some unexpected moment. I will try to keep going.

I will make some general comments which are of relevance to the contributions made by Senators before returning specifically to what some Members said. Since I last addressed this House on the regulation of charities, I have, as Senators have noted, taken steps to advance the implementation of the 2009 Charities Act. I want to inform the House of the progress made and thank Members of the Seanad for the supportive comments they have made, save for one Member, for what we have been doing. As I informed the House on the previous occasion, the architecture I inherited for implementing the Act, as envisaged by the previous Government, was financially unfeasible in the current economic climate. We had to look at how we could best bring the legislation into force and provide for the necessary oversight and transparency in a manner that did not impact on public finances and the Exchequer and was also fair to charities.

Before I come to those issues, I will first address the important issue of charity fund-raising and the concerns that have been highlighted in that regard. I highlighted some such concerns in the Dáil recently and I am pleased to have an opportunity to expand on them. We are fortunate in Ireland to have a vibrant and diverse charity sector. Some speakers named some of the very good charities we have and I do not want to start naming them for fear of leaving some out and causing upset. However, we have a good charity sector which provides a broad range of services. People engage in a broad range of activities, with many thousands acting as volunteers and engaging in charitable work and fund-raising. Throughout the country, communities are supported in countless ways by the efforts of those who work and volunteer for charities. Many charities support their work through raising funds from members of the public. When they do this they, in turn, benefit from a long-standing tradition in this State, to which many Senators made reference, of generosity towards charity fund-raising. Much of the valuable work carried out by charities is made possible by the enduring willingness of people to give to charity, even in times of financial difficulties.

Fund-raising from the public for a charitable cause brings with it certain very important responsibilities. These are substantially concerned with ensuring the proper governance of charities. Those who donate to charity have an expectation that a reasonable proportion of

what they donate will go to the primary cause of the charity, in particular, to benefit or assist the specific group or category of individuals for whose benefit the charity was created and to provide the specific service or services to which the charity is dedicated. Charities have an ethical obligation to meet this expectation as best they can. Where the method of fund-raising involves the sale of a product such as a lottery ticket or scratch card, this obligation is no different. Charities using such methods need to bear this in mind when determining the proportion of funds raised that are used in the giving of prizes and to meet other costs, including salaries, allowances, benefits and administration expenditure. In circumstances where such fund-raising schemes are supplemented by State funding, the profitability of the schemes and the usage of donors' money and State-provided funds are matters of legitimate concern for the Government and members of the public.

In circumstances where such fund-raising schemes are supplemented by State funding, the profitability of the schemes and the usage of donor's money, as well as State provided funds, is a matter of legitimate concern for the Government and for the public. My decision in 2012 to wind down the charitable lotteries scheme over three years was informed by precisely such concern. It is not in the public interest for State funds to be used to prop up charity fund-raising schemes that have a low level of profitability or that the State continues indefinitely with a State funding scheme that incentivises bad practises.

Where public concern emerges with respect to charity fund-raising, there is a potential for public confidence in the charity sector as a whole to be damaged. Charities who apply the highest standards to their fund-raising can suffer when other charities take a different approach. I am aware that many charities are reporting drops in their donations following the disclosures about the use of charity funds at the Central Remedial Clinic and issues that have arisen with regard to Rehab. The reductions experienced, of course, are not only attributable to these matters and are partially the consequence of the financial difficulties that have affected so many in the State but recent controversies that relate to the charitable sector have clearly had an impact. For anyone to deny that is the case - and no-one in the Chamber has done so - means that they are not in tune with reality.

I want to say something about what I would describe as charitable hybrids, something Senator van Turnhout, in particular, made reference to. Organisations engaged in a mixture of both charitable and commercial activities need to understand that their commercial ventures do not exclude them from their ethical obligations to deal properly with donated funds or financial assistance provided by the Government. I believe there should be the maximum visibility as to the use of such funding to ensure that it is properly applied for charitable purposes, and not used to promote commercial activities or to partially pay salaries of those engaged in what are essentially commercial activities. Trust and confidence needs to be rebuilt. Critical to this is greater transparency about how charities conduct their businesses and what they do with the funds so generously given to them. That includes full transparency with regard to salaries paid, in particular to those in leadership positions in charities. While some charities demonstrate high standards of governance and transparency, the picture is far from uniform across the sector. I believe that increased transparency can only help strengthen the charities sector. The establishment of the new system of charities regulation, provided for under the Charities Act, will assist in this process.

Under the Act, I will establish an independent charities regulatory authority. I intend to make appointments to the board of this new body by Easter so that it can come into operation later this year. In this connection I recently issued a call for expressions of interest for suitably

qualified persons who wish to be considered for appointment to the board. I also intend to appoint an interim chief executive and fill a number of administrative positions in the authority by the end of this month.

Under the Charities Act, the new authority will compile and publish a comprehensive register of charities. Each registered charity will make a report to the authority every year. In the case of any charity that is funded by donations from the public, these reports will be made available to the public. This will provide donors with an important source of information about how their donations are used. It should also tell us more about how our charities are run, how they manage their resources and what are their main areas of expenditure.

The need for transparency also extends to the issue of remuneration, allowances and other benefits that apply to those who manage, are employed by and retire from charities. It is important that charities address concerns that have arisen in this regard. It is not in the public interest that these matters be concealed, that they be opaque or that they be a mystery. I fail to understand why, when a request is made for transparency with regard to the salary of CEOs in major charitable organisations, it gives rise to any hesitancy, confusion or delay in making the information available. Rather, information made available should meet a reasonable standard of transparency and give an adequate picture of the sources and uses of funding at any given charity. Charity trustees and directors have been placed in a position of trust. It is important to the overall health of the charity sector that their behaviour is in keeping with this and that they regard themselves essentially as trustees of the donations they receive from a generous public.

It is my firm belief that the changes the Charities Act will introduce - including greater transparency - will benefit our charities. I am encouraged that this view is shared by many within the sector itself, where there is strong support for the implementation of the new system of regulation.

I am aware that the current environment is difficult for charities as they are experiencing increased demand for their services at a time when resources are under pressure. It is also a time when many members of the public, who in the past have donated generously, may find themselves under personal pressures which inhibit their capacity to contribute to charities, or which make it impossible for some. We all know of individuals who have worked in charities raising funds for those in need or for essential services who, as a result of the economic collapse, businesses closing down and the difficulties in recent years, find themselves now dependent on charities in circumstances in which they never envisaged, or that such circumstances would arise and impact on them during their lifetime.

The steps I am now taking to improve the regulation of the sector will help to ensure the strength and vibrancy of the sector into the future. By encouraging high standards and fostering good practice, we can help to protect and, where necessary, restore public trust and confidence in our charities. I believe this is of particular importance to enable charities that have made a substantial contribution to continue with their work in the years to come. The importance of this, in the context of assuring the donating public of the probity of charities, cannot be overemphasised at a time when organisations, such as Atlantic Philanthropies, are expected to wind down and end their engagement with charitable and voluntary organisations in this State. Transparency, responsibility, accountability and good corporate governance are crucial to public confidence. As a Minister in Government, I make no excuse for demanding this of all bodies in the charitable sector.

I shall briefly turn to some of the comments made by members during the course of this discussion. Senator Conway referenced that what we are now doing is effectively a starting point. Yes, setting up the regulatory authority is a starting point. I hope and expect, by next autumn, that the legislation will be fully brought into force. It should and will provide the transparency necessary.

A number of Senators made reference to the need for easy access to information, on a website, in which one can know, if one wishes to donate to a charity, that the donation has been made to a charity, what it does with the moneys donated and, if it receives public moneys what it does with the moneys. This should include what part goes in administration, what part goes in perhaps promoting some product it is selling to raise funding, what part goes overall in salaries and, in the context of those who are earning large salaries, what part goes to them. In this regard there is clearly no need, for example, to ascertain whether a charitable organisation employs a cleaner to come in to clean once a week and how much the cleaner is paid. However, where there are people in management positions, where there are people in receipt of substantial funds, the public is entitled to know the relevant information. Accounts, of course, must always be properly audited.

I have a concern where we have charities and where individuals who are working for those charities are earning salaries in excess of what the Taoiseach of this country is earning. Serious questions arise in that context. While this can become confused where some charities are engaged in both commercial business ventures and in charitable activities, there is a need for full transparency. It is my hope that the starting point of what we are now doing, bringing legislation into force, allowing the authority members to be appointed, giving them an opportunity to provide a roadmap and a work plan and then bringing the legislation into force before the end of this year, will ensure that we have the starting point and very rapidly we will have the fulfilment of what is intended.

Senator Ó Murchú made the point that the charitable sector touches on every aspect of Irish life and society. We all know that to be true. Senator Higgins raised a matter about which she has concerns. We will look into the issues she has raised. I have limited powers in these areas and these may be issues for the authority to look at upon its establishment. However, charities must behave with propriety at all times and that is of crucial importance.

I thank Senator Mary Ann O'Brien. She made a contribution as many Senators did, with which I have no disagreement and she emphasised, as I did, the importance of corporate governance. As someone who has been involved in, and done substantial work with, a charity, I thank her for her constructive engagement with me over the past 18 months. We have been engaged along with my officials in a broad consultative process with the charity sector about how we bring in the legislation without it becoming a burden on the public and taxpayers, increasing public expenditure, being unfair to any charity, imposing on charities a cost they can ill-afford and unfairly impacting on donations. We managed to work through this and we have a scheme now with which we hope to proceed.

Senator O'Donovan raised the issue of ensuring the regulatory authority pays for itself and does not become a burden on the State. I do not anticipate it will incur the costs he referenced in the context of England. However, there will be a scheme through which, depending on their size and the funding available to them, charities will contribute to the cost of the regulatory authority. It will be spread among all the charities, which will be obliged to comply with the legislation and the requirements of the authority. It will not be a major burden but, cumulatively,

the scheme should provide for the self-funding of this particular body.

Senator Mary Ann O'Brien mentioned SORP and the need for consistency in accounting policies and principles. I anticipate that will be demanded by the authority. We should have that consistency among all bodies in the non-profit sector whether that relates to donations they receive from the public or funds they receive from the State. There should be a consistency of accountancy approach and clear visibility regarding audit accounts with no mystery about them. They should also be readily understandable for one reason only, which is that those interested become familiar with the manner in which the accounts are presented. In the commercial sector, despite regulatory and company law provisions, there can be exotic presentations on occasion in obscure language about issues that people would prefer received no public notice. In that context we need clarity and simplicity. That will be an important job for the regulator and part and parcel of this should be a website providing access to all this information in an easy and user friendly way.

I will not upset a certain Senator any more than I have but Senator Mary Ann O'Brien could give the lie to the notion that we only woke up to do something in this area over the past few weeks because of the ongoing controversy. I have been working on this with my officials for the best part of two years. There was a detailed consultative process after it became clear that in the financial circumstances we inherited in 2011, it would be impossible to implement the legislation, as originally envisaged. We examined how we could do it differently and what were the alternatives and we engaged in a consultative process. I recall speaking at a conference about this issue. We are where we are without any controversy. Last July, the Cabinet made a decision that as we headed into 2014, we would proceed to implement the legislation and preparations had to be undertaken in advance of that. Rather than responding to an emergency, therefore, there has been a careful and considered approach. It was important to bring the charity sector with us because we need co-operation. I expect the issue of non-compliance with the legislation and the requirements of the regulatory authority will be addressed.

Senator Noone raised a good matter that she discussed previously with me in private, which is a charity quality assurance mark. That would be an excellent project for the new authority to consider. Where charities are recognised as fully transparent and compliant and creating no difficulties, they should be given such a mark. It should be open to review on an annual basis in the context of accounting practice and of information that becomes available. That would be of benefit to the general community.

I join in congratulating Senator Quinn on his 21 years service in the House. It is a happier moment than mine was. Just as I reached 21 years service in the Dáil, I lost my seat. No one applauded me and it was sad personally but the world, strangely, continued on. I hope the Senator continues to enjoy his time in the House. He will not have to experience the wrath of the electorate over the next few years. I often agree with him but I disagree with him on one matter. He said politicians do not want this transparency. He can bet that I want this transparency sooner rather than later and I wish we had it many years ago. This is why I have been so engaged in dealing with this.

Senator Moran also referred to transparency and I have addressed the issues raised by Senator van Turnhout. Senator Colm Burke made reference to the Department of Health and its awareness of irregularities. If there are irregularities, as we have witnessed with the CRC, the Committee of Public Accounts can play an important role in bringing transparency where bodies are in receipt of public money. Departments can engage their functions when organisations

seek additional funding for a new year to ensure they have accounts from the previous year and if any issues of concern arise, to ensure they are properly addressed.

Senator Landy asked about appointments. We have advertised them and the legislation provides for criteria regarding the qualities of individuals to be appointed to the authority. It will be an objective exercise in appointing, I hope, appropriate people to this body in accordance with the legislation. The appointments will be made based on the skill-set of individuals required for the authority to properly work. That is the only relevant criterion. Diverse skills are needed on the part of these individuals.

I have come to end of my reply and I hope I have left out nothing important. Members will be pleased to know my voice is about to go. I have to keep it functioning because I have justice questions in the Dáil tomorrow morning. I thank Senators for their interesting and constructive contributions. We had a worthwhile debate on charities some months ago before the recent disclosures and excitement but it was also an important part of our consultative process along the road to implementing the legislation. I hope when we next discuss this issue the regulatory authority will be in place and its work will have commenced.

An Cathaoirleach: When it is proposed to sit again?

Senator Martin Conway: 10.30 a.m. tomorrow.

Adjournment Matters.

Ferry Services Provision

Senator Fidelma Healy Eames: Cuirim fáilte roimh an Aire Stáit. I would like the Minister for Arts, Heritage and the Gaeltacht to ensure all avenues are explored to enable a year long viable ferry service to Inis Mór for its inhabitants.

6 o'clock

As the Minister of State knows, Inis Mór is the largest of the Aran Islands off the west coast. I would argue, on the basis of the details of what has happened in this case, that the islanders on Inis Mór have been placed at a considerable disadvantage by comparison with the inhabitants of other islands, including Inis Meáin and Inis Oírr. The location of these islands means the residents have always had to deal with a cost of living that is 30% higher than the cost of living elsewhere. The residents of Inis Mór are now at a considerable disadvantage following the withdrawal of the subsidised ferry service. I suggest that they are suffering social exclusion as a result.

This is the scéal. The subsidised ferry service to Inis Mór ended in January 2013. More than a year has passed without a subsidised ferry service. This has had an adverse effect on the number of people travelling to the island. I will give an example. It now costs €15 for an adult to travel from Inis Mór to Galway and back. When the subsidised service was in place, the fare was €8. It has almost doubled. The ferry service can no longer give a commitment that it

will be able to continue to provide a year-long service. It is now saying that the provision of a service during the winter months is not viable at all. The islanders are having to contend with higher costs while facing the prospect of having no ferry service for four or five months of the year. As the Minister of State can imagine, that would involve a considerable degree of exclusion. The fare for a child is €8 and the fare for a student is €12. The equivalent fares to and from Inis Óírr and Inis Meáin are €10 per adult and €5 per child. There is a considerable difference. The effects of this fare increase are noticeable in the passenger numbers. For example, the number of people travelling on the ferry from Doolin to Inis Mór has decreased by 50,000. Such huge drops in passenger numbers are affecting tourism. As the Minister of State knows, the Aran Islands were one of the jewels in our tourism crown. I hope they still are.

As a direct result of the significant increase in the travel fare costs of families, the number of schools and students travelling to sporting and cultural events has decreased. Teams are no longer able to compete to the same extent as they were previously. As I have said, there has been a reduction in the number of tourists travelling to the island. Primary and secondary schools are finding it difficult to participate in school-related events on the island. I will give an example. It will now cost a family with three secondary school students €36 for them to travel to a sporting event like a match. That is before they even set foot on the mainland. It is a considerable factor. The cost of food and bus transport at the other side must also be considered. It can cost such a family over €100 for their children to participate in a school trip. We all think the cost of living is difficult these days. We all want our children and teenagers to participate in various events. In the circumstances I have outlined, it is easy to understand why a family might decide the children should skip a certain event. This is a form of social exclusion.

I am keen to hear what the Minister of State has to say. The levy that has been imposed by Galway County Council on the pier is an added difficulty for islanders. I would like the Minister to intervene in this regard. The islanders feel this is a very unfair tax. They are vehemently opposed to it. They are being hit in two ways: they have no subsidised ferry service and an unfair levy is being imposed on them by Galway County Council. All in all, they are at a considerable disadvantage. We had a meeting with representatives of the island's comharchumann in Galway city a week or ten days ago. They are really concerned not only about the cost, but also about the possibility that the service might disappear for four to five months of the year. The Minister of State is probably aware that the current air service to the island is in jeopardy. We have managed to maintain it. We had to fight to keep it for an extra year. Are we supposed to forget about our islands? Should we forget about Inis Mór, in particular? At present, it is the only island to which the story I am bringing to the Minister of State applies. I will listen to what she has to say in response. I know she is here in an acting capacity on behalf of the Minister of State with responsibility for the Gaeltacht.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): I thank Senator Healy Eames for raising this matter. As she has said, I am speaking on behalf of the Minister of State, Deputy McGinley. She will be aware that the Department of Arts, Heritage and the Gaeltacht is the principal Department charged with island development by supporting the improvement of infrastructure and assisting with the provision of essential services. The Department subsidises lifeline transport services for inhabited offshore islands. These comprise passenger and cargo ferry services with a connecting bus service where necessary. In addition, the Department subsidises an air service for the three Aran Islands, including Inis Mór, under a public service obligation contract. The Department also subsidises a management service for the aerodromes based on these islands.

Transport services are subsidised for 19 offshore islands in counties Donegal, Mayo, Galway and Cork. These services provide safe, all-year round transport to and from the islands involved, thereby improving the quality of life for islanders, supporting sustainable island communities and promoting island tourism. Expenditure on these services was €5.9 million in 2013.

As Senator Healy Eames has said, the subsidised passenger ferry service for Inis Mór came to an end on 31 January 2013. The Department of Arts, Heritage and the Gaeltacht sought expressions of interest on *etenders.gov.ie* in the normal way for a further five-year contract up until 31 January 2018. No tender was received by the Department within the deadline set. In the absence of a tender, departmental officials held discussions with the ferry operator that had been providing the contracted service to explore the possibility of entering into a new contract for the service on the same terms as the previous contract. Unfortunately, these discussions were unsuccessful as the Department could not accept the operator's claim for a substantial subsidy increase on a service that is, by all accounts, profitable without a subsidy. The Department understands that the operator has continued to provide the same level of service since the end of the contract with the State but that the fares payable by island residents have increased, as the Senator has said.

I understand there is some uncertainty regarding the continuation of the service at the same level. When a representative of the operator met departmental officials recently, it was indicated that the company's circumstances have altered and that the company cannot guarantee it will be able to continue operating as previously. Departmental officials have also met representatives of the island co-op. The Minister of State, Deputy McGinley, is aware of their concerns regarding the current situation. I wish to make it clear to the Senator that the Minister of State is open to undertaking any reasonable steps that would assist in finding a resolution to the island community's dilemma. Any steps the Department of Arts, Heritage and the Gaeltacht might take must be within public procurement regulations and be achievable within the resources available to it. I understand there are no plans at present to re-advertise this contract as the Department does not have any evidence to indicate that the outcome of any procurement process will be different from the previous attempt. I assure the Senator that efforts will continue to ensure there will be a regular passenger ferry service to the island at a reasonable cost throughout the year. The Department is at all times available for discussions.

Senator Fidelma Healy Eames: I thank the Minister of State. The only bit of encouraging news in her response was her statement that the Minister of State, Deputy McGinley "is open to undertaking any reasonable steps" to ensure a year-round service can be maintained. There is a dilemma in this response. The operator is saying this route is not profitable. That is why he did not see any point in tendering. It was not possible when the negotiations took place. The Minister of State referred to "a service that is, by all accounts, profitable without a subsidy". The operator is saying that is not the case. Does that mean the Government is prepared to leave the islanders without a service? I have put the facts to the Minister of State - the numbers are falling, the costs are increasing and tourist numbers are decreasing. The people of this island must be entitled to everything to which the Minister of State and I are entitled. They must have the same rights. We are letting them disappear. What is going to happen?

Deputy Jan O'Sullivan: Obviously, I am not the Minister of State who is responsible for this matter.

Senator Fidelma Healy Eames: I know that.

Deputy Jan O’Sullivan: There is a clear willingness and eagerness to solve this problem on everybody’s part. Clearly, there is disagreement on the question of whether the service is profitable. Further discussion on that aspect of the matter is necessary. I reiterate that I will bring the concerns expressed by Senator Healy Eames to the attention of the Minister of State, Deputy McGinley. He has indicated that he is anxious to find a solution in order that families on the islands have an affordable means of access to the mainland. I will convey to the Minister of State, Deputy McGinley, the need for a timely solution.

Senator Fidelma Healy Eames: I thank the Minister of State.

School Curriculum

Senator Kathryn Reilly: I thank the Minister for coming to the House on behalf of the relevant Minister. I refer to the announcement by the Minister for Education and Science, Deputy Quinn, that politics and society will be a subject for examination in the leaving certificate. The curriculum has been developed over a period of time and this is very welcome. The civic, social and political education, CSPE, course, which is taught to junior certificate level, has not been sufficient and the course has been criticised because it does not deal with politics or give young people the necessary tools to be active citizens in political or public life.

My interest in politics was developed during my study of politics in college and now I am here and active in politics. The politics and society module will complement the decision by the Constitutional Convention to recommend a reduction in the voting age. We live in a globalised and politicised world and young people are connected to the world through various social media outlets and platforms. Any argument that young people are too apathetic or incompetent to engage in the political process is completely redundant. To facilitate young people’s engagement in the political and public life, the inclusion of this subject is welcome.

It is a two-way process. The more young people are socialised into the political world and given the tools to understand it, the more likely they are to engage with it and to vote. The call by the Constitutional Convention for the reduction in the voting age to 16 years, coupled with the introduction of this subject, will enhance the political, social and economic landscape of the future. Young people are very knowledgeable and passionate about the world in which they live, and they are as capable as any other citizen of engaging in the democratic system.

I ask the Minister of State to provide information on teacher training for this subject. For example, I studied economics, politics and law in DCU. Will those degree subjects be recognised as acceptable for the teaching of this subject? When will the Teaching Council guidelines be changed to recognise courses? When will teacher training for this new course be initiated? When will the course commence in schools? It is important to have all these matters in hand as soon as possible and in advance of a referendum on a reduction in the voting age in order that young people are equipped to participate in the political process. The more information provided to young people at a younger age, the better. Once this subject is on the curriculum and is being taught satisfactorily, it will help to allay any concerns about a reduction in the voting age.

Deputy Jan O’Sullivan: Senator Reilly is a very good example of how the study of politics can lead to an interest in politics and to being a national representative. I am in a position to answer some of the Senator’s questions, but I will convey the other questions to the Minister, Deputy Quinn. I thank the Senator for raising this matter as it provides me with the opportunity

to outline the position with regard to the inclusion of politics and society as an examinable subject for the leaving certificate. The Minister, Deputy Quinn, has decided to include politics and society in the suite of leaving certificate subjects available to schools. The National Council for Curriculum and Assessment provided his Department with a syllabus in mid-2011. At the time the NCCA noted that it was investigating some options relating to the new syllabus and its introduction to schools. The task force on active citizenship in 2008 had recommended that a citizenship programme be introduced as an exam subject at senior cycle. It has not been possible to introduce the new syllabus, however, because of the prioritisation of the reform of the junior cycle, Project Maths and Irish. The Minister wishes to prioritise the introduction of the politics and society subject. The Minister has written to the NCCA to obtain its advice on the 2011 syllabus, the results of the investigative work and the need, if any, to update the syllabus.

Students in the new junior cycle should learn to value what it means to be an active citizen with rights and responsibilities in local and wider contexts. A new specification for civic social and political education is being developed by the NCCA. This will be additional to the current CSPE syllabus. Such CSPE provision acts as a follow-on from the strand, entitled *Myself and the Wider World*, in the primary sector. The Minister believes it is logical that there should be a seamless transition to senior cycle in this very important area, hence his recent announcement.

More than 97% of post-primary schools have student councils which can be a medium for students to put into action what they learn in CSPE and what they will learn in politics and society. As active citizens, students have a deep interest in how their country is run, especially since the recession, as well as an interest in decisions and in understanding how such decisions will affect their future. If students participate in the study of the new politics and society course, this will give them an insight into power and decision-making, active citizenship, human rights and responsibilities, as well as globalisation and localisation. The subject curriculum will examine aspects of sustainable development with a focus on the merits or otherwise of changes in the students' communities. In 2010, the international civic and citizenship education study, *Ready to Engage?*, found that Irish 14 year olds ranked seventh out of 36 participating countries. Students are curious and interested in politics and society. For this reason the Minister is of the view that the new syllabus should be included in the suite of leaving certificate subjects.

Many of our universities offer degree courses in sociology, political science and other areas whose content is very relevant to the politics and society syllabus. Education departments in many of these institutions have supported the postgraduate diploma in education to provide training to teachers in the active teaching and learning methodologies required for teaching CSPE. I am confident that much of the necessary expertise in content and methodology required to support the supply of teachers of politics and society exists in our system. This may answer Deputy Reilly's question. The Minister has prioritised the introduction of politics and society at senior cycle. Until he receives a response from the NCCA, however, it is not possible for him to say when the subject will be available to schools.

The introduction of the new subject of politics and society will enhance the suite of subjects available to senior cycle students. It will inform them about politics and society from a local, national and international perspective. It should develop their ability to become reflective, critically informed and active citizens.

Senator Kathryn Reilly: I thank the Minister of State.

The Seanad adjourned at 6.20 p.m. until 10.30 a.m. on Wednesday, 5 February 2014.

4 February 2014