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**Thursday,  
14 February 2008**

DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

# SEANAD ÉIREANN

TU AIRISC OIFIGIÚIL—*Neamhcheartaithe*  
(OFFICIAL REPORT—*Unrevised*)

*Thursday, 14 February 2008.*

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## SEANAD ÉIREANN

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*Déardaoin, 14 Feabhra 2008.*  
*Thursday, 14 February 2008.*  
 —

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

—  
*Paidir.*  
*Prayer.*  
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### Business of Seanad.

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

The need for the Minister for the Environment, Heritage and Local Government to outline the current position on the provision of a new fire station at Graiguenamanagh, County Kilkenny.

I have also received notice from Senator Paudie Coffey of the following matter:

The need for the Minister for the Environment, Heritage and Local Government to clarify the progress on the seven village sewerage scheme application submitted by Waterford County Council and the reason the foreshore license that is required has not yet been approved.

I have also received notice from Senator Fiona O'Malley of the following matter:

The need for the Minister for Justice, Equality and Law Reform to address the House on the EU directive on data retention with which Ireland has not yet complied and which constitutes an invasion of privacy.

I have also received notice from Senator Shane Ross of the following matter:

The need for the Minister for Health and Children to hasten the process for Irish citizens to adopt children from overseas.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators John Paul Phelan, Coffey and O'Malley and they will be taken at the conclusion of business. Senator Ross may give notice on another day of the matter he wishes to raise.

### Order of Business.

**Senator Donie Cassidy:** The Order of Business is No. 1, motion re Limerick City Boundary Alteration Order 2008 (referral to committee without debate), to be taken at the conclusion of the Order of Business; No. 2, statements on the national waste strategy (resumed), to be taken at the conclusion of No.1 and adjourned not later than 1 p.m. if not previously concluded, with the contributions of spokespersons not to exceed ten minutes and those of all other Senators not to exceed eight minutes and on which Senators may share time.

**Senator Liam Twomey:** The Mahon tribunal was raised in this House yesterday. That tribunal is an institution that was established by the Oireachtas and when it comes under sustained attack from within and without, we should set aside time to discuss it in this House. Senator McDonald, who is from my constituency in County Wexford, attacked the tribunal regarding the leaking of information. Senator McDonald might not realise that this information is freely available to every person who comes before the tribunal and that anybody could leak that information. There is a serious need to discuss this if Members are not fully informed about how the tribunal works.

A former Minister for Education and Science made an incredibly serious accusation in the Dáil last night. She said that the lingering animosity of civil servants is what is blocking the provision of ABA to autistic children in our educational system. That is an incredibly serious charge to make against the Civil Service and the Leader should take it up with the Deputy in order that we can get a reply in this House as soon as possible. It is unbelievable that someone would say the civil servants are responsible for the lack of services to children in our educational system, and for this to be widely reported across the media.

We should also return to the debate on pharmacists, because this is starting to turn into something from a Monty Python film. Many members of the Government are acting as if they are disconnected from the decisions made at Cabinet level. There is a sub-committee in the Cabinet made up of the Taoiseach, the Minister for Health and Children, the Minister for Finance and one other Minister, who made the decision that is now being implemented by the HSE. The Leader of the House should get a clear answer from the Taoiseach on this matter and stop the games that are being played. The Taoiseach wants cheaper drugs to be available but he does not particularly care whether the patient can get access to them. That is what is happening, it has nothing to do with the way the debate on the issue has been structured so far.

All Members of the House should be aware that the provisions of the birds directive are coming into force and they directly affect Wexford town and the south Wexford coastline. The Mini-

[Senator Liam Twomey.]

ster for the Environment, Heritage and Local Government is implementing the directive rigidly and it will have a major impact on not only the Wexford coastline but a large number of other areas across the country, predominantly coastlines and riverways. If it is implemented as rigidly as it is in County Wexford, it will sterilise all future development in the coastal areas and will have a major impact on the social and environmental activities in those areas.

There is a serious need to debate this issue. The deadline in this respect for County Wexford is tomorrow and I am sure the impact of this measure in other parts of the country will be equally as draconian. I ask the Leader to invite the Minister to come to the House as soon as possible to discuss the impact of this directive before we make a hames of another EU directive. Given that a referendum on the EU reform treaty will be held in a few months' time, the accusation that Europe is bad for this country will continue to prevail. I heard an accusation made at a public meeting last Tuesday night to the effect that it was not the Fianna Fáil Minister who signed this directive into law in 1998 who was the cause of this problem, nor a former Minister who signed the initial directive in 1985, rather the fault lay with the European Union. We need to have a serious debate on this issue before the forthcoming referendum is lost on misinformation of this kind circulating among the public.

**Senator Feargal Quinn:** I draw the attention of the Leader to a matter I have raised on occasion previously, namely, what I call the paper trail. I refer to the volume of paper that lands on my desk and I am sure the desk of every other Member of this and the other House. At least 226 brown envelopes containing the Order Paper were circulated today — it is probably the only brown envelope most of us ever receive. Members receive much paper that is unnecessary. I raise this matter because my attention was drawn to the words of the chief executive of GS1, the organisation encouraging the use of technology. He said that more than 20% of the time of doctors and nurses in hospitals is taken up dealing with paperwork. An experiment in this respect being pioneered in St. James's Hospital needs to be extended.

The chief executive of GS1 also said that medical errors are a big part of the health care system that could be transformed by removing paper and switching to technology. We are aware of the volume of paper we receive and the waste resulting from that, but we also know that technology exists that would enable us to do without this volume of paper. I do not know to what extent we can step forward on this issue, but it would be beneficial if the Minister for the Environment, Heritage and Local Government, Deputy Gormley, was invited to come into the House and we had an opportunity to convince him that

rather than transpose everything onto paper, we have the ability to do things differently.

I wish to raise one other matter that is a cause of tension. I have a concern that sometimes we try to solve problems around the world without full knowledge of what is taking place. I had the opportunity to visit China during the year and I am aware there are practices happening in China of which we do not approve. However, I believe the way we solve these matters is by convincing those in other parts of the world to change their attitude rather than boycotting them. I am concerned about Stephen Spielberg's action yesterday and his call for a boycott of the Olympic Games in China unless China behaves differently in terms of what it is doing in another part of the world.

Regardless of our view on this, I believe that the way we manage to change things in other parts of the world is by bringing people into the tent and convincing them of the wisdom of a change of attitude rather than by introducing boycotts. I urge us not to support the various calls for boycotts of events such as the Olympic Games in order to convince people of the need to change, even if we do not agree with what they are doing in other parts of the world. Let us make sure that we use the case of argument and debate to try to convince them to change their ways

**Senator Alex White:** Will the Leader arrange a debate on a decision made by the Minister for Education and Science earlier this week and communicated to the NCCA on changes she proposes to make in the Leader certificate reform programme which she is currently promoting? I am speaking in particular about the decision to delay the introduction of technology, technological methods and the teaching of leaving certificate subjects, including architectural technology, engineering technology and subjects in the arts syllabus.

We have had interesting debates in this House in recent months on the future of the economy. Most commentators would be in agreement that there will be reduced demand in all economies for unskilled labour and that the key objective for us must be to promote skills. It is a lamentable decision that at this stage of our development when we are examining what is the best way to develop our economy the Minister for Education and Science is slowing down or possibly even stopping the introduction of cutting edge technology in the teaching of these subjects. By contrast, in the UK the British Labour Government has launched a new programme of measures to facilitate, what Gordon Browne has called, "the unlocking of the potential of young people". That must be at the heart of our economic planning and future.

In public debates on what exactly governments can do in this regard, sometimes there is question mark over their influence. It seems this is precisely the area where the Government, by progressive and enlightened thinking, can influence

the future of this country and the future employment prospects of our young people. I strongly urge the Leader to arrange for a debate on these questions during which we could deal with a practical manifestation of policy to promote skills, the future of our economy and the future of our young people.

**Senator Déirdre de Búrca:** The Government launched its information booklet on the Lisbon treaty yesterday. Will the Leader clarify what role this House will play in educating and informing the public about the treaty? Most people are aware there is a deficit of information on it. Members of the public have said they do not know enough about it and repeated polls have shown that. The House should play an important role in debating all the various issues and we have the facility to do that. I ask the Leader to outline in what way he sees the House fulfilling that role.

Another issue I wish to raise, which I raised last week, is to ask the Leader to invite the Minister for Defence to address the House on the issue of the Irish troops who will be deployed in Chad next week. The Minister met General Nash yesterday in Paris and it appears that the deployment of our troops will take place. The first Irish troops will be deployed next Thursday, but the Minister has concerns. He stated that the rebel troops were much more prepared and much better armed and organised than had been anticipated, which raises concerns about the safety of our troops when they go there. They will be part of EUFOR, a humanitarian mission, but threats have been made by the rebel troops involved that the Irish troops will be regarded as a hostile force because, unfortunately, they are linked with French forces as part of the overall EU force. I ask that the Minister be invited to outline the up-to-date position on the deployment, particularly given that he spoke to General Nash yesterday.

**Senator Paschal Donohoe:** I ask the Leader to arrange a debate on the services provided for the homeless, particularly those who have severe drug and alcohol problems. I raise this issue because these people, who tend to be the most under-represented in political life, are the victims of a series of cutbacks being implemented by the HSE by stealth. In this regard I ask the Leader to raise this matter with the Minister, Deputy Ó Cuív, and the Minister of State, Deputy Carey, regarding one issue in Dublin city centre.

Members may be familiar with problems that have occurred on Dublin's boardwalks along the River Liffey over previous summers. The city council along with many different agencies have worked together to provide a comprehensive solution to this issue. The centrepiece of the solution was the provision of an expanded drop-in centre to ensure these people would have alternative places to go to, rather than on boardwalks, where they could be looked after and receive treatment. Dublin City Council has provided the premises and spent money upgrading it. A leading charity

in this area has provided the staff to run it, yet the HSE has now suddenly announced it will pull out of the project because it does not have the money to pay the staff to do it. These premises are going to be vacant, unused, and the boardwalk, which should be a source of pride to people who live in the city, could again become a magnet for the very difficulties we are trying to deal with.

I ask the Leader to organise a general debate on how we look after our homeless, to ensure the services are in place for them. I also ask him to raise this particular issue with the Ministers concerned, so that we do not face another difficult summer in the centre of our capital.

**Senator Labhrás Ó Murchú:** I agree with Senator Feargal Quinn's comments on China and the Olympic Games. I have made the same point in the House during a debate. I do not believe a boycott is the correct way to approach this situation. There is a good deal of interaction and I believe we can influence what is happening in China by continuing that process. I have seen enormous progress being made.

On another matter, virtually every week there is a discussion in the House on the law and its implementation. Many questions are raised, particularly regarding high profile cases. It is generated by concerns expressed to Senators by members of the public. Unfortunately, very few answers are provided. In view of this I welcome the new approach of the Director of Public Prosecutions, who has promised openness and consultation. Anything that will help the public to understand how the law is implemented will only strengthen confidence in the system, and that is particularly important.

I was impressed by a very lengthy interview given by the DPP on radio. I hope we might perhaps invite him to address the House as part of the consultation process which he has now set in motion.

**Senator Terry Leyden:** No, thank you.

**Senator Labhrás Ó Murchú:** I know the DPP cannot comment on individual cases, but one case study has engaged my attention as well as that of many others, including a very sympathetic media. It is the case of a man who served eight months in jail. His 98 year old mother had her life disturbed——

**An Cathaoirleach:** I am not going over that again. If a case is still before the courts I do not want it discussed.

**Senator Labhrás Ó Murchú:** I am not mentioning the name. That is why I am giving a case study.

**An Cathaoirleach:** It is common knowledge.

**Senator Labhrás Ó Murchú:** I should just like to make the point. It is only a case study that I



[Senator Labhrás Ó Murchú.]

am putting forward. All I am suggesting in this particular case——

**An Cathaoirleach:** If the case is still before the courts and I have refused others, I cannot allow the Senator to continue in this vein. To be fair to the House, if there is a case before the courts I do not want it mentioned in any shape or form.

**Senator Labhrás Ó Murchú:** I accept the Cathaoirleach's ruling, but I pose the question, if I do not mention the name and given that various cases have been, and will continue to be, raised here on the Order of Business, does that mean we can no longer raise questions such as that in the House?

**Senator Alex White:** That is entirely different.

**An Cathaoirleach:** The Senator makes a very important point in asking the Leader if it might be possible, and that could, perhaps, be discussed by the Committee on Procedure and Privileges later.

**Senator Labhrás Ó Murchú:** I believe I am entitled to an answer to the question that I have just put to the Cathaoirleach. Virtually every day on the Order of Business a legal issue is raised, based on a high profile case. Does that mean that in the future Senators may no longer mention a case, while not giving the name? I seek a ruling on that.

**An Cathaoirleach:** The Office of the Director of Public Prosecutions is independent, and I do not believe the House should get involved in discussing the role of the DPP.

**Senator Labhrás Ó Murchú:** I have still not received an answer to the question. Does it mean that in future on the Order of Business we can no longer raise a question where we do not mention the name, but merely wish to make a point regarding a high profile case, such as the kind that is discussed in this House virtually every week?

**An Cathaoirleach:** I would hope to judge each case as it is mentioned in the House but that particular case is relatively high profile. It has been mentioned quite recently in the House and is fairly common knowledge. I appreciate that the Senator has not named anyone.

**Senator Labhrás Ó Murchú:** I am raising it to support the point I make as regards inviting in the DPP.

**An Cathaoirleach:** That was a very good point, to be made to the Leader.

**Senator Labhrás Ó Murchú:** I was not allowed to develop my reasons for suggesting that.

**An Cathaoirleach:** As far as I am concerned, the Senator has made his point and the Leader will reply to that. Perhaps the Senator will have an opportunity, if the DPP wishes to come to the House, at a later date, to discuss these matters with him.

**Senator Labhrás Ó Murchú:** I must express my disappointment, because I believe what the Cathaoirleach is saying will impact on future debate on the Order of Business. I accept his ruling, but I do not agree with it, because the point I make is still correct. If we cannot make a case here regarding a high profile issue where we do not mention names, then it means, in effect, that many of the matters which are, and will continue to be, raised here should be ruled out of order. I am disappointed to hear that.

**Senator Shane Ross:** I support something which has already been mentioned by the Opposition side, namely, the issue of autism, as raised in the other House. I cannot understand why some issues are discussed in the other House, but are not allowed to be discussed in the Seanad. I commend the Opposition for its motion on autism, debated last night in the Dáil. I have been asking the Leader for several months for a similar debate here.

I am also concerned at the tendency of Members of this House to discuss any titbit that comes from the tribunal at an early opportunity and to use it as some sort of political arena for attacking the Taoiseach. I understand that there is a temptation to do that, but I do not believe this is a suitable subject for debate in this House. The Taoiseach is not even a Member of the House.

Whereas in the other House, Members may have some reason, political or otherwise, for a kind of daily diet of political attack as a result of the tribunals, I believe that this should be left alone and removed from debate in this House. It is wrong that people should base and create political careers on attacks made on one man. I am no friend of Fianna Fáil, and I do not believe anyone has ever regarded me as such. However, if this House is going to become a type of daily retinue for people to attack the Taoiseach we will undermine the tribunal and also damage the Seanad. I ask the Leader, and the Cathaoirleach, to restrict discussion on that so that we might discuss more serious matters such as autism, as discussed in the other House.

**Senator Ivor Callely:** I take the opportunity to congratulate the FAI on its appointment of its new manager, Mr. Trapattoni. I wish the manager, the FAI and the team every success in the years ahead. Hopefully we shall see a replication of the Charlton days, with Ireland making great strides in the sporting arena and——

**An Cathaoirleach:** What happens in the FAI or whom it appoints is not relevant to the Order of Business.

**Senator Liam Twomey:** The Senator should wish them a happy St. Valentine's Day, while he is on the job——

**An Cathaoirleach:** The House will hear the Senator on the Order of Business, please.

**Senator Liam Twomey:** ——or sing "Amore" in his best Italian accent.

**Senator Ivor Callely:** On a serious note, yesterday I tried to speak on the amendment to the Order of Business put down by the Fine Gael group. I wanted the record to show the high level of support and desire by this side of the House for community pharmacists. Good work is being undertaken by many people to find a resolution, such as the Joint Committee on Health and Children, which is working on a consensus basis to try to move matters forward. The Minister for Health and Children is meeting with the Irish Pharmaceutical Union today, and the health committee is meeting again, today. Community pharmacists meet on a regular basis and many other meetings are taking place to try to bring resolution to the issue. I simply want to have it recorded. The amendment to the Order of Business yesterday was less than helpful and in no way helped the process.

**An Cathaoirleach:** That issue was dealt with yesterday.

**Senator Ivor Callely:** I tried to get in yesterday and you indicated to me that I would be called today.

**An Cathaoirleach:** I ran out of time yesterday.

**Senator David Norris:** There was a time warp.

**An Cathaoirleach:** A decision was taken yesterday. An amendment was put forward as people are entitled to do and a vote was taken on it. That is the end of the story.

**Senator Ivor Callely:** I tried to get in on the issue. What I wanted to do was to put on the record what I have done. I continue to ask all members of the House to try to do what the Joint Committee on Health and Children has done so far on this issue, to work on a consensual basis, not to play politics with a very difficult issue——

**Senator Jerry Buttimer:** What is the Senator doing now?

**Senator Ivor Callely:** ——and try to find a real solution to the issue.

**Senator Jerry Buttimer:** What is the Senator doing now?

**Senator Ivor Callely:** I am not dividing the House on it. The Senator should cop himself on.

**Senator Liam Twomey:** The Taoiseach supports the Health Service Executive.

**Senator Ivor Callely:** Playing politics is what was happening yesterday.

**An Cathaoirleach:** That is an unparliamentary remark. I ask the Senator to withdraw it.

**Senator Ivor Callely:** I withdraw any remark that was unacceptable.

**An Cathaoirleach:** I accept that.

**Senator Paddy Burke:** I ask the Leader to invite the Minister for Transport to the House for a debate on national primary roads and national secondary roads. It is clear from all the local authorities throughout the country that national projects are being pushed back further for which various reasons are given. This is a significant problem because it will cost the economy money and jobs in the construction and road-making business. We are all aware that projects are being pushed further back the line.

**Senator Mary M. White:** I ask the Leader to invite the Minister of State with responsibility for older people, Deputy Máire Hootor, to come to the House for a debate on the issue of ageing, ageism and older people in Ireland. The front page of today's edition of the *Irish Examiner* contains an article on the rise in the incidence of suicide of older people in the country because of the closure of pubs. In the past rural life was based on agriculture. The cattle market is gone and cattle are brought directly to the factories. The milk is collected by tankers and taken directly to the creameries.

**Senator Paddy Burke:** The pharmacists.

**An Cathaoirleach:** Senator White, without interruption. It is not fair to any Member who wants to speak that anyone should interrupt. If it continues, I will simply ask Members who interrupt to leave the Chamber and give those who want to make a contribution an opportunity to do so.

**Senator Mary M. White:** On Monday last I had the pleasure of attending the 20th anniversary of the Third Age Foundation in Summerhill, County Meath, which is being driven by a visionary, Ms Mary Nally, whose report was launched by the Minister for Health and Children, Deputy Harney. This is a perfect example of a community that has reached out to older people in the area. Some 600 people from County Meath attended the launch. Its freefone senior helpline number is

[Senator Mary M. White.]

1850 440 444. It is manned by voluntary older people who listen to the stories of people who are isolated, lonely and possibly subject to suicide.

In 2006, 409 people died by suicide and 366 died by motor car accidents. More people are dying by suicide every year. With help and people looking out for and caring for one another, many deaths can be prevented. I have learned from my work on this issue that many people can be prevented from dying by suicide. Given that the social infrastructure has changed dramatically in the countryside, it is up to the GAA, voluntary groups and county councillors to reach out and encourage older people to go to meetings. I have addressed many active retirement groups throughout the country and have told them to continue to go to meetings because they will live longer.

**Senator Alan Kelly:** On a number of occasions I have raised in the House the issue of workers' rights, my concerns given the changing economy, and the issue of the minimum wage and the way in which it is exploited sometimes. I have raised the issue of Irish Ferries, the Irish Hotels Federation, the whole area of tourism and the case of various individuals who have been exploited, including the case of a Pakistani man last week who was working 60 hours for €50 per week. I am still concerned when I read that while there 196 detections for failure to pay the minimum wage in the past two years, there was only one prosecution. From a percentage basis that is extraordinary. That there has been only one prosecution during the past two years despite all the high profile cases is unbelievable. This raises concerns as to whether there are gaps in the legislation and, if so, they need to be filled.

We should name and shame those who denigrate the minimum wage. Those in receipt of it are some of the most vulnerable people in society. They work long hours. They work hard in some very low paid jobs and they need to be respected. These people are needed to keep the economy going. It is important the Minister comes into the House for a debate during which we can see if there are gaps in the legislation and, if so, that those gaps are filled.

I would also like the Minister to speak on the role of FÁS, of which I have been a supporter down through the years. However, given the changing economy I am concerned that the throughput of FÁS has not changed in recent years. Only 14% of those who go to FÁS are placed. It may be that the methodologies used by FÁS need to be looked at.

I thoroughly disagree with my colleague, Senator Ross, on his statements on the tribunal. From the Labour Party's point of view we never raise titbits in regard to the tribunal. At times, we consider it is our right to criticise the Taoiseach where it is necessary. I found it extraordinary yesterday that a Senator said in the House that the tribunals were causing a crisis in democracy. That

is unbelievable and it is crazy that a Senator would say that given that the tribunals were set up by the Seanad and the Dáil.

**An Cathaoirleach:** We do not want any more discussion on the tribunals.

**Senator Terry Leyden:** I ask the Leader if he will initiate soon a debate on the Lisbon reform treaty. We must begin to progress this issue. It is the most important issue facing the people this year. The future of 500 million people depends on us voting "yes" in the referendum in May or June. The European Union should be very conscious of the fact that the delay in the payment of the REPS will damage the "yes" vote among the IFA and farmers. We all have a vested interest to ensure it is a "yes" vote. I am delighted the Green Party is supporting the referendum because it will make an impact.

**Senator Paddy Burke:** Is it the back wheel or the front wheel?

**Senator Terry Leyden:** An ongoing debate would be worthwhile and it should start as soon as possible.

**Senator Nicky McFadden:** I support the call by Senator Ross for a debate on autism. I also raise the issue of stray dogs and our desperate disregard for dogs. I ask the Leader to invite the Minister to come into the House to discuss this topic. In County Westmeath last year we destroyed more than 600 dogs while in the whole of Scotland last year that number was not destroyed. It is all about awareness and lack of funding. There were two dog wardens in County Westmeath last year and now there is one. There is one dog pound. The ISPCA is being asked to take up the slack. We need to educate people and our children especially on how to care for animals. The number of stray dogs put down annually is a sad reflection on our country. It is a relevant and worthwhile debate.

**Senator Camillus Glynn:** During the last Seanad and since, I have raised the question of poaching in our rivers, canals and lakes. This is particularly pertinent in the midlands, certainly in County Westmeath, and at least one local newspaper has headlined it on a couple of occasions. A situation exists whereby two people, on one each side of a canal or river, use a net to take out all the fish — not even fingerlings are put back. The situation has been aggravated recently. Galmoylestown Lake outside Mullingar was one of the few lakes in Ireland where carp would breed but the stocks there have been completely depleted. I ask the Minister to come to the House to outline his proposals to have this practice stopped as it has been ongoing for some time. This is the sixth or seventh time I have raised the matter in the House and I would like something done about it.

Yesterday I raised the matter of a 13 year old girl who was raped by a 16 year old, which was reported in a national evening newspaper. Money had been paid by the 16 year old's family to the family of the girl. If I am to believe what I read, it would appear that in so far as the girl's family is concerned, this is the end of the matter. Rape is a serious crime in this country. Anybody who comes to our country, whether as an asylum seeker, to work or to visit, is welcome but they will have to obey the rules, regulations and laws. I will continue to raise this matter until I receive a suitable reply.

I want action taken with regard to the rape of that 13 year old girl. Every Member of the House, irrespective of political belief or otherwise, would have to agree it is a dastardly crime that cannot go unpunished. I ask the Leader to invite the Minister to the House to debate the matter. I realise it is a matter of implementing the law but the Garda Síochána seems to have some problem. As far as I am concerned, if a 13 year old girl or a 130 year old woman has been raped, it is a criminal act and something should be done about it.

**Senator Rónán Mullen:** I am glad colleagues have raised the issue of autism and have called for a debate in the House. I am very troubled by the comments of the former Leader of the House that there is a lingering animosity towards the full-blooded provision of applied behavioural analysis. It is depressing that at a time of prosperity, notwithstanding the blips we are talking about at present, hardly a day goes by but we have news of some section of our society that is being badly neglected, whether it is people with cystic fibrosis for whom necessary facilities are not available or the provision of applied behavioural analysis to those who need it. It would be shameful and an indictment of our society if there are bureaucratic or fiscal reasons why people who need this important method of education are not in a position to avail of it.

On the subject of people with special needs in our society, the Cathaoirleach will have received a letter, as have my colleagues, from Inclusion Ireland and Special Olympics Ireland. This matter, which will go before the Committee on Procedure and Privileges, concerns a request that there be a debate in the Seanad involving 60 people with intellectual disability on a motion affirming the right of every person with an intellectual disability to full and equal citizenship of Ireland. It is a request we should look on favourably and it could be an imaginative and influential event.

I note with regret that the other House refused to have such a debate within its precincts on the basis that it might set a precedent, notwithstanding that last November the young people's Parliament was met in the Dáil Chamber. We should set a positive precedent, although just because we set such a precedent which underscores our deep respect for the contribution of people with intel-

lectual disabilities does not mean we will have every small organisation seeking to use this Chamber for debate.

**An Cathaoirleach:** It is a matter for the CPP. If we wish to bring people in, it can be brought before the committee and discussed.

**Senator Rónán Mullen:** I raise this in the hope of raising the awareness of colleagues. We will have a little focal leat fhéin.

**An Cathaoirleach:** The point has been well made. We are on the Order of Business.

**Senator Rónán Mullen:** I wish to raise one final issue that needs to be debated. People are aware that Dublin Bus operates an exact fare, no change policy under which one hands over, say, €2 and instead of change a little chit is given that can be redeemed at a later stage. It appears Dublin Bus has retained €10 million in unclaimed ticket refunds, less than one fifth of which is dispersed under its community support scheme. We need a debate in the House on how public and private organisations use such moneys that come into their possession but to which they have no entitlement. It was laughable to hear Dublin Bus's excuse for not at least dispersing the amount—

**An Cathaoirleach:** If the Leader agrees to a debate, we can discuss the finer points the Senator is making.

**Senator Rónán Mullen:** In gratitude for the Cathaoirleach's indulgence, I conclude by noting we need to discuss why it can be acceptable to give the excuse that Dublin Bus is unable to disperse more under the community support scheme because the refund tickets are valid forever and it has to provide for the eventuality of customers demanding repayment.

**An Cathaoirleach:** That is a matter for the debate. We are on the Order of Business.

**Senator Rónán Mullen:** That laughable proposition should set the basis for our debate.

**Senator John Ellis:** Members are aware of the debate in the House last week on transport and the serious situation prevailing with regard to defective vehicles. Has the Leader heard from either the Garda authorities or anybody else with regard to the queries raised? They were raised in all sincerity to prove to the public that there is a need for action to be taken to deal with this situation.

Is it possible to ascertain whether we can get accountability from the HSE? Across the House, Members find the HSE responds ad lib to every query we raise with it as public representatives.

**Senator Fidelma Healy Eames:** That is the Government's fault.



**Senator John Ellis:** Deputy Healy Eames — I am sorry, I mean Senator Healy Eames. No more than myself, she failed the last day out.

If we are not getting responses from the HSE as elected public representatives, there is a need for something to be done, even if it means amending legislation. The HSE can make reports to us in the audiovisual room here in Leinster House but it seems to forget about us as soon as that is finished. I appeal to the Cathaoirleach to ascertain if something can be done on this front. It must be done or democracy will break down as far as the health service is concerned.

**Senator Paul Coghlan:** I agree with and support Senator Twomey's call to the Leader to arrange a debate to allow the Minister for Education and Science to deal with the issue of the education of children, particularly children with special needs and autism. A very serious charge has been made. It would be serious if there is lingering animosity on the part of civil servants in that Department. We do not know if that is the case but the Leader's immediate predecessor knows something of the matter and is a former Minister for Education. The current holder of that office should be allowed to comment and we could have a useful debate. The matter needs to be cleared up.

The Leader might now have more information on a matter I tried to raise previously, namely, local electoral area boundaries. The Minister for the Environment, Heritage and Local Government has in place electoral area committees. Submissions must be with the committees by 14 March and they are to report finally by June. One of their terms of reference lays out that they must have regard to and respect for Dáil constituency boundaries. New boundaries are proposed for Dáil elections but the electoral Bill to give effect to this is not yet published, as the Leader is aware. I understand it is the Government's intention to publish it but it may not be enacted prior to the end date of 20 June.

My question is simple. To which Dáil constituencies will the committees dealing with local electoral area boundaries have regard? Will it be those fought in the last general election or some others? I would like to hear the Leader's response.

**Senator David Norris:** I would like the Cathaoirleach to notice how well behaved this side of the House is compared to the other side. We have submissively accepted the Cathaoirleach's ruling with great grace and not challenged it. Perhaps that is because love is in the air on this, St. Valentine's Day. The last rose of summer is blooming in Glasnevin.

**Senator Donie Cassidy:** And snowdrops and daffodils.

**An Cathaoirleach:** We are on the Order of Business.

**Senator David Norris:** I mentioned positive news yesterday but I omitted to mention a significant issue, which is the removal of that nasty, right wing government in Australia and its replacement by a government headed by Mr. Rudd, who yesterday apologised to the aboriginal people. That was a great and marvellous thing to do.

**Senators:** Hear, hear.

**Senator David Norris:** I raised the question of China yesterday and I noted the comments of Senator Quinn. One hopes there will be open dialogue and the Olympic Games, which in some ways is a rather squalid event politically, will be used to highlight the situation in China. Far from what Senator Ó Murchú, with whom I rarely disagree, said, the situation in China is getting steadily worse. China has made an extraordinary jump from a bogus communism to a rampant and uncontrolled consumerist capitalism. I draw the House's attention to an issue in Tibet, which is the case of the Panchen Lama who was kidnapped at six years of age and who has not been seen since and the bogus Panchen Lama installed by the atheist Chinese government who is to be made one of its officials. Let us keep raising this issue.

On the question of autism, Deputy O'Rourke is a remarkable and courageous woman in the issues she raises. Importantly, one of the two professional authors of the report on autism openly disagreed with the Minister for Education and Science's interpretation of that report and that is a matter to be discussed.

**Senator Fidelma Healy Eames:** Last night in the Dáil the Government voted against the appropriate education of children with autism. I am saddened by this outcome and I support the call for a debate on this. If the Minister for Education and Science is serious about the appropriate education of children with autism, she will conduct research into both the eclectic method of teaching, which she favours for financial reasons, and the ABA method, which changes children's lives. If I had a child with autism, I would have grave difficulty sending him or her to an autistic unit in a primary school where the pupil-teacher ratio is 6:1. The teachers cannot handle this and they say they need the ratio reduced to 4:1. In Claddagh national school in Galway city, 24 children with autism receive no speech therapy. They have severe communication difficulties and their families must pay €642 per day for private occupational therapy.

**An Cathaoirleach:** If the debate is granted, these issues can be raised.

**Senator Fidelma Healy Eames:** I need to say my piece. The Government is wronging children with autism. They do not receive an appropriate education and if the Minister is to do them due

service, she must take time before she rules out centres providing ABA tuition and she must merge ABA central to the autistic units.

**An Cathaoirleach:** The Senator has made her point well and it is up the Leader to schedule a debate.

**Senator Fidelma Healy Eames:** Will the Leader invite the Minister for Education and Science back to the House to resume the debate, which is not over? This is a valid House, which needs to convey its views on education for autistic children.

Last week I raised the issue of 25 young mothers in education in Galway city who are at high risk of falling out of the system because the Minister of State at the Department of Education and Science, Deputy Sean Haughey, is refusing calls to provide the €50,000 in funding he allocated last year. Newstalk is trying to get answers about why he will not provide the money but he refuses to answer. Will the Leader ask him whether he will provide the funding to keep 60 young mothers in education in Galway city and, in particular, the 25 who are at high risk of falling out of the system next month? Project workers have been placed on protective notice and an answer is required to this urgent question.

**Senator Eugene Regan:** I have asked twice for a debate on the Lisbon treaty. Last week, I raised the issue of the date for the referendum on the treaty. The debate is important because the treaty is important to the country. We must rule out the scare tactics, personalised attacks and accusations of misinformation that have been to the fore to date. By having a debate in the House, we could put our stamp on the issue because if we move away from the personalised attacks and examine the key issues such as democratic deficit, neutrality and sovereignty on a correct information basis, all those arguments can be won, as they were during the previous referendum campaigns. It is important that the debate takes place.

I refute categorically what Senator Ross said. It does not do him any credit to try to frustrate and block debate. Corruption in Irish politics is of fundamental importance and corruption at the top is of even more importance. Where Ministers and the Taoiseach have sought to undermine a tribunal of inquiry set up by the Oireachtas, it is incumbent on us, and it is our obligation, to uphold the integrity and independence of that tribunal. I tabled a motion on this issue in early October 2007 because of the attempts made to undermine the tribunal. If the issue is not debated in both Houses, the Oireachtas will not fulfil its function.

**Senator Maria Corrigan:** I have asked the Leader on a number of occasions to facilitate a debate on the needs of people with intellectual disabilities in order that we can add our voices to ensuring they have the opportunities to avail of

equal citizenship in our county. Senator Mullen brought the House's attention to the request of their representative groups to use the Chamber to facilitate a debate in which they would set out their dreams and aspirations for equal citizenship. Perhaps it is unorthodox to request the use of the Chamber but if we could facilitate them in any way, we would give enormous credibility and validity to the fact that they have something to contribute to society. Sometimes in our anxiety to do right by people with disabilities, we focus on what they cannot do as opposed to what they can do. We have an opportunity to provide a forum for people to advocate for themselves. Last summer, the Dáil Chamber was used to facilitate Dáil na nÓg. If people with intellectual disabilities were afforded a similar opportunity during recess, that would be worth more than our words in the Chamber.

There is much debate about what is best for people with autism. Autism is a broad spectrum of disorders and the focus needs to be maintained on ensuring early assessment. If a child aged 18 months or two years is noted by his or her parents to be struggling, he or she should be assessed immediately and diagnosed and, as a result, have access to the approach that best suits him or her. The ABA method will not suit everyone. It is unfair, following the establishment of a special task force by the Minister, which recommended the eclectic approach, to say she will not go with the ABA method because of money. A group of experts told her the eclectic approach is the way to go.

**Senator Frances Fitzgerald:** I have come from a meeting of the Joint Committee on Health and Children where the Government members voted against an Opposition motion calling for the appointment of an independent arbitrator in the pharmacy dispute. The motion stated no changes should be made to the contract before independent arbitration takes place. I raise this issue because Fianna Fáil Members are supporting those calls at meetings throughout the country despite voting against the motion this morning.

As my colleagues have noted, Deputy O'Rourke has spoken about the Department of Education and Science's lingering animosity to applied behavioural analysis. Who is responsible for running the country? If the Department has a lingering animosity, what is the Government doing to change its attitude? Last week, when I raised the issue of costs for the Ó Cuanacháin family, the Minister of State at the Department of Agriculture and Food stated the only reason the Department of Education and Science takes these cases to the High Court is because they disagree with Government policy. Who is developing the policy and who is governing?

Similar questions arise in respect of the Health Service Executive and that is why I repeat the demand I made yesterday for the Minister for Health and Science to come to the House to outline Government policy on the pharmacy dispute.

[Senator Frances Fitzgerald.]

I also ask the Minister for Education and Science to outline for the House the Government's policy on ABA rather than blame her Department.

**Senator Donie Cassidy:** I welcome Kate Egan of "Oireachtas Report" to the Press Gallery. It is lovely to see a member of the press attend the proceedings of the House.

Senators Twomey, Mullen, Ross, Coghlan, Healy Eames, Ellis, Corrigan and Fitzgerald expressed their views on holding a debate with the Minister for Education and Science. The Minister will attend the House on Thursday, 21 February for a wide ranging debate on special needs. I am sure that will exercise the minds of Senators to have their contributions prepared regarding the serious concerns we all have about special needs.

In regard to the Health Service Executive, I gave my word yesterday that I will request a meeting with the Minister for Health and Children. Senator Callely noted that she will meet the HSE and pharmacists' representatives today. It would be opportune once these meetings are concluded to have the Minister attend the Seanad. I will update the House on the matter next Tuesday.

Senators Twomey and McDonald spoke about the people of coastal areas of County Wexford and the Department of the Environment, Heritage and Local Government. The Minister for the Environment, Heritage and Local Government, Deputy Gormley, will attend the House in the next two weeks. I understand he is ill today and therefore unable to attend for statements on the national waste strategy. However, he has expressed interest in returning for the conclusion of these statements and I will try to arrange time to discuss the issue raised by the Senators.

Senator Quinn criticised the unnecessary use of what we know as the paper trail. I see no reason Members cannot be given the option of avoiding a paper trail through technology.

Senators Quinn, Ó Murchú and Norris expressed their views on current activities in China, which is a rapidly changing country. The Olympics are a highlight for those of us who were involved in athletics. The greatest gift one can give one's body is fitness. As someone who participated quite successfully in the community games, of which Senator McFadden will be aware, I look forward to the Olympics.

**Senator Liam Twomey:** She was watching from the sidelines.

**Senator Donie Cassidy:** Senator Alex White raised serious concerns pertaining to teaching subjects. In one of this morning's best contributions, the Senator asked how we can use the key objectives of promoting skills and cutting-edge technology to upskill 60% of the workforce by 2020. Some €4.3 billion has been allocated to this area, which is a serious challenge to FÁS. I

hope to invite the Minister for Enterprise, Trade and Employment, Deputy Martin, to hear the views of Senators with extensive experience as well as those of the 25 new Senators who were elected this year. The country will have to meet this challenge if it is to survive and thrive into the next generation.

Senators de Búrca, Leyden, Regan and others called for a debate on the Lisbon treaty. I am endeavouring to invite the President of the European Parliament to the House. I hoped to have him attend next week but that does not facilitate his diary. I should have a date for the House by Tuesday morning. The debate will take place before the Easter recess and, I hope, within the next three to four weeks. Following that, I hope to arrange an all-day debate with the Minister of State at the Department of Foreign Affairs, Deputy Roche, at which every Member of the House can discuss the Lisbon treaty.

Senator de Búrca wished the Irish troops well in their deployment to Chad but expressed her concerns about the difficulties they may face. I will pass on the Senator's views to the Minister for Defence.

Senator O'Donoghue called for a debate on the homeless, and those with alcohol related problems in particular, in the context of the HSE's desire to discontinue its involvement with drop-in centres. I have first-hand experience of the buses which visit various locations in the city of Dublin nightly to take people from the streets to comfortable shelter accommodation. These people are to be congratulated for the great work they do. I will pass on the Senator's concerns to the Minister for Health and Children and I have no difficulty in having a debate on the issue at the earliest possible opportunity.

Fine Gael has Private Members' time next week so Senators should discuss with their leader how they want to prioritise issues. Five weeks remain in this term, followed by a 17-week term to the summer recess.

Senator Ó Murchú requested a debate on the law and the Director of Public Prosecutions. The Senator can make his request to the Committee on Procedure and Privileges which I am sure will give serious consideration to his proposal to invite the DPP to the House for a debate on his functions.

Senators Ross and McFadden called for a debate on autism. As I have noted earlier, a debate on special needs will take place next week. The father of the House, Senator Ross, has pursued this issue for a considerable period.

Several Senators expressed their views regarding attacks on Deputies and Taoisigh of all political parties. Members have made their views known to the Chair and have received a forthright response. It is a privilege to be a Member of the Seanad or the Dáil and we must abide by the Standing Orders of the Chair, which we devised. If anything is to be changed, it will have to be done through the Committees on Procedure and Privileges. I am obliged to respect Standing

Orders and the guidelines the Cathaoirleach employs when ruling on matters of this nature. If Senators so desire, they may bring their views to CPP which, under the stewardship of the Cathaoirleach, will consider them.

Senator Callely offered his congratulations to Giovanni Trapattoni. The latter's appointment created a great deal of excitement and I echo the Senator's comments.

Senator Callely also indicated his support for community pharmacists. All political parties want to see a successful resolution being reached in respect of the pharmacy issue. In addition, we want as much agreement, on an all-party basis, as it is possible to obtain. Making political points about this issue is not particularly helpful. I have my own private views regarding people's sincerity and genuineness in respect of this matter. I suppose, however, politics is politics.

What is at issue here is value for money. It was stated at the Joint Committee on Health and Children that certain drugs are 132% cheaper in Spain than in Ireland. On the other hand, however, pharmacists must be able to make a decent and honest living. Everyone supports them in that regard. We all know, particularly those of us who were reared on the margins—

**Senator Jerry Buttimer:** One cannot have it both ways.

**Senator Donie Cassidy:** —that when one did not have a medical card and when one could not afford to go to one's doctor and pay for advice, it was the friendly pharmacist who recommended the medication one needed to take. I know that from experience. Anyone who was born with a silver spoon in his or her mouth might not understand what I am saying. The important point to remember is that the Constitution clearly states that everyone must be treated equally.

Senator Burke requested that the Minister for Transport come before the House. The Minister is visiting Athlone, which is halfway between here and the Senator's home, at midday tomorrow in order to make the announcement on funding allocations in respect of national roads. Perhaps the Senator and I might discuss the matter in order to see how progress might be made. I have no difficulty allocating time for a debate in respect of it.

Senator Mary White requested that the Minister of State at the Department of Health and Children, Deputy Hootor, come before the House to engage in a debate on older people. Lifestyles in rural areas are changing, particularly with the creameries and cattle marts closing down. The opportunities for elderly people to meet and have a chat have dwindled. The greatest challenge people face in their lives is coming to terms with loneliness. Those who live alone often cannot sleep at night. As the Senator stated, last year more people lost their lives as a result of suicide than died as a result of the horrific car crashes and terrible tragedies that occurred on our roads.

We should do everything possible to help the Minister of State and her Department in respect of this matter and I have no difficulty making time available for a debate on it.

Senator Kelly called for a debate on workers' rights. Such a debate could take place in tandem with that which Senator Alex White requested in respect of FÁS and the challenges relating to retraining, etc. Provision is not made under the national minimum wage for people who are in training or pursuing apprenticeships. I fully support the concept of a decent wage for a decent day's work.

I will communicate the comments made by Senator McFadden on stray dogs to the relevant Minister. The Senator stated that a total of 600 dogs had to be put down in County Westmeath in the past 12 months.

Senator Glynn requested a debate on the decline of fish stocks in our rivers and lakes and on the activity of poaching. I have no difficulty making time available for such a debate.

Yesterday, Senator Glynn requested that time be made available for a debate on the abuse of children and the horrific incident he outlined to the House. Following the Order of Business yesterday, I made a request that the Minister come before the House to discuss that matter. I will inform the Senator of the up-to-date position as soon as I receive a reply.

Senator Mullen called for a debate on particular organisations, their use of money and the way they redistribute the excess of funds. I have no difficulty making time available for such a debate.

Senator Ellis, former Chairman of the Joint Committee on Transport, requested a debate on defective vehicles. The Senator may raise that issue when the Minister for Transport comes before the House.

Senator Coghlan has a strong personal interest in local electoral boundaries, the closing date in respect of which is 14 March. The Senator inquired as to whether the relevant legislation will come before the Houses before 20 June. There are a total of 17 sitting weeks between now and the summer recess. I expect, therefore, that the Bill will be introduced before 20 June in order that final deliberations can be concluded before the publication of the local election boundaries. We all received copies of the guidelines relating to this matter. In light of what is happening in population terms, particularly on the east coast and in our larger towns and cities, there is no doubt that there will be changes. This matter is in the hands of the commission, which is an independent body. The Senator knows as much as I do about this matter, particularly as the commission's deliberations are confidential. I look forward to it using its common sense and taking into account the needs of communities.

Senator Healy Eames highlighted the plight of 60 people in Galway. I will raise the matter with the Minister of State, Deputy Haughey, following the Order of Business.



[Senator Donie Cassidy.]

Senator Corrigan requested a debate on people with intellectual disabilities. I previously agreed to make time available for such a debate and I hope it will take place before the Easter recess.

Order of Business agreed to.

### **Limerick City Boundary Alteration Order: Motion.**

**Senator Donie Cassidy:** I move:

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

Limerick City Boundary Alteration Order 2008,

copies of which have been laid in draft form before Seanad Éireann on 12th February 2008, be referred to the Joint Committee on the Environment, Heritage and Local Government in accordance with paragraph (1) (Seanad) of the Orders of Reference of that Committee, which, not later than 27th February, 2008, shall send a message to the Seanad in the manner prescribed in Standing Order 72, and Standing Order 74(2) shall accordingly apply."

Question put and agreed to.

### **National Waste Strategy: Statements (Resumed).**

**An Leas-Chathaoirleach:** Senator Phelan was in possession.

**Senator John Paul Phelan:** I welcome the Minister of State, Deputy Hootor. When discussing this matter on the previous occasion, I outlined my views on incineration as a method of waste disposal. I also referred to the problems that exist in many rural areas — I am sure the Minister of State has encountered these — in the context of private operators employed to collect refuse who often cherry-pick routes. It can be difficult to encourage private operators to provide a comprehensive collection service in sparsely populated rural areas.

During my six years as a Member of the House, I have taken every opportunity that presented itself to raise the issue of illegal dumping. Such dumping is the bane of my life. I live immediately adjacent to approximately 2,000 acres of State forestry. Illegal dumping takes place within the forest on a continual basis. As soon as the local authority or the forestry service remove the items which have been dumped, further items are illegally dumped. One can be sure more illegal dumping will take place almost immediately. Many parts of the country, particularly the more sparsely-populated rural areas, have a significant illegal dumping issue.

I am not pretending I have any sweeping solutions, but there appears to be a rather small number of prosecutions for illegal dumping. Some years ago it was proposed in my area of

Kilkenny that those who were prosecuted would be named and shamed, with lists being published in the local media. This has not happened. We must do this because the only way to stop people from taking advantage of the countryside to dump unwanted products is to embarrass them. I encourage the Minister of State and her Department to do whatever is in their power to ensure a crackdown on illegal dumping takes place immediately.

Another issue related to illegal dumping is littering. There has been a significant improvement in the past couple of years in the appearance of many of our towns and cities but litter is still a significant problem. Despite the best efforts of voluntary organisations, the tidy towns and other groups, there is still a significant litter problem. While there appears to be more of an awareness of the unsightliness of litter among the younger generation, we are not getting to the bottom of the problem. Will the Minister of State outline the Government's position on littering.

I am anxious to know the current Government policy on incineration. The previous Government was in favour of incineration and the Minister for the Environment, Heritage and Local Government, shortly after being installed in that position, indicated a change in his personal view on incineration, as he was no longer implacably opposed to it. I am unsure if he indicated he was in favour of it. I would welcome an opportunity to hear him outline the current Government policy on incineration.

**Senator John Ellis:** I welcome the Minister of State, Deputy Hootor, who is substituting for the Minister, who I believe is ill. I take this opportunity to wish him a speedy recovery.

We come in here to speak about the problems facing us because of waste which are obvious to us every day. Waste from packaging and other products comes into our homes and businesses on a daily basis. Many of these products are recyclable but they end up dumped in landfills. If proper management were in place, only a small quantity of these products would end up in landfills.

Considering what ends up in landfills and exported from this country to outside landfills, it is obvious we are not making the necessary effort to ensure we get the maximum benefit from recycling. We have come a long way when we consider that ten years ago recycling and reuse was seen as having no consequence. At that stage we felt everything could continue as usual and that basically we could dump wherever we liked. We now see the cost of that approach to our environment. We should make people more aware of the benefits of recycling to ensure everything that can be reused is reused. White goods are dumped willy-nilly without anybody taking note of the consequences on our environment of such dumping. Senator John Paul Phelan mentioned the dumping of goods in forestries. Forestry roads are used as a dumping ground for old

cars, fridges, cookers and other items people do not want to go to the bother of having recycled.

Under the WEEE directive there is now a recycling charge on consumer items, which means nobody should have to pay for having an item recycled. I compliment the local authorities, many of which run recycling weeks for various products on a regular basis, which is important and should be encouraged. In some cases the charges introduced by local authorities for people who want to take their goods to recycling centres, some of which may have a value for the purpose, are rather high. Local authorities will have to consider the matter and although the centres cannot be run for free, in many cases goods are received that if handled properly have a high residual value when broken down or recycled.

Illegal dumping is a major problem. It is probably an effect of carelessness in many cases and people not thinking about the damage they are doing. For example, when fridges are dumped in forests the gas which escapes from them does considerable damage to our environment.

Large quantities of goods, such as televisions, computers and so on, are exported for recycling. Jobs could be created if such waste were recycled here rather than benefiting people from outside the country. There is also a problem with cars. However, rather than being thrown intact into crushers, cars are now being dismantled and the various components removed. Components, such as aluminium heads from engines, have a high value. Some products are only being semi-processed before being exported for reuse. There are job opportunities in fully recycling such products.

I noticed that the Minister did not refer to farm waste. Biodigesters will be the way forward in terms of dealing with animal slurry and waste. I appeal to the Minister to consider an incentive, such as a grant or investor tax write-off, even for groups of farmers, for the recycling of slurry from the cattle and pig industries. In many parts of the country the land can absorb only so much slurry and is reaching saturation point. The net result is we throw out a valuable resource that could be used for energy production. This should be considered by the Department in conjunction with the Department of Agriculture, Fisheries and Food to encourage people to invest in such energy and reduce our reliance on imports of fuel.

Reference has been made to the various products being recycled but a major problem is volume. In some cases the volumes are not sufficient

to warrant a large investment in recycling equipment or plant because it has to be hauled from one end of the country to the other. Our population is only one third of the population of London and as a result we face serious transport costs for recycling. Householders must make sacrifices, even if only by going to the local bring centre, if we are to do something about recycling and reuse.

People abuse bring centres such as bottle banks that are not permanently staffed, by throwing cans into the glass bin, or *vice versa*. That is wrong. They also leave the boxes or bags in which they brought the recyclables alongside the bins. There should be proper surveillance of bring centres, whether by camera or some other device, to prevent this negligence. Somebody who makes the effort to bring something to a recycling centre and then dumps half of it at the foot of the bin is defeating the purpose he or she set out to achieve.

We may have to accept incineration. Several industries, such as the cement industry, could use many of the products that are sent offshore to be incinerated. If we must have an incinerator to prevent further damage caused by dumping so be it. We will then face the usual cry of "not in my backyard" but we all must make sacrifices for the good of our communities. I appeal to the Minister to ensure that if we are to have incineration he will make decisions and provide the necessary incinerators. Before doing so, however, we should consult the cement industry because it could take up most of the waste suitable for recycling.

**Senator David Norris:** I welcome the Minister of State to the House and express my good wishes to the Minister for the Environment, Heritage and Local Government, who I have just learnt is unwell. This debate is important because it concerns a crisis afflicting the globe. Underlying it is the explosion in prosperity, and population throughout the globe. Since I graduated from Trinity College, and I am not as ancient as I might appear, the population of the planet has doubled, which is astonishing. Naturally, we generate more rubbish, as we do when we become more affluent. We have a significant job to do to educate people. I used to teach and am glad to be associated with An Taisce's green flag award for schools because it brings home to young people the necessity of treating the environment with respect, sorting out materials and recycling.

To digress to an allied area, I compliment the city authorities of Dublin on the way they maintain O'Connell Street. It is quite remarkable because we are a filthy race and it must be heart-breaking to have to continually clean that street. Apart from other environmental aspects, the street is one of the most significant public faces of this country for tourists. My one *caveat*, however is that the noise of the machines they use is unspeakable. Sometimes this vibration starts when they clean near my home, at 5.30 a.m. or 6 a.m. at weekends. Is it possible to have a more environmentally friendly machine doing the environmentally friendly task? There seems to be a conflict there. Why do they not also hose the streets down with recycled, non-potable water, as they do in Paris? I will not mention in too glorified detail the kind of materials that hit the pavement regularly every weekend in the inner city.

Many citizens demonstrate boorishness and an utter lack of consideration. People come regularly

[Senator David Norris.]

into my area in their motoring cars and unload black plastic sacks of refuse, apparently because they are too bloody mean to pay the bin tax. For people who are significantly poor, a bin tax may be an imposition. I, however, would be only too pleased to pay it if the refuse collection system were upgraded.

I and my neighbours regularly fill the green sacks, which are an excellent idea given the amount of paper that goes into them for recycling. Why do we not have other sacks, for plastics, tins and whatever else is possible? I know that more than paper alone goes into the green sacks but most people think of it as a place for papers. It is astonishing to see the amount of paper that one crusty old bachelor like me can generate. I fill the sack every two weeks. I am doing my best.

Although I live in the inner city I have a compost bin but I cannot claim credit for that. Ours is a very green house. The proprietor of the best flower shop in Dublin, Adonis Flowers in Patrick Street, Gerry, and his pal occupy my basement apartment. Gerry does my window boxes and all the recycling. When they move on, as they will soon, I will continue this process because I have begun to appreciate how important it is.

Senator Quinn raised on the Order of Business the amount of paper waste generated in this House but he was reticent because he mentioned only the fact that the Order of Business comes in a brown envelope. Would that was all. We all receive stacks of reports that we do not want or have time to read. Why not send them in electronic format or send an abstract with bullet points, on the basis of which we can decide whether to request the full report, maybe electronically? Why must we have a deluge of reports? Sometimes I get three or four copies of the same report from semi-State bodies. One arrives here, then a back-up in case I did not see it the first time, then two more at my home in North Great George's Street. It is maddening because they are too big to get in through the letter box and I receive a notice to call to the post office which I do only to discover it is the third copy of a report.

These are among the issues that face us as individuals. As a country, however, we face a serious situation, including fines from the European Union because we are not meeting our targets. By 2010 we have a good chance of being fined if we do not really press ahead, not just with education but also with implementation. The scale of the problem is indicated by the fact that if we are to meet our targets we must reduce landfill by 450,000 tonnes a year starting now. That is a significant challenge. Some years ago various Members, myself included, raised the issue of the unlicensed dumps, the cowboy operators around County Wicklow and how they could get away with this when there were not sufficient penalties against them. We must penalise these people.

As someone who loves the environment I naturally revolt against incineration but we must consider it. We do not need incinerators proliferated all over the place but we will need some degree of thermal treatment. I note that P.J. Rudden, a leading consultant on waste management, has stated it is absolutely necessary and that with it, Ireland can handle up to 1 million tonnes of waste per year, which would remove what the Environmental Protection Agency has described as the significant danger of fines from the EU. He went on to assert that thermal treatment is an inescapable and logical conclusion of the report from the Environmental Protection Agency.

I will turn to a paper from the Institute of Public Health that is concerned with the impact of hazardous waste on public health. In particular, it raises some questions in respect of breathing problems. It states:

Where no evidence can be found of a relationship between adverse health effects and proximity to incineration sites it is important to bear in mind this may mean there is no relationship or a relationship exists but may not be detectable using available methods and data sources. The fact that ill-health may occur infrequently or take years to appear makes it difficult to establish cause and effect. It is therefore imperative the impact on public health is adequately addressed.

My point is that this is pretty weak. It states there is either little or no evidence at present of a connection between incinerator emissions and such respiratory difficulties. While it is important that monitoring should continue, we cannot put a halt to the development of at least a couple of major incinerator sites, which must be carefully chosen, on the basis that although sufficient data cannot yet be found, that may be due to the lack of sufficiently sensitive instruments to so do. In the absence of such data, given the critical situation we face, we must consider the possibility of incineration although it may be politically unpopular. Apart from anything else, the continued use of landfill sites for hazardous waste in particular is more dangerous to the general community.

A culture has arisen in which large quantities of wrapping and rubbish are produced and I do not like it. I find it offensive, vulgar, awful, tedious and a nuisance and we should be educated against it. In addition, I refer to the commercially-driven notion of planned obsolescence in which things do not last. I recently was obliged to acquire a new washing machine. I had called out a plumber because its predecessor had developed a bit of a leak.

**An Leas-Chathaoirleach:** One minute remains to the Senator.

**Senator David Norris:** I thank the Leas-Chathaoirleach. That will be enough to staunch the leak. I called out the plumber, who charged



me approximately €60, and having examined the washing machine, he told me I would be obliged to get a new one. He asked me how long had it been in my possession and to his amazement, I replied that I had it for only 25 years. However, I look after such things. I have a recycled car and a recycled house and I wear recycled clothes I inherited from my uncle. The refusal to have anything that is recycled is awful. There should be places in which one can buy recycled items or where one can recondition things. Moreover, we also ought to have far more opportunities to recycle with deposit banks and so on.

There are some positive elements in this regard. I am greatly relieved that dioxin levels in Ireland are well below European Union limits and long may they remain so. While levels in the greater Dublin area may be higher than elsewhere in Ireland, the general level is still less than 50% of the EU limit, which gives cause for hope. However, I return to my earlier point that we must face our commitments under the Kyoto Protocol. It is worthwhile bearing in mind the recent comments of Professor John Sweeney of NUI Maynooth. I believe he also is the man who, some years ago, got into trouble for saying we were a bad neighbour in Europe, although perhaps I am mistaken in this regard. He has stated that, "Ireland has no friend left in Europe when you look at the burden of distribution. The 20 per cent is a signal that we misused the benefits we were given under Kyoto". Consequently, we must press ahead and face some difficult and unpopular decisions. It will be a major task to educate people to recycle and, if necessary to bite the bullet of incineration.

**Senator Dan Boyle:** For too long, the debate on waste in Ireland has been about the end of pipe solutions, that is, how one disposes of the waste that is created. In Ireland, we invariably have chosen the landfill option and rarely took into account properly the reason so much waste is produced in the first instance. The per capita amount of waste produced in Ireland often is twice that produced by many of our European counterparts. Each Irish citizen produces the equivalent of 1.25 tonnes per year. That would frighten many people if they were standing next to it. Other countries have started successfully to reduce the amount of waste that has been created. We must ask ourselves the reason we have not done the same. We are now reaching the point at which after decades and generations of poor waste management, our countryside is littered with landfills, some of which have long exceeded their natural lifespans. Many are being closed and alternatives for them must be sought.

The question of mass burn incineration has been raised in this debate. I continue to believe that mass burn incineration is the wrong response. I listened with interest to Senator Norris's contribution, who quoted the views of P. J. Rudden. As a consultant the latter has been the person most responsible for promoting incin-

eration in Ireland and his company was the main author of regional waste management strategies that suggested the development of a necklace of incinerators around the country. It is clear this proposal was wrong and unnecessary. Incineration is a technology that demands to be fed. If one builds an infrastructure that requires the burning of X amount of materials, a consequential requirement arises to produce X amount of materials. This is utterly incompatible with a strategy in which one seeks to reduce waste at every opportunity. In philosophical terms, incineration is the wrong answer. Moreover, incineration is a combustion-based technology. As the combustion process adds to the major global environmental problem we face, namely, greenhouse gas emissions and climate change, it is a highly stupid solution. Until we cease to propose this option as a high point of any waste management strategy, we will not solve the central issue.

The programme for Government makes a number of commitments in this regard. A commitment in respect of the EU landfill directive states that by 2010 we must seek to have only 10% of waste going to landfill, with the other 90% being diverted either to recycling or other waste management technologies. The programme for Government goes further in stating that the preferred technologies are biological and mechanical methods of disposal. The Minister for the Environment, Heritage and Local Government is working assiduously to promote this use of technology. The other commitment in the programme for Government states that incineration will not be given an economic advantage, either by way of "put and pay" clauses, which are a controversial element of the contract that Dublin City Council has signed in respect of Poolbeg, or by not matching any increase in landfill levies with the introduction of a similar level of levy for incineration. The Minister is producing legislation in this regard that will bring into play that principle.

Although certain cases still are within the planning process and the courts, I remain optimistic that alternatives and other waste management options will emerge that will help us to avoid mass burn incineration. Members must give particular consideration to the subject of hazardous waste. As Senator Buttimer is aware, the proposal for a national hazardous waste incinerator in Ringaskiddy has been controversial. Ringaskiddy has been always a bad choice for a number of reasons. While it is a centre for the pharmaceutical industry, one must bear in mind that locating a national hazardous waste facility in a particular area means that waste must be transported thereto from the rest of the country. Advocates of incineration contend that Ringaskiddy, having been heavily industrialised, can accommodate more hazardous waste. I have always rejected this argument. It is rarely understood that there are already five incinerators in the Ringaskiddy area, two at the Novartis plant and three at the SmithKline Beecham plant. If I, as an individual, were to accept the principle of



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incineration, it would be on the basis of having small-scale plant-based incinerators subject to integrated pollution prevention control licensing by the Environmental Protection Agency. On the basis of the industrial processes of the companies concerned, we would have a fair idea of what would be incinerated and what would be emitted.

It should be suggested as part of the current review of the national hazardous waste strategy that incinerators, if we are to have them, should be small-scale and linked to the installations producing the waste. We need to reject, by way of policy, the view that mass-burn incineration is a solution. I am confident that Government policy is going in this direction.

Ireland is often accused of being a bad neighbour for exporting most of its hazardous waste abroad. This argument is similar to that on incineration in general in that it is a matter of economies of scale. If we are to have sufficient infrastructure in Ireland to deal with hazardous waste in an economically viable manner, we must produce more of it or import it from abroad. There is still a logic to exportation and I am glad the Minister for the Environment, Heritage and Local Government has secured ongoing permission from the European Commission to allow some export of our hazardous waste. That said, we still require some hazardous waste facility in Ireland.

Regardless of what waste management method is chosen, there must be a degree of contained landfill. One can dispose of waste directly in landfill or one can use a mechanical and biological process or incineration. However, in the latter cases, a residue must still be sent to landfill. We must face up to the fact that we need a contained hazardous waste landfill as distinct from a hazardous waste incinerator. We must take care of as much of our hazardous waste as possible in Ireland and ensure we produce as little as possible, thereby guaranteeing there is less to dispose of.

Perversely, one item of good news that has emerged from our failure to deal with hazardous waste in the past is that it has created an incentive for companies to change their production practices. We have engaged in an act of waste minimisation over the past ten to 15 years that would not have occurred had the easy disposal option existed, as was proposed and as is still being proposed in some quarters. We need to strike a balance by reducing the waste we produce while ensuring it is very difficult to dispose of. Whatever other elements we require, such as a hazardous waste landfill or some exportation of materials we cannot handle owing to the expense or the requirement to produce more waste to justify processing it ourselves, it is a simple equation. I regret we have not been able to state it properly in political terms in the past. I am convinced, however, that through the work of the Minister and the programme for Government, the equation will be balanced in the short term.

**Senator Jerry Buttimer:** I welcome the Minister of State, Deputy Hootor, and wish the Minister, Deputy Gormley, a speedy recovery. Given that it is St. Valentine's Day, I will not heckle Senator Boyle and will be amorous in my remarks to him. I welcome his continuing opposition to the location of an incinerator in Ringaskiddy and share his concerns.

At the beginning of his speech, Senator Boyle asked why so much waste is being produced. I agree with him that we need to change our production practices urgently. In the course of this debate, we cannot let the question hang without tackling the issue.

I listened intently to Senator Boyle and hope the proposals associated with the genuine position he and his colleagues had adopted prior to entering Government are realised through the waste management strategy. I do not mean that in a critical way and I refer in particular to mass-burn incineration which the nation should reject. I have not been convinced by its advocates and we need to send out a strong message that incineration does not work and lends itself to further production of waste. As the Senator stated, incinerators need to be fed.

On the programme for Government and the EU landfill directive, I would like to see concrete proposals on how we will reach our target by 2010. I hope the Minister will pursue the mechanical and biological solutions with vigour and that we will have an intelligent debate on the matter. It is the ordinary people who must buy into the philosophy.

There are already five incinerators in Ringaskiddy and the area has been developed on foot of the establishment of pharmaceutical companies in the region. The N28 is not capable of accommodating the existing traffic and there is a proposal for the Port of Cork to be moved towards Ringaskiddy. I ask the Minister of State to return to her colleagues in Government to consider that Ringaskiddy is an unsuitable location, as is clearly the case.

In having this debate, we need to engage with citizens on the national waste strategy. Senators have alluded to the fact that our current landfill practices cannot proceed forever and that therefore we must reduce what is placed in landfill. New approaches and mindsets are required and there is willingness across the political divide in this regard. The methods we encourage must be people-centred and promote thought before action. In many ways we have forgotten we are stewards of the environment and that each of us, from the President and Taoiseach down to the youngest child, is responsible for conserving it. There should be no strata or any divide because it behoves us all to pass on to posterity an environment that is clean, healthy and enhanced.

There has been considerable growth in the development of civic amenity centres in many cities and towns, which I welcome, but we need to enhance them. On the grounds of my GAA club, Bishopstown, of which I am chairman, there is a

civil amenity centre run by Cork City Council. People leave bottles and cans at the facility. Why can we not have a cardboard recycling centre running in tandem? It would encourage people to recycle.

I agree with the remarks of Senators Quinn and Norris on the Order of Business to the effect that we all receive a considerable amount of unnecessary paper. Over the Christmas period, I engaged a shredding company and filled ten bags with Cork City Council and Oireachtas paper.

**Senator Cecilia Keaveney:** The Senator is only a Member since September.

**Senator Jerry Buttimer:** I know. There is no facility in this Chamber for the use of laptops or other technologies but there ought to be if we are serious about being an e-nation, so to speak, and using modern technology. I hope the Seanad can lead the way by reducing the volume of paper it uses by using laptops in the Chamber to call up Order Papers during the Order of Business, etc. As Senator Norris said, we get reports, half of which, unfortunately, we do not read or simply scan. I encourage the Minister of State, Deputy Hocht, to ask her colleagues to bring about this revolution to reduce the amount of paper used.

I refer to the regional plans drawn up by the county managers which I believe are on hold. How much has this cost? Where are we going with these regional plans? We need a national regulator for waste. It would be very effective in assisting all of us and, in particular, local authorities.

I was a school teacher before I became a Member of the House and I believe education is pivotal. The civics and the green flag programmes have engaged young people and have inculcated in them the need for recycling, reduction and reuse. It is a model which we should implement from primary school all the way up.

There is a major problem with littering. I was in New Zealand over the Christmas holidays and could not get over the lack of litter on, and the cleanliness of, the streets. The other night I went shopping in a centre in a suburb of Cork outside of which there was a plethora of cigarette butts and chewing gum with which one could tile the whole area. Despite the best efforts of many, we have not changed people's mindsets on littering, which we need to do. We need to prosecute and name and shame people who dump illegally or who throw litter on the ground while walking the streets of our cities or towns. We need to take on these people.

Our local authorities are under severe pressure. We have the private operators versus the public service provided by the city or county councils. At one level, it is fine for the private operators to enter the business. They offer a great deal for six weeks or six months while the public service goes out of business. That is about to happen in Cork city where Cork City Council is under severe

pressure. It has reduced the workforce in this area.

Again, I praise Cork City Council for its dry recyclables collection. Will the Government consider a national waiver system similar to that which applies in respect of social welfare? Some people do not pay refuse charges because they cannot afford them. Others genuinely want to pay them but find the cost is prohibitive. We need to take on the private operators but we also need to change the mindsets of people who opt out of the public collection. In five years' time many of our cities will not have council operated waste collections which will result in spiralling costs. This is an important debate which should transcend political lines. We need to scrutinise how we, as a nation, perform in regard to waste management.

**Senator Martin Brady:** I welcome the Minister of State, Deputy Hocht. I refer to a couple of points Senator Ellis made about dumping, farm waste and so on. I fish a lot and travel to many rural areas. In many lakes and rivers one sees much dumping of fridges, old cars and, in some cases, animals. This problem is not being treated seriously. The fines are so low that they are really not effective, particularly where rivers and lakes are polluted as a result of farmers spreading slurry excessively on land, which effluent then runs into drains.

We must consider initiatives to change existing waste disposal practices, reduce unnecessary volumes of waste, whether food waste, plastic waste or packaging materials, and encourage reuse, such as returnable glass bottles. Businesses must reduce waste to become more competitive.

I recently bought a battery charger for a mobile telephone. One would have needed a penknife or a good sharp knife to open it because it was wrapped in two layers of plastic packaging. That type of packaging is unnecessary. Some large bottles of minerals are wrapped in plastic. I do not see why plastic wrapping is needed on a bottle of Lucozade or whatever. It is unnecessary. Obviously, somebody is making money out of this. We must consult the manufacturers.

Senator Norris made a very good point in that if one asks someone to repair an electrical appliance, whether a television, washing machine or otherwise, the first thing one is told is to dump it and buy a new one. No one repairs appliances anymore. There were good people in that business, especially in the repair of radios and televisions. They made a good living out of it and they did a good job. Nowadays a television is dumped if the least thing goes wrong with it. That creates unnecessary waste. As Senator Norris said, we should encourage people to set up in business repairing these items and put proper incentives in place.

Car dumping is a major issue in Dublin. Last weekend I was on the Malahide Road and I noticed signs on a builder's site beside a Traveller site saying "Used cars for sale — €49.99". I made inquiries and found out that the owners of these

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cars did not want to dispose of them and paid people to take them away. Those cars will be dumped two or three times.

Another way to dispose of a car is to take the number plate off it and drive it on to Dollymount Strand so that the local authority disposes of it. We should trace the owners of these cars and the proper action should be taken against these offenders.

There is another problem with unlicensed waste disposal operators who advertise and put fliers in doors. People living alone, in particular, give them €150 to take waste away, whether chairs, other furniture or whatever. That waste is dumped on the roadside beside Traveller sites. I am not singling out Travellers because everybody has a role to play in this. I have spoken to Dublin City Council about this problem and removing this waste costs a considerable sum of money. However, nothing is being done about it. When people camp illegally on the roadside and move off—everyone knows who they are—all their rubbish is left behind. Nothing is done about that.

The question of the material we get has been raised. Agencies, whether the Combat Poverty Agency or otherwise, send us much material. When one goes to a launch or a presentation, one gets much glossy material which is a waste of taxpayers' money and is unnecessary. There is no awareness among some people that this material is unnecessary.

If one buys a coffee and a biscuit in the canteen in this House, the biscuit is so well wrapped that one would need a scissors to open it. The same applies to ketchup. There is no need for such wrapping. People drinking six packs in parks dump the cans and wrapping and nothing is done about that. Prevention is the name of the game. The greatest increase in waste has occurred with households and that could be reduced if waste was managed. There are better facilities for recycling, such as the depot on Oscar Traynor Road in Coolock. Sometimes it is full or no more waste can be taken because the lorry did not arrive to take it away. It is then dumped down on Dollymount Strand and things are so bad now that the residents themselves have had to set up a voluntary organisation to do a clean up a few times a week. We should take a serious look at this kind of issue. Action must be taken against offenders for illegal dumping, irrespective of who they are.

There are also licensed operators who use skips when people are clearing out houses or carrying out building work. These skips are often left on the streets for weeks without being picked up. They become a nuisance and a safety hazard. They are not lit up at night and they are quite dangerous. Young people often remove cans of paint from them and pour them all over the road. It costs the local authority thousands of euro to clean up afterwards.

Senator Boyle has opposed any moves on incineration, but we must have some form of it

because waste must be disposed. The key is prevention. Manufacturers should be consulted because there is no need for the over-packaging in the clothing and other industries.

**Senator Cecilia Keaveney:** I am glad to make a brief contribution to this important debate. It is a feature of life that we deal with waste every day. Whether it is by hot air or otherwise, we should continue to do what Senator Buttimer said and try to change the mindset of the public. It is easy to use the trendy phrase to reduce, reuse and recycle. It all comes down to the three "r"s, but until we decide we have a problem and that we want to deal with it, it is only a catchy phrase. We must go back to the start, which is in school. There are initiatives like the green school initiative where the children are getting opportunities to be environmentally friendly. There is great enthusiasm from children in primary schools for such projects. They tell me about how they told their mammy not to ask for plastic bags with their shopping.

To be fair to the Government, it led the way internationally with the plastic bag levy and it has been one of the most important features of daily life. It is a bit like the Troubles in the North. We remember the days of the plastic bags and we remember the Troubles in the North. I remember getting searched going into shops, but there is another generation that does not feel it is normal to use a plastic bag. A couple of generations ago people would have brought a trolley with them. My father and grandfather were managers of co-operatives and everything was about putting as much as one could into a cardboard box. When I go to the supermarket now, I feel like I am going back into history because I look for a box into which I can put my shopping. We must send out a message as to what is normal and that will become normal for the next generation. We have tried to put out the message that plastic bags are not normal, not needed and not the solution to everything that they once were. Back then, one could get a bag into which shopping was placed, but also a bag into which the bag was placed in case the first bag burst.

The point about over-wrapping cannot be emphasised enough. There is a great amount of wrapping being done, but children will be more familiar with rapping than wrapping. However, children hold the information and that will change the parents. We should not throw everything back at the teachers, because teachers seem to be the people solving all the woes of the world.

Senator Brady mentioned returnable bottles, but there is no such thing nowadays. When we were young, the five pence we got for bringing back an empty Cidona bottle could mount up pretty quickly. When scavenging for money in order to buy sweets or something more substantial, we were very good at finding these returnable bottles everywhere. By getting a few coins to buy something, we were doing our little bit for reusing and recycling. People say that it will not



work now, because they would walk past five cent or even a euro on the ground. However, I wonder if the same mindset exists among younger people today as existed when we were very young. Money should still mean something to them, and if they could get some for gathering a few bottles, then maybe they would go for it. We should look to manufacturers to see if we can bring back the concept of returnable bottles.

When I was in secondary school, one of the companies asked for the lids of cans, which were collected in the big supermarkets in Derry. I am not sure if this was a Northern policy, or whether it was an all-island policy. The money raised from collecting all that aluminium was put into providing wheelchairs. Even though people may not be excited about getting five cent for returning a bottle, they are excited by a good cause. We should try to use a few carrots, rather than big sticks.

The elderly waiver form needs to be examined. Waste will continue to become more expensive and we must be mindful that if some people cannot afford it, then it needs to be dealt with properly. I am also worried about the anti-social aspect of some forms of littering. People who drop their cigarette butts outside the pub, because they are not allowed to smoke inside, would not consider their behaviour to be anti-social. However, a number cigarette butts in the one place will come across as anti-social. In the rural areas of my constituency, we have a problem with items left in storage such as paint. People are inclined to open the storage and toss the paint around the place. Any bags tied up are untied and the contents are strewn around the place. This littering is not caused exclusively by dogs, foxes and other wild animals. It is often caused by citizens who are not litter conscious.

I commend the Government on its role in the development of the waste centre in Carndonagh, Inishowen. There also may be a need for a similar centre in Buncrana. The centre was free to use for some time. It is an important facility on the peninsula to which people drive to dispose of their waste. I am aware fees will be imposed henceforth on some aspects of waste disposal, but I hope that measure will not reverse the cycle of waste disposal in designated facilities and result in people dumping their waste in boglands or in the Sperrin mountains.

I would like to inform Senator Brady that scrap car prices are high. We have no problem with scrap cars in my area. As soon as the price of scrap cars increases, one cannot find a scrap car for love nor money, which is good thing. However, when the price decreases, places are littered with cars that failed the NCT, which have been sold for €20 upwards. Boyracers who tend to buy them, fill them with diesel or petrol, drive them until they run out of fuel, spin them on the road causing danger to themselves and others and then burn them on the spot. There was a spate of such incidents until the price of scrap cars increased. Perhaps a mechanism could be put in

place in the Department to intervene in the market by ensuring a reserve is put in place when the price of scrap materials, be it glass, paper or cars, is low and uncompetitive to ensure such materials are collected and retained.

I strongly support the notion of one individual having the role of a litter warden and a traffic warden and being able to give on-the-spot fines. Such fines could constitute the wages of such individuals, at least initially, and they would force people to quickly clean up their acts.

The tidy towns initiative, in which the Minister of State, Deputy Gallagher, was involved, has resulted in great work being done. I am pleased the initiative has been increasingly linked to activities in schools, which ensures communities are assisted. Initiatives such as that in place in Donegal County Council need to be maintained. If members of a community decide they want to clean up their local areas, the council will arrange for them to be provided with a skip, gloves and other equipment. This is a commercial venture and, as in the case of any commercial venture, the council cannot afford to leave a skip in an area for weeks on end.

There are many other issues I would like to have raised. An EIS for the Moville sewerage scheme was submitted. We were advised initially by the EPA that it was not needed and later advised it was. If a council has gone above and beyond the requirements to submit a comprehensive impact assessment on waste management, An Bord Pleanála should be more than happy to receive more information rather than reject the information offered and then request further information.

The need for enforcement officers and for a reduction in the amount of wrapping on products is important to reduce the volume of waste created. A proper mindset is necessary to tackle the problem. The involvement of children in the green schools initiative and the tidy towns initiative is a good starting point to address the issues involved.

**Senator Ciaran Cannon:** I support every aspect of Senator Boyle's well-worded arguments against the concept of incineration. If we as a nation are ambitious, which we should be and I believe we are, in reducing and minimising our waste, I cannot understand how alongside that ambition we are also proposing to use the concept of incineration. It, by its nature, needs massive amounts of waste to remain viable. I fail to understand how those two ambitions are compatible, and that is all I will say on that issue.

I wish to dwell on one aspect of our waste management problem, namely, superfluous packaging, which was addressed by a number of Senators this morning. The kernel of this problem lies with the fact that industry nationally and worldwide is allowed to have the word "disposable" in its dictionary. The word "disposal" comes into direct conflict with the word "sustainable". As long as society and industry insist on



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clinging to this trend of throwaway objects, we will have a waste management problem on our hands for many generations to come. If we ask our parents, or grandparents — those of us who are fortunate to still have them — about this issue, they will tell us they did not use the word “disposable” before the 1950s.

It is interesting that nature has been designing its own waste disposable solutions for millions of years. If one looks at the tree outside one's window, one will note it disposes of its leaves in the autumn. In the human world, this would be considered waste and they would be raked up, bagged and sent to a landfill. However, that is not so with nature, the soil simply breaks down the leaves, which provide a once yearly feeding for the plants.

This principle needs to be applied to all processes throughout industry, agriculture and the home. Most packaging, which makes up about 50% of our waste stream, should be composed, as far as possible, of organic material. In this way, a discarded wrapper would not become litter and as it composts it would become soil. There is no need for shampoo bottles, drinks cans and equipment packaging to last centuries longer than its contents.

Industry needs to address the issue of lifecycle in all its products. For instance, an electronics company in Japan has produced what is known as the first immortal television. Rather than selling the product, it is leased to the customer on a lifetime basis and covered by a warranty by the manufacturer. As the manufacturer owns the television, it is made up of sturdy and durable materials that are used in the making of the product. The fewer parts it has to replace, the more money the company makes. Similarly, a number of years ago, Xerox developed the first ever recyclable photocopier, which it called the zero landfill photocopier. This machine was developed to be long lasting and highly repairable and at the end of its lifecycle it is collected by Xerox and returned to its factory where it is dismantled into its component parts and rebuilt into another machine which can be resold as a brand new product. These are examples of efficiency and the kinds of products we should strive to ensure are used across all industry.

Waste management in Ireland is not solely the responsibility of local authorities or the Government, it is also that of the waste producer. Industry, has only begun to recognise its responsibility in this respect. It is helping by subscribing to a packaging reduction scheme, Repak, which recovers packaging materials for reuse.

As an island nation, it has become evident with accelerated awareness that the amount of land we are willing to devote to storing piles of rubbish is limited. An average of 400 kg of waste per year is produced by each individual, which amounts to a total of 44 million tonnes of waste every year. We should not store rubbish as it leaks down into the water-table and contaminates our drinking

water. Furthermore, it smells, attracts vermin and rots for 100 years by which time parts of it will still not be broken down, even on a geological time scale. The position could appear to be hopeless, but it is important that we as a Government encourage people to exercise their consumer powers as householders and as employees or employers. We must start to encourage people to refuse to purchase overpackaged goods. We must ask people to vote with their money and manufacturers will soon get the message.

I strongly support the point made by Senator Quinn on the Order of Business and reiterated by Senators Norris and Buttimer. We should be ashamed of the superfluous and unnecessary paper we generate in this House every day. I doubt if there is any Member who does not have access to email facilities. Every item of correspondence that emanates from our offices should be sent, by default, via email. If any Member still requires hard copies, he or she could make a special request for them. I spent two years in Galway County Council asking the secretariat to issue meeting agendas and minutes via email and finally it has happened. Some members now bring the agendas to the meetings on their laptops, thus negating the need to print them out at any point. Why can this not be done here? We are an important and relevant arm of Government and we should set the example.

**Acting Chairman (Senator Labhrás Ó Murchú):** When is it proposed to sit again?

**Senator Diarmuid Wilson:** At 2.30 p.m. next Tuesday.

### Adjournment Matters.

### Water and Sewerage Schemes.

**Senator Paudie Coffey:** I refer to the need for the Minister for the Environment, Heritage and Local Government to clarify the progress on the seven village sewerage scheme application submitted by Waterford County Council and the reasons the foreshore licences that are required have not yet been approved. There is a great deal of frustration and confusion surrounding this village sewerage scheme in County Waterford on which seven towns and villages are depending for their development and future expansion. The submission was made to the Department by Waterford County Council in 2003. Foreshore licences are required for some of the villages involved. The Department encouraged Waterford County Council to include all seven villages in the one application. While this might have been seen as more efficient at the outset, it has halted progress in some of the towns that did not require a foreshore licence and this is the nub of the issue.

I do not know and I would like clarification as to which Department is responsible for issuing foreshore licences. The application was made almost three years ago for the licences to allow the sewerage schemes to proceed. Is intolerably long. We are always talking about protecting the environment and installing the necessary infrastructure to allow our towns and villages to grow. Here are seven villages in a county stymied by excessive bureaucracy, delays and foot-dragging within the Departments. I ask that this should not be repeated in any other local authority areas or towns around the country. It causes enormous frustration for the local authority, councillors and, most importantly, communities hampered by the lack of development.

For the record, the seven villages involved are Cappoquin, Stradbally, Ardmore, Ballyduff-Kilmeaden, Dunmore East, Tallow and Kilmacthomas. Tallow and Kilmacthomas have been approved to go to tender for their schemes to be installed, as has Ballyduff-Kilmeaden, I am informed. Unfortunately, they now await Cappoquin, Stradbally and Ardmore which await their foreshore licences. I hope we get clarification today as to the timeframe in which we can expect the licences to be issued to allow these schemes to progress. I hope the Minister of State will take my views on board as well as those of the local authority that to group schemes together in this manner is not necessarily a good idea because it has delayed unnecessarily some of the towns that were ready to proceed. I thank the Minister of State for attending and look forward to his response.

**Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher):**

I thank Senator Coffey for raising the matter and giving me the opportunity to clarify, on behalf of the Minister for the Environment, Heritage and Local Government, the position on this important scheme. The Waterford grouped towns and villages sewerage scheme has been approved for funding by the Minister under his Department's water services investment programme 2007-09. The estimated cost of the scheme is more than €43 million. The current water services programme provides for overall investment of €182 million in new water and sewerage infrastructure in County Waterford over the next few years. A copy of the programme is available in the Oireachtas Library.

The towns and villages sewerage scheme entails the construction of new or upgraded waste water treatment and collection systems in Ardmore, Ballyduff-Kilmeaden, Cappoquin, Dunmore East, Kilmacthomas, Stradbally and Tallow. Waterford County Council is advancing the scheme on the basis of separate contracts for the collection systems and waste water treatment plants, with the latter being grouped under a single contract. The objective of grouping the treatment plants is to create economies of scale. This

secures greater interest from suitable contractors, better quality proposals and keenest prices.

When finished, this major scheme will cater for new residential and commercial development in each of the towns and villages, but especially Ardmore, Cappoquin and Dunmore East where development has been constrained because of inadequate waste water infrastructure. The scheme will also improve significantly environmental standards in local river systems and coastal waters which are an important amenity for the tourism sector. The agreed programme for Government is committed to ensuring waste water discharges into rivers, lakes and streams meet the highest international standards and this scheme is a clear reflection of that objective.

As the Senator is particularly interested in the position on the foreshore licences for the scheme, I will deal with this matter first. The Senator is probably aware that Waterford County Council has applied to the Department of Agriculture, Fisheries and Food for a total of nine foreshore licences for works associated with the Ardmore, Ballyduff-Kilmeaden, Cappoquin and Dunmore East waste water treatment plants. I understand the licences have yet to be granted but that the council is actively pursuing matters with that Department. I have arranged for the Senator's concerns in this regard to be brought to the attention of the Department of Agriculture, Fisheries and Food and that Department has undertaken to write to him setting out the position.

In so far as the scheme is concerned, I am pleased to be able to say that Waterford County Council is making good progress. Work on upgrading the waste water collection system in Tallow is well under way. The council signed the contract to upgrade the Kilmacthomas collection system in January. It expects to invite tenders shortly for the Cappoquin collection system and envisages seeking tenders for the remaining four collection systems on a phased basis up to June 2008. Under this timetable, construction work on all collection systems should have begun by January 2009. In accordance with devolved procedures introduced by the Department of the Environment to speed up the delivery of water services projects, departmental approval of the tenders for the collection systems will not be required provided Waterford County Council stays within budget.

The council also has completed the planning of the waste water treatment plants for each of the locations and has begun the pre-qualification process to select prospective tenderers. The council is finalising the contract documents for the new plants and will submit them to the Department of the Environment, Heritage and Local Government for approval as soon as possible. The council expects to be in a position to seek tenders for the treatment plants, under a single contract, by September 2008. The treatment plant contract will be structured in such a way that the construction of the plants will sequenced as far as possible

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to dovetail with the completion of the collection systems.

I assure the Senator that the Minister for the Environment, Heritage and Local Government is well aware of the need to improve the waste water services in these towns and villages and he and his Department will continue to co-operate in every way possible with Waterford County Council to have them completed with the minimum of delay.

**Senator Paudie Coffey:** I thank the Minister of State for outlining where we are in terms of progress. Lessons should be learned from this application and I hope the Minister and the Department of the Environment, Heritage and Local Government will take on board the view that where schemes are to be grouped, the question whether foreshore licences for individual applicants are required should be examined. If there is to be such a requirement, that inevitably will delay other applications which may not need them. I would be obliged if the Minister were to take that on board for the faster delivery of schemes in the future. In this case, it has taken five to ten years for delivery, from start to finish, which is unacceptable in this day and age. The Department and its officials should be doing everything possible to ensure schemes are advanced as quickly as possible.

**Deputy Pat The Cope Gallagher:** I certainly will pass on the Senator's views to the Department of Heritage and Local Government and the Department of Agriculture, Fisheries and Food which has responsibility for foreshore licences.

### Fire Stations.

**Senator John Paul Phelan:** I welcome the Minister of State. I raise the question of the inadequate facilities available at the fire station in Graiguenamanagh, County Kilkenny. The station is a workplace for 12 firemen. It houses two fire tenders and covers an area that extends across south-east Kilkenny and south Carlow, which is a very large catchment area, much of it sparsely populated. The problem from a service provision viewpoint is that the facility is hopelessly inadequate in this day and age. The original building was constructed in the 1940s and an extension was built about 30 years ago, which houses the second tender. The fire service in Graiguenamanagh owns a third vehicle, an off-road vehicle, which is parked immediately adjacent to the fire station. There is no land surrounding the station which is located on the street in Graiguenamanagh.

The difficulty with the existing station is that there are no facilities for training. While there are pumping facilities available on the Barrow in Graiguenamanagh for the firemen to do some of their training routines, no such facilities are available for much of the other work they must do such as working with ladders or, in particular, cut-

ting up cars. A large part of fire service work nowadays is concerned with the aftermath of car accidents. Unfortunately, for training purposes firemen in Graiguenamanagh have to go to Kilkenny one night per week. That is a problem in that the area is left uncovered from a fire service point of view. I acknowledge that significant work has been done and money has been invested in upgrading a number of fire stations in the Carlow and Kilkenny area during the course of the last few years. Graiguenamanagh is one of the last outstanding fire stations.

Tomorrow afternoon the new Graiguenamanagh relief road will be opened and will be a significant improvement in terms of traffic movement in and around the town of Graiguenamanagh. Given that the county council is in possession of a large parcel of eight to ten acres of land on the new road, perhaps an acre of ground could be provided in conjunction with the Department for the provision of a much needed new fire station to be operated successfully out of Graiguenamanagh to cover the south Carlow and south east Kilkenny areas.

**Deputy Pat The Cope Gallagher:** I thank Senator Phelan for raising this issue and giving me the opportunity to respond on behalf of my colleague, the Minister of State, Deputy Killeen, who has responsibility for the fire services. I acknowledge the Senator's appreciation of the significant contribution the fire services have made and continue to make each day in safeguarding our communities. I am familiar with the fire services as I had responsibility in that area for a number of years in the Department of the Environment, Heritage and Local Government and I am aware of the progress that has been made in the Senator's county. I am pleased to place on record the Government's commitment to the fire services in terms of modernisation and financial support.

The fire services capital programme, administered by the Department, supports local fire authorities in the development and maintenance of a quality fire-fighting and rescue service. The programme provides funding for the construction and upgrading of fire stations, the procurement of fire appliances and specialised equipment. There have been significant improvements affecting all areas of the fire service in recent years — increased investment in infrastructure and equipment, more staff, better training, and the provision of improved communications infrastructure. Last year, for example, saw the greatest annual investment to date, over €24 million, under the fire service capital programme.

Graiguenamanagh fire station was built in 1950. It is a two bay station and is located on the High Street in the town. There are six other fire stations located in County Kilkenny. They are located in Kilkenny city, Castlecomer, Freshford, Thomastown, Callan and Urlingford.

A new fire station at Callan was completed in 2003 at a cost of €590,000. In addition, a replace-



ment fire station at Freshford was completed recently at a cost of in excess of €1 million. I understand that tenders have recently been received by the fire authority in regard to the construction of a replacement fire station at Castlecomer. This project was approved by the Department under the 2005 capital programme.

At present there are two applications for funding from Kilkenny County Council for consideration under the programme. An application for funding has been made for a replacement two bay station in Graiguenamanagh and a further application has been made for the construction of a replacement station at Urlingford.

In general, applications for funding under the programme for the building or refurbishment of fire stations are considered on a case by case basis having regard to the fire authority's priorities, the existing facilities, the level of activity, the proximity of other fire stations, and the competing demands of other fire authorities for the available funding.

In regard to the issue raised, I understand that the Department has recently written to Kilkenny County Council requesting the fire authority to rank, in order of priority, applications to construct replacement stations at Graiguenamanagh and Urlingford. The Department has also requested that the fire authority prepare and submit a capital appraisal in respect of both projects in line with the Department of Finance's guidelines for the appraisal and management of capital expenditure proposals in the public sector. Upon receipt of the additional documentation sought by the Department and an indication of the council's priorities, construction projects submitted by Kilkenny County Council will be considered in the context of future capital programmes.

I hope this clarifies the issue for the Senator. I have no doubt he will use his influence to ensure his local authority responds to the Department's queries at an early date.

**Senator John Paul Phelan:** I thank the Minister of State.

#### EU Directives.

**Senator Fiona O'Malley:** I welcome the Minister of State to the House. I am glad to have the opportunity to discuss the data retention directive. I read in a newspaper recently that it is already three months overdue to be enacted. While the Department of Justice, Equality and Law Reform has given an indication that it will happen in the new future it was pointed out in the newspaper article that there has not been a proper debate about it. A debate is necessary because the directive provides for strong powers. One wonders whether it is necessary.

The primary objective of data retention is to be able to hold on to and analyse traffic. It covers mass surveillance of the population if one wants to take it to its limits and it certainly has the capacity to do that. That we seem to be signing away

agreement to do this worries me. What it means is that we will allow mobile phone traffic or correspondence on computers and websites that is delivered to be held for a period of three years. The argument often given is that it is a prevention measure against terrorism. That is one reason people do not like to alter it. If the State is under threat, anything that can be done to help bring people to justice should be done. It is hard for people to argue against it.

Let us look at the most recent acts of terrorism, particularly the Madrid bombings. Before this directive was introduced the culprits there were brought to justice on the basis of existing levels of data retention. I consider as excessive what is proposed in this directive.

I have raised this matter because there has been no debate on it. That is what worries me. I may learn from the Minister of State that it has been signed. I wanted to raise it because it is important the Houses of the Oireachtas get an opportunity to approve it as it constitutes an infringement of civil liberties and I am not sure it is in consort with the European Convention on Human Rights. On the one hand, how can we grant powers, albeit for laudable aims, when on the other hand, they are interfering with other more fundamental powers?

I was also interested to listen to a report this morning on a terrorist who was killed in Damascus yesterday. He had been on the most wanted list for many years. It was interesting to hear a private detective who had been pursuing him for 20 years speak about his practices. He never kept the same mobile phone for longer than a day. He kept changing codes. The levels to which he went to circumvent any kind of traceability were extraordinary. The devious mind will always find a way round conventions or monitoring systems that are in place. If one is a subversive one will look at ways of getting around controls or normal procedures.

That is the problem with this directive. It is not the guilty who will have their records kept indefinitely. The idea of the State watching over one is what worries me. We know that drug dealers buy credit and pay as you go phones, ones that are not and cannot be recorded. Legislation has been proposed providing that people who purchase such goods will have to be registered. Perhaps this is where it has got bogged down. It will be very difficult to register that.

My purpose today is to highlight that we should have the debate. If I am to learn it has not been transposed, I would hope we might have a chance to have greater debate in this regard because it is an important issue. If the State deems it is necessary, so be it, but the opportunity to discuss the matter is one I would welcome. I look forward to the Minister's response.

**Deputy Pat The Cope Gallagher:** I thank Senator Fiona O'Malley for raising the issue of data retention on the Adjournment today. It gives me an opportunity, on behalf of the Mini-



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ster for Justice, Equality and Law Reform, to outline the position, however briefly, with regard to data retention.

Traditionally, telephony operators retained data for their own billing and marketing purposes for a considerable period — often for up to six years — in line with the Statute of Limitations. The information was made available to the Garda on request on an informal basis. Some shape was put on that system in the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993, under which requests for data had to be made through a Garda chief superintendent or a colonel in the Permanent Defence Force. This system continued until the EU Telecommunications Directive 2002/58/EC which, as interpreted, allowed data to be retained for only up to six months. This would have caused problems for law enforcement and State security and, accordingly, the then Minister for Public Enterprise, using her powers under the Postal and Telecommunications Services Act 1983, issued directions to the main telephony operators to retain data for three years.

That was intended as a temporary measure until primary legislation was ready. The preparation of the legislation was delayed by negotiations on the EU framework decision on data retention. However, matters came to a head in January 2005 when the then Data Retention Commissioner issued notices to the main telephony operators to retain data for no longer than six months. To retain the integrity of a system that is crucial in the fight against crime, including terrorist crime, emergency legislation had to be prepared placing the temporary provisions on a full statutory basis. This was done in this House by way of amendments to the Criminal Justice (Terrorist Offences) Act 2005. I emphasise that the importance and effectiveness of data information in protecting our people against the activities of criminals, including terrorists, cannot be overestimated.

The negotiations on the framework decision petered out and it was decided instead to transform the instrument from a Third Pillar framework decision to a First Pillar directive. Agreement was reached on the directive following intense negotiations but Ireland voted against it on a matter of principle — we had no significant problem with the content. The First Pillar is designed to regulate the internal market. At present, we have a challenge to the legal base for the directive before the European Court of

Justice but that does not absolve us from transposing the directive.

Transposition will take place as soon as possible after all consultations have been completed. The directive was due for transposition last September but, because of our existing legislation on data retention, a method had to be found whereby the same scheme and safeguards would apply to both telephony and Internet data. It is the normal practice to transpose directives of this type by means of a statutory instrument. Transposition means that we will have a similar system of data retention to all of the other member states of the European Union. This will allow member states to co-operate more fully in responding to crime, including the transnational criminal gangs that traffic human beings and drugs, and the threats posed by terrorists, both from within and outside the European Union.

Finally, the directive is a joint collaboration between the European Parliament and the Council. Recital 9 makes it clear that it complies with Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms under which everyone has the right to respect for his or her private life. I reject that such a system is a breach of freedom. It is relevant only to information such as when and the number to which a call was made and the location of a call. It does not require content of messages to be retained. We have little room for flexibility in transposing the directive, but where we have some element of flexibility, such as the periods for which data must be retained, final decisions have not yet been made.

**Senator Fiona O'Malley:** I thank the Minister of State for that comprehensive reply. He said transposition will take place as soon as possible after consultations have been completed. He might ask the relevant Minister on my behalf where those consultations are taking place. As a Member of the other House, I ask the Minister of State to raise this issue there because it is in the interests of the Irish people. While he suggested that this directive complies with the European Convention for the Protection of Human Rights and Fundamental Freedoms, that is not what I have read. It would be a good opportunity for us to discuss it. Nobody wants to undermine the ability of the State to protect us against subversion — I would not want to do so. However, personal and individual freedoms are also important.

The Seanad adjourned at 1.30 p.m. until 2.30 p.m. on Tuesday, 19 February 2008.