



# SEANAD ÉIREANN

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*Dé hAoine, 4 Nollaig 2009.*  
*Friday, 4 December 2009.*

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Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Paidir.*  
*Prayer.*

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## **Business of Seanad.**

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

The need for the Minister for Defence to prioritise Civil Defence for funding and resources in the budget on 9 December.

I regard the matter raised by the Senator as suitable for discussion on the Adjournment and it will be taken at the conclusion of business.

## **Order of Business.**

**Senator Donie Cassidy:** The Order of Business is No. 1, Houses of the Oireachtas Commission (Amendment) Bill 2009 – Report and Final Stages, to be taken at the conclusion of the Order of Business; No. 2, statements on the Joint Oireachtas Sub-Committee on the River Shannon Authority and the interim report on flooding on the River Shannon, November 2000, to be taken at the conclusion of No. 1 and conclude within three hours, on which spokespersons make speak for 15 minutes and all other Senators, for ten minutes, on which Senators may share time, by agreement of the House, with the Minister to be called upon ten minutes before the conclusion of statements for concluding comments and to take questions from spokespersons and leaders.

**Senator Nicky McFadden:** I propose an amendment to the Order of Business that the Minister for Health and Children come into the House today in order that we can discuss the serious issue of ambulances being turned away from the Midland Regional Hospital, Mullingar. The hospital was taken off call yesterday owing to serious overcrowding in the accident and emergency department. At the time there were 23 people on trolleys awaiting treatment. I have held discussions with people working in the hospital, including senior consultants and clinicians, about the seriousness of the problem. Forty one acute beds have been taken out of the system and 35 nurses have not been replaced as a result of the recruitment embargo. I spoke to two consultants in the hospital this morning who have called for an emergency meeting with the HSE today to discuss the crisis. A representative of the INO spoke on radio about the potential risks to patients because of the serious overcrowding in the Midland Regional Hospital, Tullamore, to where ambulances were being referred. It is also experiencing its own difficulties with the staff embargo. We are putting patients at risk. If the Government presses ahead with

[Senator Nicky McFadden.]

the misguided proposal to cut public sector pay costs through the 12 days unpaid leave, it will further put patients at risk. The INO was this morning very vocal about how worried it is with regard to how its staff will cope and care for patients under such trying conditions.

The Leader, like other Members, will have received a press release from the HSE yesterday. It was quite misleading that the HSE would claim the hospital consultants endorsed the recent addition of day beds and the reduction of acute beds, given that 13 new day beds are no substitute for acute hospital beds in Mullingar General Hospital. Some 61 operations were cancelled in the first half of this year, there is serious overcrowding due to people trying to get into accident and emergency departments and there is gridlock in the system because hundreds of patients are unable to access step-down beds.

I know the Leader shares my concern, and he and Senator Glynn recently put down a very supportive Adjournment matter concerning the serious crisis in Mullingar. The Leader should be honest and join me in offering collective political support for the people of Longford-Westmeath, so the Minister would really hear what we are saying, namely, that we cannot lose any more services in the hospital. It is the slippery slope towards the diminution of services in Mullingar.

**An Cathaoirleach:** The Senator's time is concluded.

**Senator Nicky McFadden:** We have already witnessed the debacle when a dermatologist was supposedly employed but was not. The sexual assault unit was transferred to Tullamore General Hospital—

**An Cathaoirleach:** We can deal with that during the debate, if it is agreed. Leaders have three minutes, so the Senator's time is up. I must apologise and move on to Senator O'Toole.

**Senator Joe O'Toole:** I ask the Leader to make time for the Minister for Foreign Affairs to come to the House to discuss the issue of the European Union's position in its free trade negotiations with Colombia. I have discussed this with the Minister, Deputy Martin, and believe he is concerned about it. It is heartening to know that all 12 Irish MEPs have signed a petition asking for the suspension of the free trade negotiations with Colombia. In the past two years, as has been confirmed by the United Nations Commission on Human Rights, the number of non-judicial executions has doubled, the number of deaths attributed to the army has doubled and the number of people forcibly pushed off their lands has resulted in the highest number of refugees *per capita* in the world.

While I will not go into further detail given the time constraints, I ask the Leader to consider taking a motion from the House to ask that the EU would suspend the free trade negotiations with Colombia until the UN is satisfied that proper steps are being taken to restore human rights. It is an issue the Green Party may also have raised at Government level recently.

**Senator Ivana Bacik:** I express to the Leader the concern of the Labour Party group at the way in which business in this House was ordered or, more accurately, disordered this week. We have had a difficult week in terms of the ordering of business. I am not suggesting all the responsibility for that lies with the Leader but there have been quite a number of piecemeal, last minute and unilateral changes to the Order of Business which have not been negotiated or agreed with the leaders of the other groups. There is, therefore, a kind of cavalier attitude to the ordering of business which does not make for good and orderly debate. This brings the House into disrepute and I ask the Leader that in future, certainly in the next two weeks and in the term following Christmas, we would have a more orderly decision-making process in regard to changing the times of business and debates. I know things happen at the last minute

and, inevitably, there will be changes. However, yesterday, for example, quite a number of changes were made at the last minute to the Order of Business, which meant it was very difficult for us to ensure good debate took place on all the important matters we have to discuss. I ask for an answer on this issue.

I welcome the good and thorough debate yesterday on the report of the Murphy commission. However, there are other debates we need to have in this House flowing from the consequences of the Murphy report. One of the key issues is that we need to discuss the patronage of national schools, a matter a number of speakers raised yesterday during the debate on the Murphy commission. I mentioned in particular a speech by Bishop Donal Murray to a conference on catholic primary education in Ireland in Limerick on 22 May this year, where he acknowledged that catholic schools were simply not suitable for families that find the catholic ethos unacceptable, even though there would be areas in Ireland where families have no choice but to send their child to the local catholic school. He acknowledges a reality in that speech but it is unacceptable and unconstitutional that children are being forced to attend schools where they are receiving religious instruction in a faith against the wishes of their parent. That religious instruction is integrated throughout the school day in catholic schools.

Yesterday, Educate Together launched a manual in regard to patronage of multi-denominational schools. While many of the other patrons could learn from the very clear and transparent way in which it set out the responsibilities of patrons, we need an overall debate about patronage of schools, examining the way in which religious orders and institutions retain control, not only of schools but of hospitals. I know the Deputy Leader's colleague, Deputy Cuffe, raised a very particular point about the Archbishop of Dublin remaining as chair of the National Maternity Hospital in Dublin, which is a matter of real concern, as is the ongoing influence the catholic church has in the ethics committees of hospitals like the Mater Hospital.

Following on from the Murphy report, I welcome the news that the Minister, Deputy Martin, is to meet the papal nuncio. I hope he will express to him his great concern at the contempt with which the Vatican treated the Murphy commission. I hope he will say to him that it is simply not good enough for the catholic church to rely on mental reservations and diplomatic niceties to escape responsibility for the infliction of this most appalling abuse on so many of our children.

**Senator Paul Coghlan:** I second the amendment to the Order of Business proposed by Senator McFadden. It is a very serious issue, as the Leader must be aware. I hope he shares Senator McFadden's concern and appreciates the desperate and deplorable situation which is crying out for urgent and immediate redress.

For the benefit of the House, will the Leader outline the remaining sitting days up to Christmas and the programme of work he envisages the House dealing with in that period?

On a local matter, I am very concerned with the changing practice of Iarnród Éireann. Greatly improved trains have been brought into service and the early morning train from Kerry is an excellent service. Unfortunately, those travelling on the service are denied access to the dining carriage unless they travel first class. This never happened before and is a most peculiar situation which I have challenged on several occasions. I appeal, through the Leader, to the Minister to issue a directive to Iarnród Éireann to right this situation. It is preventing people who have no desire to travel first class, as the carriages are quite good and there is no need to, from having a meal of any kind because they cannot enter that carriage unless they buy a first class ticket.

**Senator Donie Cassidy:** That is crazy.

**Senator Paul Coghlan:** It is wrong.

**Senator Shane Ross:** Yesterday, I raised an issue which will be dear to the Leader's heart, namely, the courage of the backbenchers in his party in raising the issues which were going on in the talks up the road. I would like his response to what I regard as a very serious remark by a leader of a public service trades union yesterday, when one of them — I believe I am not meant to mention his name — went on television and basically told Members of the Dáil and Seanad to shut up about matters of this sort.

That tells us a lot. It tells us what they think about democracy.

**Senator Joe O'Toole:** What he thinks about it.

**Senator Shane Ross:** If the Senator and the others want to dissociate themselves from him, let us hear them say so.

**Senator Joe O'Toole:** Absolutely.

**Senator Shane Ross:** It tells us a lot because a public service trade unionist has told Members of the Oireachtas to shut up on issues of national importance and to leave it to him and the others. That is a serious matter. Yesterday Moody's carried out a new credit rating review of Ireland. It stated it was looking at the Irish budget next week with a view to downgrading our credit rating again. I hope to God it has not been watching the farce in Government Buildings. If it sees that the democratically elected politicians in this country do not matter and the Taoiseach capitulating to trade unionists' demands and these irresponsible statements, with democrats being told to keep their mouths shut on national issues, it will give the thumbs down to Ireland. It is vital the Taoiseach shows some bottle in the face of these threats and delivers the cuts that are necessary, regardless of the trade unionists. He must listen to his backbenchers instead.

**Senator Mary M. White:** I support Senator O'Toole's call for the Minister for Foreign Affairs to come to the House to talk about the state of relations with Colombia, including free trade agreements. I visited Colombia seven times on a human rights mission. The Red Cross has stated the system in Colombia borders on totalitarianism. We must get our relationships in order. I am not impressed by the smirking of Senators on the other side of the House.

**Senator Jerry Buttimer:** I would love to hear a definition of "human rights".

**An Cathaoirleach:** No interruptions, please. Senator White has the floor.

**Senator Mary M. White:** It is disrespectful because anyone who engages in the pursuit of human rights always faces problems from those who hold a different view.

I call for a debate on the inquiry in the Dublin archdiocese. Last night the discussion was guillotined and I call for it to be urgently renewed, bearing in mind the words of the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern. He has stated emotion and being upset and disturbed are not enough, that the evil men who raped and assaulted children in the State must face justice meted out by the State and its people, justice which is blind to position, power or clerical rank, which knows only innocence or guilt as defined by the people and as set down by the Oireachtas in the laws of Ireland, a republic.

I also call for the papal nuncio to attend the Oireachtas Joint Committee on Health and Children at which we have had many discussions on children and child abuse. I commend the Minister for Foreign Affairs, Deputy Micheál Martin, for demanding the immediate attendance

of the papal nuncio at the Department of Foreign Affairs. It is right that the Minister is not expected to go to the papal nuncio's home in the Phoenix Park.

**Senator Jerry Buttimer:** In reference to Senator White, I make the comment——

**Senator Mary M. White:** I was not talking about Senator Buttimer.

**Senator Jerry Buttimer:** I appreciate that but in terms of human rights, it behoves all of us to speak up but on the definition of “human rights” is where I differ from the Senator in the case she mentioned.

**Senator Mary M. White:** That is an outrageous statement. A person is presumed innocent until found guilty. How dare the Senator? We live in a republic, a free state, not a totalitarian state.

**Senator Jerry Buttimer:** That is why freedom of speech is available to us all.

**An Cathaoirleach:** I call for questions to the Leader. There will not be any discussion across the floor between Members.

**Senator Jerry Buttimer:** In reference to Senator Coghlan's comments, will the Leader outline the days on which the House will sit before Christmas and the business ordered to be taken? It is important, out of respect for the House, the staff and Members, that we know where we are going.

Will the Leader ask the Minister for Finance to come before the House on Tuesday to outline in advance of the budget what he is doing on social partnership? The comments attributed to the general secretary of the INO are unhelpful. While I understand his frustration about the talks, it behoves all of us to protect the most vulnerable in society. If we are serious about tackling the injustice inflicted by the Government on the ordinary citizen, decisions must be taken that are unpalatable.

This morning Fine Gael will unveil its pre-budget submission. We will not pull punches and will act in the interests of creating sustainable communities and looking after the most vulnerable in putting people first, not vested interests. That is where we disagree with Fianna Fáil. That is why I said yesterday on the Order of Business that the Taoiseach must address the nation to outline what he was trying to achieve and how we were going to do it. He must explain to the people in plain English the realities of life that we face. Until now, he has made a monumental cock up of it.

**Senator Camillus Glynn:** On the utterances of certain people about what we, in the Houses of the Oireachtas, should or should not say, I want to make my position clear: anything I consider worth saying relevant to any matter of common interest to me and those I represent, I will say it. If some people do not like that, hard cheese.

From time to time we call on the Leader for debates on this, that or other topic. It is not fair when Members accuse the Leader of including frivolous items. I called for a debate yesterday on drugs. Can anyone tell me that is not an important item? I have called for a debate on the report by an Oireachtas committee on the electoral register drawn up following a meeting with our counterparts in Belfast. Everyone comes into the House after an election and gives out about the local authorities which, despite their best efforts, are not getting it right. The reason they are not getting right is the system is wrong. It does not work, has not worked and will not work. We must get real about debates in this House. We have debates but they take the form of statements.

[Senator Camillus Glynn.]

I have in the past and will in the future articulate my views on the Midland Regional Hospital, Mullingar. It has not been getting a fair crack of the whip, although it is one of the top performing hospitals in the country. In a hospital not far away, a less well performing hospital, there are 100 more whole-time equivalent nurses than in Mullingar.

**Senator Feargal Quinn:** We are coming close to the season of goodwill and it appears that every day we hear complaints in this House about one thing or another. I am as much to blame as anyone else but there were two items in the newspapers today that appealed to me. One of them involves good news, that Ireland was regarded, in the performance ratio of the Reputation Council, a body based in New York and Holland, as being ahead of Britain, the USA and France. We came 11th, which is not as good as we would like for our reputation. We did not do well in some areas. However, this is a reminder that we should not talk ourselves into believing everything is wrong all of the time. This is one piece of good news that deserves attention.

*11 o'clock*

I also wish to comment on the release of the five yachtsmen by Iran. I saw them being interviewed on television this morning following their release and they expressed great appreciation of how they had been dealt with by the Iranians. We often hear nothing but bad news about Iran. However, on this occasion the five men said they had been treated very well. I have not seen the British newspapers in the past six days, but it appears they claimed Iran was likely to hold the men as bargaining tools in its negotiations with the rest of the world. We do not often have something good to say about Iran, but when we have the occasion to do so, we should say it. I hope the Minister for Foreign Affairs who was involved because one of the five yachtsmen had an Irish passport will convey our appreciation to the Iranian Government and Embassy here on their release.

**An Cathaoirleach:** One of them is from my own town.

**Senator Dan Boyle:** In support of the calls made by other Senators, I ask the Leader to renew his efforts to arrange a special debate or series of debates on social partnership. This might require the assistance of the Cathaoirleach in his role as a member of the Committee on Procedure and Privileges with regard to how the House might interact with representatives of the various social partnership bodies. It is clear social partnership has a useful function and that consensus has been useful in helping to shape the economy. However, it should never be taken as a decision making body. Decisions are the responsibility of the Government and it is the responsibility of this House and the Dáil to ensure its accountability. For those participating in the social partnership process to presume it is otherwise is a negation of democracy.

I find it somewhat ironic that we have been judged by an agency such as Moody's, the rating agency which has contributed to much of the international economic uncertainty in recent times. The ultimate irony is that if such a ratings agency was concerned about the lack of democracy in this country, it would change our ratings positively if we were to subsume our economic independence and have these decisions made by a body such as the International Monetary Fund. Therefore, that lack of philosophical consistency is not something to which we should pay too much attention. However, we certainly need to define our democratic ideals and it is important to ensure we follow through properly on them. It is time for the House to have a critical engagement with and examination of the social partnership process that would benefit both the House and the country, in general.

**Senator Paschal Donohoe:** I support the request made by Senator Buttimer that the Minister for Finance come to the House to discuss the state of social partnership and the national finances, just as Senator Boyle suggested. We must look at what is happening in Greece in its economy and take note of the phenomenal difficulty it faced very quickly. We must realise that not only are we just a couple of steps away from finding ourselves in such a difficulty, we are also a couple of comments away from finding ourselves faced by it. It is very important that the trade union leader does not clarify the comments he made yesterday, but that he retracts them and apologises for making them. He has done huge damage to his colleagues and the objective they are trying to achieve. We must remember it is not €1.3 billion the Government is trying to find in savings but €4 billion. It needs to save €4 billion this year and next year and a similar amount the following year. We do not need clarification of his comments but a retraction in the national interest.

I support colleagues who have called on the Minister for Foreign Affairs to come to the House. We should broaden that debate. Two weeks ago it was announced that Ireland would chair the OSCE, Organisation for Security and Co-operation in Europe. That is a major diplomatic coup for Ireland, but it has not received the comment it should have. We should have a debate on our reputation abroad and its status. It seems there was an assumption that if we voted “Yes” to the Lisbon treaty, we would automatically default to being good Europeans and that our reputation would default to what it was before the first Lisbon treaty referendum. That is not true. We should have a plan to rebuild our reputation abroad. It is happening, but the House could benefit from a discussion on the issue.

**Senator Larry Butler:** I raise an issue that is important in the context of the current economic situation and unemployment levels. A number of major contracts will reach a conclusion shortly. Many major road contracts will be completed by the end of this month. That means we will see unemployment in this sector of the construction industry. It is important, therefore, that the Minister for Finance considers new programmes. The Department of the Environment, Heritage and Local Government could play a major role in this regard. We should now concentrate on putting major infrastructure in place in flood prone areas. That would be a good project to consider.

We should also consider how work can be created on the introduction of the carbon tax. If some €300 million or €400 million is to be raised, we should put a programme together as soon as possible to identify black spots and create work in these areas. This would help to reduce unemployment by bringing the surplus of well-trained workers in the construction industry back to work. We cannot sustain a figure of 400,000 people on the dole in the long term. This is an opportunity the Government could take to reduce unemployment levels. I raised the issue at our parliamentary party meeting yesterday, but it is important to ensure there is work available in the construction sector which plays a major role in most projects undertaken. The state of the sector gives an indication of how the country is doing and of how it will get out of the current difficulties. I urge the Leader to arrange a debate on this issue. Some 150,000 people could join the dole queues, unless we do something about it.

**Senator Eugene Regan:** On the issue of social partnership and unpaid leave in lieu of pay deductions, the editorial in *The Irish Times* today says it all — a Government out of touch. Having gone on for many months about the need to save €4 billion in the budget and having secured the support of the Opposition parties on the essential savings needed to bring the public finances under control, the Government has now entertained this proposal. This brings discredit, not only to the whole notion of social partnership but to the Government for its lack of leadership.



[Senator Eugene Regan.]

Senator O'Toole called on the Minister for Foreign Affairs to come into the House to speak on the issue of human rights in Colombia, the relationship between the European Union and Colombia and the new trade agreement. It would be useful if the Minister came into the House to speak about Irish foreign policy because there is an issue about human rights in Colombia and our relationship with that country.

There is also an issue about what has emerged from the Murphy report and the commission of investigation into child abuse in the context of the co-operation received from the Vatican. If there are to be further investigations in other dioceses, it is important the matter is resolved through diplomatic channels. The Minister has requested the papal nuncio to report on the matter. He should then report to the House on what happened at that meeting.

I wish to raise another human rights issue, namely, that the Minister has been refused permission to visit Gaza. This is an extraordinary affront to the Irish State. I would like to hear from the Minister for Foreign Affairs what will be his response to this insult. I know it is a sensitive subject, given the findings of the UN fact-finding mission led by Mr. Justice Richard Goldstone and his report on the Gaza conflict in which he said there was serious indications of violations of international human rights and humanitarian law. In that context it would be very useful if the Minister would come to the House and report in general on those matters.

**Senator Ivor Callely:** I note with interest the call for the Minister for Finance to come to the House to discuss social partnership. I do not agree with that proposal. The Minister for Finance has a lot more on his agenda that I would prefer him to concentrate on rather than coming to this House to talk about social partnership, an issue with its own momentum and which hopefully will have a successful outcome. At the appropriate time when one of the most important budgets that will ever be presented is completed, if the Minister has time to come to the House at that stage I would support such a call but not at this time.

I apply common-sense values to certain things. My concern today is the number of business houses in my constituency in the heart of the capital city and where I live which are facing severe trading difficulties. The commercial rate is causing a great problem. The setting of the rate is a reserved function of elected council members. I ask the Leader to obtain a breakdown of the politically controlled councils around the country to see how we could work with those councils to attempt to address the difficulties which some business houses are experiencing. We are all members of political bodies and if people affiliated to us are putting this pressure on business houses we might be able to use our energies to assist them in a practical way.

I refer to my good friend Senator Paschal Donohoe's comment about the OSCE. I agree with him that this is a great opportunity for Ireland to be the chair of the Organization for Security and Co-operation in Europe in 2012. Senator Donohoe said this was agreed two weeks' ago but this is not the case; it was agreed on Tuesday, 1 December in Athens. I attended that meeting along with a number of colleagues. I wish to pay tribute to the Minister for Foreign Affairs.

**An Cathaoirleach:** The Senator's time has expired.

**Senator Ivor Callely:** This is a very important appointment. Ireland has obtained the chair as a result of the esteem in which we are held in Europe.

**Senator Paul Bradford:** I support the call from Senators Buttimer and Donohoe to have the Minister for Finance come to the House. I do not expect this to happen next Tuesday. I concur with Senator Boyle's comments about the need to use this House to have a debate not just on the social partnership model but also on dialogue with the social partners. I have asked for this

debate over the past month or six weeks but it is now much too near next week's budget. Yesterday's comment by a union leader was particularly disappointing. I hope this was not a case of the mask slipping. If that is how some of the senior union people regard the role of politicians and the place of political decision-makers in the process of attempting to turn around the country's economic fortunes, it is exceptionally worrying. It would be very useful and the minimum we could expect is a fulsome apology by that union leader——

**Senator Joe O'Toole:** Hear, hear.

**Senator Paul Bradford:** ——today. I hope his colleagues do not think as little of democratically elected politicians, representatives of the people, as he appears to think. It is important that everybody works together. However, to have democratic views rubbished in such a demeaning fashion by somebody who, so far as I am concerned, is elected by nobody, is quite frightening indeed.

**Senator Shane Ross:** Hear, hear.

**Senator Paul Bradford:** In the medium term, I formally request if the correct procedure is by means of the Committee on Procedure and Privileges to put in place a mechanism for a genuine debate in this important House of the Oireachtas on economic matters, presumably post-budget, where we will be in a position to debate with employers, employees, trade union leaders, farming groups and other organisations. This House could have a very important role in that type of dialogue. Gone must be the days of decisions being taken by an elite group behind closed doors. This House is an open forum for debate and it should be used progressively in that regard.

**Senator John Hanafin:** I ask the Leader for a debate on Ireland becoming chair of the OSCE in 2012 which is a particularly important appointment. I am aware the Russians have asked the EU for a security treaty to encompass the current situation in Europe. I suggest that Dublin would be the chosen location for signing the treaty.

**Senator Ivor Callely:** Hear, hear.

**Senator John Hanafin:** Helsinki has achieved for Finland — another independent state — a fine status as the place and origin of the treaty which preceded the upcoming treaty. It is quite clear that Dublin would benefit by being the location of where the treaty was signed.

I ask for a debate on the role of the media. I am aware that in life if one thinks one can do something, one is probably right and if one thinks one cannot, then one is definitely right. The media in this country have been downplaying the State, the economy and many other aspects of our lives, to their own detriment. The media depend on advertising to sell cars, houses and jobs yet they constantly go on about how bad the economy is. People in America have told me that America will come out of the recession sooner, not because its economy is in a better state, as it is not, but because Americans believe they can do it. The media in this country has a major role to play and they are not playing their role.

**Senator Donie Cassidy:** Senators, McFadden, Bacik, Coghlan, Buttimer and Glynn called for a debate on the health services. I refer in particular to Senator McFadden's comments on ambulance services being withdrawn from the accident and emergency department of the Midland Regional Hospital, Mullingar, yesterday evening. A difficult situation has emerged at the hospital which is rated as being the most efficient hospital in the country and is second place in the country for hospital hygiene. I raised this matter on the Adjournment of the House last week. The Minister for Health and Children in reply said she would reward those hospitals

[Senator Donie Cassidy.]

which came up to the mark on efficiency. I call on the Minister to urge the HSE, the management team and the relevant bodies to enter into talks with the physicians, nurses and administrative staff in the hospital and endeavour to reach an agreement on the allocation of acute beds at Mullingar hospital which would be safer, fairer and would satisfy the growing needs of the wider community and the catchment area of Longford-Westmeath. This facility is second to none and we are really proud of its efficiency and expertise. Everyone in the hospital is working together. It is a shining example to the HSE and to the Government of what can be done when everyone is doing the right thing and moving in the right direction. This is a very negative signal from the HSE. As a public representative I will do everything possible to have the Minister for Health and Children come to the House on Tuesday to discuss the example which the Midland Regional Hospital, Mullingar, has shown the rest of the country and the Government in the matters of efficiency, the quality of the service and everything that has been asked of it as a hospital. I want the Minister to come here on Tuesday to respond. I ask Senator McFadden to withdraw the amendment to the Order of Business as I will give a solemn commitment to the House that I will endeavour to do all I can and I will allow time for this issue to be discussed, not because it concerns Mullingar hospital or because we are from the catchment area of the hospital. It is because this hospital has done everything that was asked of it in recent years and has performed according to all independent analysis. This is what the future of HSE value for money and patient care should be. This is more than just about the 35 nurses, who are very important, not being at the hospital. It is about where the HSE and the Government are going with medical care services for our people. I fully support the call by Senator McFadden this morning and by Senator Glynn, who has worked all his life for medical services in the Mullingar area.

Senators O'Toole, Mary White and Regan spoke about the Minister for Foreign Affairs and the fair trade agreement with Colombia. I put it to colleagues that I will meet party leaders after the Order of Business to try to agree an all-party motion on this issue. Everyone in the House fully supports what Senator O'Toole and other colleagues stated this morning and I could not agree more with them.

Senator Bacik spoke about the ordering of the business of the House. In an ideal world it would be very easy but we depend on legislation concluding in the Dáil, particularly at the end of sessions and this is the third last week of the session. I apologise for the inconvenience being caused to colleagues but legislation is of the utmost importance. It is ordered by the Government, and as Senators know I take my instructions from the Government every week after the Government meeting on Tuesdays. The Bill being taken yesterday did not conclude in the Dáil until 2.25 p.m. and we were due to take it at 2 p.m. I apologise for any inconvenience to anyone concerned caused by postponing it until 5.30 p.m. Senators Coghlan and Buttimer asked me for an update on sitting days prior to Christmas and next Tuesday I will inform the House on all the proposed sitting days for the two weeks prior to the Christmas recess. I thank all colleagues for their understanding and co-operation at this difficult time in which our country finds itself regarding many serious challenges.

**Senator Ivana Bacik:** It is about communication of change.

**An Cathaoirleach:** No interruptions please. The Leader is replying on the Order of Business.

**Senator Donie Cassidy:** Senators Bacik and Mary White raised the issue of the patronage of national schools and the Murphy report. I understand the Murphy report will come back to the House for further comment and statements. I thank all colleagues who have contributed to the debate on this and other colleagues who did not speak yesterday will do so next week.

We all support the call of the Minister for Foreign Affairs, Deputy Micheál Martin, for a very special meeting with the papal nuncio and we wish the deliberations in that meeting well. There is a challenge to be met and I know the papal nuncio and the Minister will not be found wanting in dealing with the serious issues on the agenda for that meeting.

Senator Coghlan spoke about Iarnród Éireann serving only first class passengers on the service from Kerry. This is totally unacceptable. This route is a commercial venture by Iarnród Éireann and we all know that 80% to 90% of passengers travel economy class.

**Senator Paul Coghlan:** It is blatant discrimination.

**Senator Donie Cassidy:** It is, and we call on the Minister for Transport to use his good offices to intervene here and see that the service is available to everyone travelling by train and to encourage people to travel by train, particularly from far destinations such as the kingdom of Kerry.

**Senator Paul Coghlan:** I thank the Leader.

**Senator Donie Cassidy:** Senators Ross, Buttimer, Boyle and Callely spoke about the utterances yesterday by one of the leaders of a public service union at which we were all surprised. We wish the talks well. I know everything that can be done is being done. However, only proposals are being discussed and they must go back to the Government and the public representatives who are answerable to the people. We are discussing the people's money and correction of the public finances. Anything that interferes with dealing with the challenge facing the Government and the people is not helpful, such as the utterances made. Every one of us has a circus moment once a month and yesterday was probably this gentleman's circus moment.

**Senator Shane Ross:** He should resign.

**Senator Donie Cassidy:** Senator Glynn called for a debate on drugs. Yesterday, I fully agreed with him and I gave a commitment that it would happen in the first two weeks of next year. With regard to electoral registers, I intend to use Fianna Fáil Private Members' time at the next available opportunity, which will be after the Christmas recess, to discuss Senator Glynn's proposal.

Senator Quinn raised the matter of Ireland's reputation and its coming eleventh in world opinion. I welcome this good news. As Senator Quinn stated, quite an amount of good news happens all the time. Senator John Hanafin put his finger on it this morning; the media are only interested in bad news.

**Senator Jerry Buttimer:** No, they are not.

**Senator Donie Cassidy:** As I stated on many occasions, if one is interested in bad news and sells bad news then one finishes up bad news. Throughout the years, many publications were intent on doing down their customers.

**Senator Jerry Buttimer:** The Irish Press.

**Senator Donie Cassidy:** I am educating Senator Buttimer. If there are no customers then there are no shops and commerce will come to a standstill. The truth of the news should be told.

**Senator Jerry Buttimer:** That is what they are doing.

**Senator Donie Cassidy:** However, as I have often stated, there should be a half-hour on national radio or television for good news stories and we can all listen and look forward to it

[Senator Donie Cassidy.]

every day. That might be meaningful for Cathal Goan and his friends at the national broadcaster. We have achieved an enormous amount in recent years and many good things are happening. However, we must welcome good news in the same way as bad news is made available because God knows, that is the function of the Opposition.

**Senator Jerry Buttimer:** It is not.

**Senator Donie Cassidy:** The Government has a serious job——

**Senator Jerry Buttimer:** The job of the Opposition is to hold the Government to account.

**Senator Donie Cassidy:** ——to ensure that good news gets out.

**Senator Jerry Buttimer:** The Leader is misleading the House.

**An Cathaoirleach:** The Leader is replying to questions on the Order of Business.

**Senator Donie Cassidy:** If there was room on this side of the House Senator Buttimer would have been here with us long ago.

**Senator Jerry Buttimer:** I would never join the Government.

**Senator Donie Cassidy:** Senator Quinn raised the issue of Iran and I fully agree with the sentiments he expressed. Senators Boyle, O'Donohoe, Callely, Buttimer, Hanafin and Bradford called for a debate on the social partners. We can examine these proposals in early January and if we think we can make a contribution, as colleagues have already discussed with me, I will discuss them with the Committee on Procedure and Privileges. We will leave it to January for discussion because the budget is the pressing matter that is occupying everyone's thoughts and nothing is more urgent.

Senators Callely, Hanafin and O'Donohoe welcomed the international conference to be held here in 2012. This is a huge opportunity for Ireland plc and for the city of Dublin. I congratulate the Minister for Foreign Affairs, Senator Callely and everyone on the delegation for succeeding in bringing it to Dublin in 2012.

**An Cathaoirleach:** Senator Nicky McFadden proposed an amendment to the Order of Business: "That statements taken today with the Minister for Health and Children present on the fact that ambulances are being turned away from the Midlands Regional Hospital."

Amendment put.

The Seanad divided: Tá, 12; Níl, 25.

Tá

Bacik, Ivana.  
Bradford, Paul.  
Buttimer, Jerry.  
Cannon, Ciaran.  
Coghlan, Paul.  
Cummins, Maurice.

Donohoe, Paschal.  
Fitzgerald, Frances.  
McFadden, Nicky.  
Mullen, Rónán.  
Regan, Eugene.  
Ross, Shane.

Níl

Boyle, Dan.  
Brady, Martin.  
Butler, Larry.

Callely, Ivor.  
Carroll, James.  
Cassidy, Donie.

Níl—*continued*

Corrigan, Maria.  
Daly, Mark.  
de Búrca, Déirdre.  
Ellis, John.  
Feeney, Geraldine.  
Glynn, Camillus.  
Hanafin, John.  
Keaveney, Cecilia.  
Leyden, Terry.  
Ó Domhnaill, Brian.

Ó Murchú, Labhrás.  
O'Brien, Francis.  
O'Malley, Fiona.  
O'Sullivan, Ned.  
O'Toole, Joe.  
Ormonde, Ann.  
Quinn, Feargal.  
White, Mary M.  
Wilson, Diarmuid.

Tellers: Tá, Senators Maurice Cummins and Nicky McFadden; Níl, Senators Camillus Glynn and Diarmuid Wilson.

Amendment declared lost.

Order of Business agreed to.

**Houses of the Oireachtas Commission (Amendment) Bill 2009: Report and Final Stages.**

**An Cathaoirleach:** Before we commence I remind the House that a Senator may speak only once on Report State, except for the proposer of an amendment who may reply as part of the discussion. Each amendment must be seconded. Amendments Nos. 1 to 7, inclusive, are related and may be discussed by agreement. Is that agreed? Agreed?

**Senator Joe O'Toole:** I move amendment No. 1:

In page 7, line 6, after “Commission.” to insert the following:

“The Secretary General and Head of Finance may attend meetings though not as members of the committee”.

I welcome the Minister of State to the House. Yesterday, there was a long and convoluted discussion on matters related to the establishment of the audit committee of the Houses of the Oireachtas Commission. The Minister and I soldiered together as members of the commission. My concerns were very fair and I discussed them last night with members of the Committee of Public Accounts and with senior members of the commission. I was rather concerned and I took the view we were moving away from what I consider to be best practice. I have examined all the amendments under discussion and I welcome the response from the Minister. I recognise the Government has approached me on this matter and has conceded on at least two of the most significant points which concerned me and I will refer to these presently. However, in order to dispatch the business of the House it is my intention not to press the amendment.

**Senator Paul Bradford:** I second the amendment.

**An Cathaoirleach:** I call the Minister of State on amendment No. 1.

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** I understood all the amendments were being taken together.

**An Cathaoirleach:** Yes.

**Senator Joe O'Toole:** Is the grouping amendments Nos. 1 to 7, inclusive, or Nos. 1 and 7?

**An Cathaoirleach:** Amendments Nos. 1 to 7, inclusive.

**Senator Joe O'Toole:** I misunderstood. May I continue? I understood we were discussing amendments Nos. 1 and 7.

**An Cathaoirleach:** I will make an exception.

**Senator Joe O'Toole:** In that case I will comment on all the amendments. I welcome very much the fact that the Government has listened to the various arguments I put forward yesterday. The most important element is that there should be direct access to the commission for the audit committee and that the audit committee should advise the commission on issues of corporate governance, which covers all relevant matters of concern. One reason for my concern was that the Bill, as drafted, is a reflection of what took place but should not have in FÁS, whereby the audit committee reported only to the chief executive. In fact, my comment is somewhat unfair. In the case of FÁS, the audit committee advised and reported only to the chief executive and the board never got to see it. There is a provision in the Bill that the audit committee should report to the board but only on an annual basis and this was a matter of concern for me.

I was also concerned that we were veering away from the documentation relevant to every State body, that is, the Code of Practice for the Governance of State Bodies, because of the absence of clearer lines of communication. Although I called for a provision such that the audit committee would advise the chairman, the reason for the provision in amendment No. 2 is that the duties of a chairman of a State body are very onerous. Such a chairman requires a significant element of support and the thinking behind the amendment was to ensure such support would be forthcoming. I note the Minister of State has not taken that point on board exactly. However, I am satisfied that in advising the commission, of which the chairman is a part, the legislation meets my requirements.

I had sought for the chairman and the commission to be considered as two separate entities, but this was done with a belt and braces approach in mind. I am satisfied to acknowledge that Government amendment No. 4 fulfils what I set out to do in amendments Nos. 2 and 6. It meets the needs and keeps a direct line of communication from the audit committee to the commission and its members.

There were recurring problems involving members of boards who appeared before the Committee of Public Accounts in 2000 and 2002 in respect of offshore matters. It was significant that they stated they did not know about certain matters. Members of boards of companies of banks and so on also stated they did not know about certain matters. I recall the then Tánaiste, Deputy Mary Harney, stating she never wanted that to be allowed as an excuse in future. This Bill will mean members of the commission must know what is taking place and that the audit committee can bring to the attention of the commission anything it considers to be important. It meets my requirements.

I held considerable concerns about this matter. It was valuable to have held such a lengthy debate yesterday and it was also valuable that we deferred Report Stage until today to allow people to reflect on the matter. I welcome the Minister of State's amendments. On that basis it is my intention not to press any of my amendments, namely amendments Nos. 1, 2 and 6. I will not put them to a vote because I recognise that the Government amendments meet everything I argued for yesterday. I am very grateful to the officials for taking these points on board as well. I accept it is difficult to write amendments at short notice, to collate all the parts and change the numbering. It is a good day's work for the Seanad.

**Senator Feargal Quinn:** We, in this House, have often criticised Ministers and the system. One of the most frequent criticisms is about when we rush legislation through without a gap between Committee Stage and Report Stage. I congratulate the Minister of State for accepting

the basis of Senator O'Toole's concerns. His amendments have been adjusted, but in a manner that recognises exactly what he wished to achieve. The Senator has withdrawn the other amendments on that basis.

Deferring Report Stage until today was the correct thing to do. We should never have Committee Stage and Report Stage one after the other. I thank the Minister of State for that. I thank Senator O'Toole in particular for his work. He spoke to me previously about his concerns on the matter. It is clear that if the legislation had gone through unchanged it would not have solved the problems that arose in the past. I congratulate the Minister of State for accepting the gist of what Senator O'Toole wished to achieve and I thank him for so doing.

**Senator Paul Bradford:** I thank the Minister of State, Deputy Mansergh, for his presence and for being willing to accept the principle presented yesterday by Senator O'Toole. It will help to ensure the Houses of the Oireachtas Commission does its work in the most professional and appropriate fashion. I hope it will also help in terms of the standards expected and conduct demanded of appointees to other State boards and agencies.

A reasonable amount of time was provided for Second Stage and Committee Stage. It was useful that Senator O'Toole highlighted the possible omissions that existed and provided a remedy to rectify the situation. I am thankful that the Minister of State appears willing to accept the principle enunciated yesterday by Senator O'Toole, as it will result in better legislation.

**Deputy Martin Mansergh:** I thank Senators for the broad support for the Government response to the arguments and the amendments. As Senator O'Toole pointed out, he and I had an interesting experience when we soldiered together between 2002 and 2007 on the Houses of the Oireachtas Commission. We were both on the audit committee together. I left it and perhaps he did too when some things were up in the air, but subsequent events also underlined the importance of the relationship between the audit committee, the Clerk of the Dáil or the Secretary General, and the commission. While I am only taking Report Stage of the Bill I appreciate the importance of the argument. I am pleased that we have been able to address concerns expressed in well reasoned debate.

I appreciate that some of the amendments are not being pressed but I will outline briefly some of the points and arguments in regard to them. All the amendments were grouped together for discussion purposes. It would not be appropriate to grant the Secretary General and the head of finance an automatic right to attend audit committee meetings. That has to do with the independence of function of the committee. By excluding an automatic right of attendance by officials the committee can engage in its own internal discussions in a manner that is free, or more importantly, seen to be free, of any official interference.

As pointed out by the Minister of State, Deputy Peter Power, on Committee Stage yesterday, subsection (13) provides that the audit committee may invite a person who has responsibility for internal audit or financial matters within the staff of the service. In practice, that means that the committee invites attendance by the head of finance frequently but the Government would prefer to leave that as it stands so that the committee remains in control of the persons who may attend its meetings. For that reason I do not propose to accept the amendment.

Senator O'Toole has accepted that point in the case of amendment No. 2. His amendment did draw a distinction between advising the commission and advising the commission chair. The Government does not consider it necessary to draw that distinction within the legislation.

On amendments Nos. 3, 4, 5, and 7, that is effectively the response to Senator O'Toole's well-made points regarding the giving of advice by the audit committee to the commission. It is not just the case that I consider that these amendments take his concerns into account, but he agrees with that.



[Deputy Martin Mansergh.]

The Minister for Finance noted with interest last night the views and proposals of Senators on the role and functions of the audit committee, as reported to him. Following a review of the general principles underlying section 10 and its relationship with the rest of the legislation, he considered it appropriate to propose an amendment, the effect of which is to provide scope for the audit committee to advise the Houses of the Oireachtas Commission in regard to corporate governance matters relevant to its functions. That phraseology can cover a multitude of sins.

In the case of the Houses of the Oireachtas Commission it must be acknowledged that its situation is somewhat different from that of a Department. On the one hand it exercises a number of functions normally associated with Ministers, such as the making of regulations for particular purposes, but it also exercises a number of oversight and policy-setting functions in providing for the running of the Houses and acting as governing body of the service.

The Bill provides for greater accountability to the Houses in respect of the carrying out of its functions. I understand that there was some lively speculation yesterday as to how that might work in practice. Some of the responsibilities of the commission are matters which may be of legitimate interest in the workings of the audit committee, or may become so in the future. It is appropriate that the audit committee would be able to advise the commission in respect of its exercise of those responsibilities.

The purpose of the amendment, therefore, is to enable the audit committee to advise the commission on matters relevant to its corporate governance functions, while respecting the fact that the commission itself is not primarily responsible for the financial accounting or financial control functions which are vested in the Secretary General, in other words the Clerk of the Dáil. The Minister is satisfied that the amendment reflects the appropriate balance of statutory responsibilities in respect of governance, accounting and accountability in the legislation governing the commission's operations.

Under the amendment the audit committee's advice in the area of the more detailed financial and control matters would still be primarily targeted at the person who is accountable and responsible for those matters. At the same time it can provide the best available support and advice to the commission in its areas of responsibility. The audit committee is also required anyhow to report to the commission at least once a year on its activities. The point has been accepted that that might not be enough.

While the commission is somewhat of an exception to the departmental model in that it exercises board and policy-level oversight in a manner that does not apply in Departments, the essential role and responsibility of the chief civil servant and Accounting Officer remains vested in the Secretary General. It is appropriate that the audit committee continues to advise the Secretary General or Clerk of the Dáil in regard to those functions in the first instance.

If the audit committee were to advise the commission on the carrying out of particular accounting functions the commission, and particularly its chairman, would have to assume significantly greater responsibilities and accountability at the level of individual financial transactions than it does at present, and in respect of which it would not have statutory cover. That might be a bridge too far in the context of the other roles of and offices held by some members of the commission.

**Senator Joe O'Toole:** I am very pleased with the way the Minister of State has dealt with this matter and he has answered all of my points. I accept the argument on the first amendment that the people in question can be invited. I recognise that one could compromise one's independence by giving people such a right.

The Minister of State made an interesting point, perhaps one not to be debated now. I listened very closely with the regard to the interchange of the words “accountable” and “responsible”, an issue on which we need a longer debate. We know what accountability means. Very often it comes into play in political life when people talk about resignations and the difference between somebody being held accountable and responsible. The board has a responsibility to ensure the Accounting Officer is held accountable, or it has a responsibility to have in place all the necessary arrangements to ensure the Accounting Officer is held accountable. I do not want to engage in tautology but I like to distinguish between these two words. For instance, in a Department the Accounting Officer is the Secretary General but the responsible person is generally the Minister who has political responsibility. They are different roles and it is important that the distinction is maintained. I am satisfied the distinctions the Minister of State made are correct, or they mirror my view that one must ensure one does not confuse the responsibility of the board with that of the Secretary General or, in this case, the chief executive officer or whatever he or she is to be called.

Yesterday we had a debate on the section of the Bill which states a person transferring from the Civil Service to the commission will become a civil servant of the State. I said that was the kind of problem which was creating a need for the transformation of the public sector. It is a  
*12 o'clock*      dearly held view of mine that whether one is a teacher, a nurse, a civil servant, a person working in the Houses of the Oireachtas Commission, etc., one should simply be described as a “public servant”, that there should be an integrated public service and that staff should be capable of being redeployed from one area to another as required by the State. That happens in France at a departmental level. I have strayed from the agenda but the Minister of State and I have discussed aspects of this issue at various times.

The distinction between accountability and responsibility is crucial. Those who work in the Houses are civil servants of the State but I want to ensure that, as we move towards a transformation of the public sector, the distinctions vanish.

**Deputy Martin Mansergh:** Senator O’Toole made two interesting points. Undoubtedly, accountability should be a narrower concept than responsibility which is broad ranging. Accountability, particularly in a financial context, is precise. I deprecate the growing practice, particularly in journalism, whereby accountability equates with “he or she ought to resign.” It is effectively used as a euphemism, which is regrettable. One should not equate accountability with that simpliciter.

I regard myself as a public servant of 35 years standing and hope I will be able to get as far as 40 years service, not for pension-related reasons I hasten to add. That is the average or full length of a public servant’s career, although sometimes people go on for slightly longer than this.

I agree with Senator O’Toole that there should not be much of a distinction. Obviously, the roles of a civil servant and an elected politician are different but “public servant” covers the matter more broadly. The fact that salaries are now linked to Civil service Grades, in a sense, underlines the point. As somebody who has occupied many roles from civil servant, to an adviser, to a Senator, to a Deputy and to a Minister of State, I see far more in common with these roles than a distinction that one is serving the State in different roles. What one learns in each of these roles may well be of assistance as one moves to another role.

Amendment, by leave, withdrawn.

Amendment No. 2 not moved.

Government amendment No. 3:

In page 7, line 13, to delete “and”.

Amendment agreed to.

Government amendment No. 4:

In page 7, between lines 13 and 14, to insert the following:

“(b) advise the Commission on matters of corporate governance relating to its functions, and”.

Amendment agreed to.

Government amendment No. 5:

In page 7, line 14, to delete “(b) report in writing” and substitute the following:

“(c) report in writin”.

Amendment agreed to.

Amendment No. 6 not moved.

Government amendment No. 7:

In page 7, line 39, to delete “subsection (10)(b)” and substitute “subsection (10) (c)”.

Amendment agreed to.

Bill, as amended, received for final consideration and passed.

### **Interim Report on Flooding on River Shannon, November 2000: Statements.**

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** I welcome this opportunity to address the House and report on the recent major flood events that have affected the River Shannon area in a devastating way. I begin by extending my sincerest sympathy to all the individuals and families who have been affected by the floods and who are continuing to suffer from them and their aftermath. I have taken the opportunity in the past two weeks to visit the flood areas, including Limerick, villages in County Clare along the River Shannon, Athlone, Carrick-on-Shannon and Leitrim and adjacent areas in north and south Roscommon. On one of these occasions Senator McFadden joined me, with other public representatives. I witnessed the level of devastation and spoke to people whose homes, businesses and farms had been badly damaged by the floods. I appreciate that sympathy is of limited value to a family who have been made homeless, the owner of a business now lying under several feet of water or the farmers now operating in very difficult conditions. However, we have a plan for the future with which I will deal later.

I acknowledge the tremendous work done on the ground by the emergency services and other State agencies. Also, I make a special mention and acknowledge the fantastic co-operation and help delivered within communities by volunteers and neighbours.

In recognition of the devastation caused for people in many areas of the country by the recent flooding, the Government has allocated an initial sum of €10 million to fund a humanitarian assistance scheme which is being administered by the community welfare service of the Health Service Executive on behalf of the Department of Social and Family Affairs.

The aim of the scheme is to provide financial support to people who have suffered flood damage to their homes through hardship alleviation as opposed to full compensation. As on previous occasions, commercial or business losses will not be covered by the scheme nor will losses which are covered by household insurance. The county enterprise boards are, however, collating information on damages suffered by businesses for the Tánaiste and Minister for Enterprise, Trade and Employment. The community welfare service has already provided emergency financial and other assistance to households affected by the flooding to cover items such as clothing, food, bedding, heating, hire of dehumidifiers and emergency accommodation needs. As the flood waters abate and people assess the full extent of the damage to their homes, qualified households can claim for essential household items such as carpets, flooring, furniture and white goods. The Government has also agreed to a targeted fodder aid scheme and the Minister for Agriculture, Fisheries and Food has announced that €2 million is being allocated for this purpose. This is in addition to the wider humanitarian aid scheme.

In recent weeks, the River Shannon reached its highest level since the OPW began continuous recording of water levels in the late 1940s. The current flow in the Shannon is in excess of the 100 year flood event, which is the standard level of protection afforded by modern flood defence. The flood has caused hundreds of families, homes, businesses and farms to suffer hardships, threats to health and significant material and financial losses. It is also important to note the devastating impacts that the recent floods have on potable water supplies, the environment, terrestrial and aquatic flora and fauna, wildlife habitats and our archaeological heritage.

The River Shannon is 340 km in length and its catchment area of 15,000 sq. km. accounts for almost 20% of the area of the country. It is one of the main natural resources of Ireland as well as a cause of innumerable and repeated problems. The flooding of the river and its catchment area has been the subject of intensive investigations over the past 60 years and other investigations which date back to 1863. I was once given a book which provided economic, social and statistical accounts of Ireland in 1870. It was clear from reading it that flooding along the Shannon was an even greater problem at that time.

The Rydell report of 1956 was a significant and comprehensive study of the Shannon and its catchment area undertaken following the flooding of 1954. The report gave an overview of the flooding problems and possible mitigation options. It also considered related issues such as navigation, power generation and land use. It is of interest that the options put forward by Rydell are as valid today as they were in 1954. In 1957, the OPW and the ESB were jointly appointed to carry out further preliminary investigations on the Rydell report's options for river diversion, channel improvements and lake storage. These investigations, the results of which were published in 1961, concluded that some of the Rydell recommendations were viable and cost-effective, whereas others were neither. None of the Rydell major recommendations was implemented.

The Houses of the Oireachtas report of 2000 concluded that the causes of frequent flooding of the Shannon were mainly due to natural causes such as the flat gradient of the river channel, inadequacy of depth and width in critical areas and increases in rainfall and siltation. This report also recorded that, with the exception of minor activity such as the installation of river and rainfall recording devices, the main recommendations of the Rydell report had not been implemented.

The House of the Oireachtas report of 2002 had as its objective the formulation of proposals on the optimum structure or structures to manage the Shannon and its tributaries. To that end, the report was mainly concerned with the organisational arrangements for the effective management of the Shannon catchment rather than a blueprint for the Shannon river basin,

[Deputy Martin Mansergh.]

which was considered under the Oireachtas report of 2000. The 2002 report noted that a number of groups at regional level and at least 12 Departments and Government organisations at national level had some function or responsibility for the Shannon basin. It is worth noting that a consensus existed among these groups that improvements in the management of the Shannon basin were needed but there was no agreement on whether a new organisation should be set up to achieve this end.

The 2002 report attempted to establish how effectively the present organisational arrangements enabled the Shannon catchment to be managed and what might best be done to improve the process. It also identified the shortcomings and weaknesses of the present arrangements in dealing with management of flooding and its consequences. The main merits attributed to the present arrangements for the management of the Shannon catchment were: functional responsibility is clearly fixed in law and each organisation has a precise remit, knows exactly what is required to do and has clearly established priorities; and communication and collaboration between the various agencies take place using well established mechanisms, such as committees, working groups and partnerships. However, within these arrangements there is a lack of co-ordination, or of common purpose, among the organisations involved. There was, for example, no organisation or agency with a statutory duty to take initiatives to prevent and reduce the incidence of flooding or to alleviate its consequences. Co-ordination of planning among organisations with diverse responsibilities and remits has proved extremely difficult to achieve and where difficulties arise no mechanisms exist to resolve them.

The need for a proactive approach to the management of flood risk was recognised by the report of the flood policy review group. The strategy of the OPW for the management of flood risks is founded on that report, which was approved by the Government in September 2004. This strategy gives us a more productive role and is being implemented through a range of additional work programmes, all of which are now under way. These programmes will complement the existing work of the OPW in regard to capital flood relief schemes and arterial drainage maintenance.

Our main work programme is the catchment flood risk management and assessment, CFRAM, programme. This programme has commenced in pilot form on the River Lee and the objective is to complete the programme nationally to meet the requirements of the EU floods directive. The OPW is responsible for the transposition of the EU floods directive into national law, which will be completed before the end of the year and in advance of the majority of EU member states. When the floods directive is transposed into national law, the OPW will be nominated as the competent authority with overall responsibility for all matters in relation to the assessment and management of flood risk in the State. This will place the OPW in the unique position of co-ordinating all the groups involved with flood or related work in a focused, efficient and effective manner.

Flood risk management by its very nature involves the resolution of complex engineering and technical issues which at times may impact on the remits of other organisations. Significant environmental issues and concerns also arise, and several Government and non-governmental organisations are involved. It is necessary therefore to engage in a wide consultation with relevant organisations and the general public when undertaking the CFRAM. The OPW is committed to engaging in comprehensive consultative processes in all situations where its work programmes are likely to affect the remits of other organisations.

Currently, a comprehensive management programme for the River Shannon is being addressed under several headings. To facilitate planning for the management of future flood risk, the OPW has developed a catchment flood risk assessment and management programme. This programme underpins the essentials of the assessment of flood risk and the long-term

planning of the flood risk management measures for catchment areas throughout the country and includes capital structural and non-structural measures. The CFRAM programme is being delivered through the CFRAM studies, which are comprehensive catchment based investigations of areas of potential significant flood risk. These studies, which are required by the national flood policy and the EU floods directive, are designed to focus on and identify areas at risk from flood events for a range of severity and to produce a prioritised plan of measures and actions for dealing with areas where the risk is significant. As part of the process, areas of potentially significant flood risk will be captured on flood maps and this data will inform flood risk management measures. The OPW, in partnership with Cork city and county councils initiated a major pilot catchment flood risk assessment and management study of the Lee catchment in 2006, which is now nearing completion

The OPW is also undertaking pilot studies in respect of the rivers Dodder and Suir and the Fingal-East Meath area. More localised plans have already been completed for Portarlington and Tullamore, and significant information is available for the river Tolka in Dublin. As the lead agency for flood risk management, the OPW has already begun the process of procuring a flood risk assessment and management study for the remaining catchments, including the Shannon. As this type of study involves a range of complexities it is important that a pilot study is completed and lessons about the process are learned before rolling out the national programme.

I anticipate that the Shannon flood risk assessment and management study will commence in mid-2010. In the case of the Shannon, all major stakeholders, including the relevant local authorities, the ESB, Waterways Ireland, environmental groups and the public, will be consulted during this assessment process and will be encouraged to make an input to its recommendations. The study will consider all options for dealing with areas of significant flood risk.

Pending completion of the study for the Shannon catchment, the OPW, through the minor works scheme, will work with the relevant local authorities to identify areas that may benefit from interim localised mitigation measures. As a word of caution, it should be noted that effective maintenance of river course channels can only contribute to the moderation of the impact of flood events. Further, engineering opinion concludes that the maintenance, such as dredging, of river channels alone and without other remedial interventions is not sufficient to protect against flood events of the extent and magnitude of those witnessed in recent weeks.

The planning and development process is critical to avoid creation of further flood risk. The OPW, with the Departments of the Environment, Heritage and Local Government and Agriculture, Fisheries and Food, developed the Guidelines on the management of Flood Risk in Planning and Development which I and the Minister for the Environment, Heritage and Local Government, Deputy Gormley launched jointly earlier this week.

Development in flood plains should be avoided, where possible. Some previous developments in flood plains and the reduction of open ground for water absorption, has added to the problems we face. Future development should mitigate rather than increase existing flood risk. I recently saw an interesting development in Carrick-on-Shannon in which a former Member of this and the other House was involved. Several large retail stores, such as Woodies and Tesco, were built on stilts over the flood plain. During the flooding which had affected that area quite badly the flood plain was able to take the rising waters which remained well below the buildings. That seemed quite an ingenious solution to using a strategic location. It costs much more than building directly on the flood plain but most towns and villages were built near or round rivers. The distinction between that and other developments was that this development explicitly took account of the flood risk and adopted a measure that did not interfere with the operation of flood plains.

[Deputy Martin Mansergh.]

The OPW has obtained aerial photographic records of the flood extents for this flood event and intends when this is processed to put the information on the flood maps website to support better planning decisions in the future. We have built a considerable archive from flood events over the past two or three decades which will give us data enabling us to identify what is at risk. The only caution is that the landscape photographed in the 1980s may have altered since then which may affect the risk. The delivery of a comprehensive flood risk assessment and management strategy for the State requires, as a prerequisite for its success, the close interaction and involvement of several State agencies and other public bodies and organisations with very different remits. The Water Framework Directive and local authorities fall within the remit of the Department of the Environment, Heritage and Local Government. Met Éireann has a significant role in weather-related issues. Waterways Ireland, which is a cross-Border body, is responsible for the canal systems and the navigation aspects of the Shannon. The ESB is responsible for the hydro-power system. Last Saturday I had a very interesting morning being briefed by the ESB in Ardnacrusha which I had never before visited. The EPA is the nominated competent authority for the delivery of the objectives of the Water Framework Directive. In addition to the list of Departments and organisations mentioned, there is a range of other bodies and organisations with varying degrees of involvement and responsibility in the whole area of flood-related work.

With specific reference to the Shannon, the process of carrying out the Shannon flood risk assessment and management study will involve all of the main stakeholders who have a role in the management of the Shannon being consulted, including the ESB and relevant local authorities. The objective of this exercise is to determine relative roles and define relative responsibilities of all the main bodies involved with the Shannon with a view to ensuring that all flood risk factors are identified and managed in a coordinated way.

A further area where strict EU coordination criteria apply relates to the requirement that EU member states take appropriate steps to coordinate the application of the Floods Directive with the Water Framework Directive. On the basis of the Water Framework Directive and the Floods Directive, the framework for a coordinated approach to the management of the River Shannon already exists. This framework will ensure that flood protection measures and other flood mitigation measures will be fully addressed.

I very much look forward to listening to the views and knowledge of Senators, many of whom I have met when visiting affected parts of the country. Public representatives at all levels have played an important role in the affected areas, being a channel of communication to various authorities and helping with emergencies and I pay tribute to that role. Another group that is not always mentioned in despatches is the local media which was a quite indispensable source of information in flood affected areas about what was happening, what the prospects were, what the weather would be like and so on.

**Senator Nicky McFadden:** I welcome the Minister of State and thank him for visiting Athlone and spending an extensive time communicating with and talking to people on the ground. He did not give the impression that he was in a hurry and that was greatly appreciated in the Athlone area. Like the Minister of State I extend sympathy to the people who are still suffering because the water has not gone down. It is an ongoing issue. We may think when the weather improves that the flooding has gone away but it has not. There are people still out of their homes and surrounded by water in the Athlone and midlands areas.

We need to discuss the economic and the social effects of the flooding. There are elderly people still marooned and surrounded by water. That has a psychological impact on individuals. I have never experienced such devastation and heartache. I wonder where it will end because

people's homes are destroyed. I would like to keep in touch with the Minister of State to update him continuously on where we go from here and how to help these people. The point of contact in the midlands with the Civil Defence is second to none. They are still knocking on doors and monitoring how people are doing, and providing the very basics such as food and fuel. People's oil systems were destroyed and they had no heat in their homes. Being surrounded by water with no heat or food is quite depressing. Members of the Civil Defence knocked on doors and found out if people needed prescriptions, food and fuel. They took the time to do this, even though they are all volunteers. I cannot speak highly enough about the Civil Defence and I know the Minister of State commended them when he was in Athlone. There was also a great response from the community and from the local authority.

I met a man last week in Athlone who has a fairly decent job and has never been behind in his payments, but already had negative equity in his house. He bought the house last year for €165,000 and he was told by the assessor that his flood damaged house was valued at €50,000. This young man has a mortgage with Halifax. He went to negotiate a deal to freeze his mortgage. He was told by the callous organisation that the debt was his and that it was up to him to pay it. He has to rent another place because he has nowhere else to live. I find this appalling and we should intervene in this type of situation, of which there are many.

The Minister of State said the €10 million was for humanitarian aid. I welcome that, because this is what it is for. It will not help people get back into their homes. It was an immediate response for accommodation and food for people. Have we made any request to Europe on funding for those who have suffered?

With the conference in Copenhagen coming up, I believe we need to face up to our responsibility on climate change and global warming. We are a small country, but we must make a very strong argument in Copenhagen about global warming and how it is affecting us as a small country.

The Minister of State commented in Athlone that because the whole country was not affected, it was not necessarily a state of emergency. By God, it was a state of emergency for the people who were affected. Just because Dublin was not affected does not mean that it was not a state of emergency. We had a difficult situation in Athlone because the unions were going on strike on the Tuesday after the floods, and the directive from the union leadership was that there was no state of emergency and that the local authority workers were to abide by the strike. This was really difficult for the workers. What constitutes a state of emergency? How will we respond to that in future? If the Army and other services had been put in place on time, many more homes in the midlands would have been saved from the floods?

I have strong concerns about public health as the waters are beginning to recede in the aftermath of the floods. We have a serious problem with vermin and sewerage. This has never happened before in my lifetime. I do not know how to respond to people who tell me that they have rats in their kitchen. We need a lot of money in the midlands to deal with these issues.

Organisations such as the ESB, the OPW, the NPWS and Waterways Ireland all had a say and were all trying their best, but there was no one statutory body that took absolute responsibility. The Minister of State referred to the water framework directive, but that is still a cop-out because it has no statutory power. We have some wonderful reports on this. The Rydell report of 1954 is still very relevant. The Doherty reports of 2000 and 2002 are very good as well. We do not need another report, so the Minister of State does not need to commission another report. The 2002 report stated "There is no organisation or agency which has a statutory duty to take initiatives to prevent or reduce the incidence of flooding, or to alleviate its consequence". It goes on to state that there is a lack of co-ordination and a lack of common purpose. That is what I saw.



[Senator Nicky McFadden.]

At the meeting with the Minister of State in the Shamrock Lodge Hotel last Sunday, his fine officials from the OPW gave us factual and coherent figures. However, I had a conversation an hour before with a head of operations at the ESB who gave a completely different set of figures. That is the epitome of the lack of co-ordination, joined up thinking and disarray among the various bodies. The National Parks and Wildlife Service has a completely different brief, as it is interested in protecting wildlife. The objective of Waterways Ireland relates to navigation of our waterways during the summer. I respect these organisations, as well as the OPW, but we need one organisation that will take a lead and provide the right direction as to what must be done.

The IFA came out strongly on the issue during the week. I am connected with farming and with what is happening on the ground in the countryside. The 2000 report chimes with what the IFA representatives said last week. There has not been maintenance of the River Shannon and its tributaries for 70 years. Siltation has been allowed to build up. Bord na Móna has done excellent work and has provided tremendous employment in the midlands, and it was obliged to have siltation ponds. Who has monitored these ponds? Are they obliged to pay for maintenance to the River Shannon? I do not think so, because I have never seen any evidence of it.

We do not need any more reports. We have all the excellent reports that have been laid before the House, and the 2000 report recommended that we have one authority. This has not yet happened. It is interesting to look at the Rydell report from 1954 because nothing has changed. All of the recommendations in 1954 still apply, so we should not spend any more money on consultants, research or further reports.

The Minister of State met with a constituent of mine in Athlone. She made a suggestion to export water and develop an industry around that. Can the Minister of State comment on that?

The ESB does an excellent job in producing electricity and we believe that this must happen. However, the company has far too much control over our waters. For at least 70 years, it has had absolute control of how Lough Allen and Lough Ree have functioned. When the Lough Erne channel opened, there was no more flooding in that area because the channel flows into Lough Allen and Lough Ree and then into Lough Derg. There are many sluice gates, including at Parteen, which the Minister of State visited. It stands to reason that if sluice gates and dams are opened, the water will flow. My question has not been answered with regard to why the water was not allowed to flow steadily for a longer time and why there was such a build-up. I accept the amount of rain was unprecedented but, while I am not an engineer, I know that if water is blocked by a dam or a sluice gate, it cannot escape. I want to know why there was such a disaster in Cork involving the Inniscarra dam. I need answers to these basic, logical questions.

The other issue concerns structures around the River Shannon. The Minister of State showed us a fine report on flood defences in recent days at the Joint Committee on the Environment, Heritage and Local Government. I was surprised at how much has been spent in all the other areas while not a single cent has been spent on flood defence in the Athlone area. If the Minister of State is willing to return to Athlone, I can show him where and how money can be spent on flood defences in the area.

The area of Shannon Harbour is close to my heart, as is the River Shannon. It gives much pleasure but also provides resources and money through tourism. However, it is both frightening and devastating when it is not managed. As I said earlier, it needs to be managed by just one authority. The flood defences at Shannon Harbour are very old — Victorian — and I question the safety of some of the docks and other structures around Athlone. We saw what happened in Cork, where the defence at the Mercy Hospital was washed away. I would like more information on the scheme to maintain these flood defences.

I welcome the Minister, Deputy Gormley's, new guidelines in regard to planning. One of my first positions on the town council when I was elected in 1999 was to vote against a development in a special area of conservation. When Duchas was disbanded, this area was no longer deemed a special area of conservation and masses of apartments were built on what is a flood plain. I agree with the guidelines but I want to highlight that the councillors are not always at fault. While they have the responsibility to zone land, it is the executive that grants planning permission. Local authority councillors are the ones who have the best interests of an area at heart. There has to be joined-up thinking. I advocate one lead agency and that no more money is spent on reports.

**Senator John Hanafin:** I wish to express solidarity with all those who have been affected by the flooding. The worst hit areas are in Galway, Clare, Tipperary and Cork but there has also been flooding in Kildare and Dublin as well as in other parts of the Shannon basin, including Westmeath and Roscommon. I understand how difficult it is for the people involved. It is very hard for them to cope with their homes being, first, surrounded with water and, next, to have floods coming through the doors. People are isolated and their property and homes are destroyed. I am certain that the knock-on effect on their sense of security and health is significant. Nonetheless, we see great solidarity and sense of community. It is heartening to see all my colleagues who got involved in helping their own communities and in directly assisting people. Of course, that is where the community spirit comes in and brings out the best in people.

The debate is now probably proven that global warming is having an effect on our climate. We appear to be in a situation where we will get warm, wet summers and cool, wet winters — the recurring theme being “wet”. Unfortunately, the plans in place are no longer applicable and the planning that took place in the past cannot be the planning we proceed with in the future. With that in mind, I welcome the new statutory planning guidelines that were published on Monday, 30 November by the Minister, Deputy Gormley, and the Minister of State, Deputy Mansergh, with regard to flood risk assessment and management of the planning system for the future. Unfortunately, there have been instances where it has been incorrect, to say the least, that planning permissions were given. There have been clear indicators, even before the past ten years, of regular flooding in areas where planning permission has been given for houses. There were even indications in the names of the townlands, such as Cois an Abhainn — side of the river — Slí an Abhainn — way of the river — and the Waterways.

I am not suggesting that there has not been difficulty in planning; there has been. However, we are now in a situation where we have to deal with that reality. The guidelines and the key steps we take now are the steps that will benefit us going forward. I support the Minister of State, Deputy Mansergh's, call on 24 November in the Dáil that in future a contribution would also be made by giving the same attention to maintaining drains and waterways as to repairing potholes. I suggest it might be even more important because the amount of damage that can be created by a flood, such as structural damage and water damage to homes and businesses, is enormous. Taking the steps now to ensure this does not happen in the future is the only course open to us.

We see areas where positive steps have been taken. I am thinking here of Kilkenny city, where the River Nore regularly flooded. On this occasion, given that a massive works programme was undertaken by the Department, the River Nore did not flood even though there was flooding to the east in Carlow and to the west in Tipperary, and the rivers Barrow and Suir also flooded. Positive action does show results. Early flood warning systems will become a feature of the new system. Funding is being put in place to ensure we can deal with what were 100-year events but which will now be recurring on a ten-year basis or even more frequently.

[Senator John Hanafin.]

The community spirit I spoke about was very evident in an area which floods very frequently, Clonmel, where an integrated system of supports for people is in place. Where the flood reliefs have been put in place in the Old Bridge area and close to the island, flooding did not happen. Where flooding took place, should a person have rung to request help from the health board, the county council or the Civil Defence, such as a request for sand bags, it all went through to one telephone number. In other words, it was a co-ordinated response, and this is beginning to make all the difference.

I am particularly pleased that community welfare officers are paying out cash immediately to people who have been put out of their homes, even though they might have found suitable accommodation elsewhere, whether independently or with friends or relatives, because there are immediate costs we cannot even imagine. It is that solidarity shown by groups which have known floods in the past and got together and worked in a co-ordinated fashion that we must continue.

I ask the Minister of State, particularly at this time of year, to renew the call to the insurance companies to pay out on claims immediately. There is no reason, once an assessment has been made and verified, that the cheque should not be issued immediately. I also ask the Minister of State, when people's homes are being made habitable again and dehumidifiers are being used, to ask the ESB to waive the fee for the electricity used. They are extremely effective but expensive. It would be a practical demonstration of support from the ESB.

The best and worse can be seen in people in times of stress. I note that in areas of the midlands there were reports of goods being stolen from unoccupied houses. It is beyond comprehension and makes one wonder when we see so many supporting each other.

The humanitarian aid provided is just a first step. People are receiving support quickly to alleviate their difficulties. I am thinking in particular of the farming community, to which €2 million has been made available in the affected areas for the loss of fodder. The IFA has shown great solidarity with the farming community by supporting fellow farmers and providing surplus fodder for their colleagues.

EU funding has been mentioned. Before the European Union will allow emergency major funding relief, the consequence of the loss must amount to 0.6% of GNP. That would amount to €1 billion and some say we would not reach that figure. The reality is that with the damage, including possible structural damage to bridges and the maintenance work at dams and sluice-gates, the effect of trees travelling down rivers at high speed and hitting bridge arches, it would be realistic to suggest that figure would be reached and that we would qualify for aid. I note that members of the Joint Committee on European Affairs have travelled to Brussels to speak to the Commissioner with responsibility for this area. I trust we will receive support, with Cumbria, for the damage caused.

The HSE is assisting with exceptional needs payments. I trust no one who needs help will be left without assistance from at least one of the State bodies. The flood damage creates difficulties immediately in terms of food, clothing, fuel and household goods. People in Clonmel were under two feet of water but recognised that it was four feet high previously and that we were making progress. They said one should look at what people in the west were going through. That selfless thinking impressed me. Here were people being flooded who thought of others who were worse off than themselves.

With that in mind and the necessary co-ordinated response, with the new situation in which we find ourselves, we should look at individuals using their own flood protection methods. Grants could be made available, with a knock-on effect on job creation, to erect these defences. Significant sums have been spent on flood protection measures, €199 million in the last ten

years, with 14 major schemes completed. In the Shannon basin area there were two in County Tipperary, one in County Limerick, one in County Clare and three in County Galway. Even they, however, could not cater for the situation in Ballinasloe, where to the west the River Suck burst its banks, while to the east the River Shannon burst its banks. Possibly every previous plan put in place to deal with this issue is no longer applicable.

There are, however, success stories and we should see how they can be implemented throughout the country, particularly in the worst affected areas. It will require a co-ordinated effort but the community support people receive is most pleasing. Just because it is no longer on the television does not mean we have forgotten. We cannot allow a situation where necessary protections are not provided. In Bandon there was regular flooding, with a flood plain immediately outside the town and on which new supermarket has been built. There must be a practical application of common sense, with useful information on flood plains being recognised and planning permission refused for applications in these areas. There should be a regular update and money spent in the same manner as with potholes in county council areas to ensure waterways and drains are kept clear in order that we will be better prepared in the future, and we put in place a comprehensive system of reliefs for individuals to take their own flood protection measures. I still fear, however, that where necessary works go ahead, there will be objections from those who refuse to have a high wall in front of their house, in spite of the fact that it would prevent a river from bursting its banks. We may need to look at planning issues, as well ensure there are no unnecessary objections.

*1 o'clock*

I congratulate the Minister of State for the efforts he personally has made in this crisis.

**Senator Feargal Quinn:** It has been interesting to listen to the Minister of State to learn of the visits he made and the sympathy he has shown. That sympathy comes from all of us for those who have lost their homes, businesses, farms and, in many cases, source of income. As other speakers have pointed out, it has brought out the best in people, the good Samaritans who helped those who they did not even know.

That brings us to the blame game. We blame everything but ourselves — the weather, greenhouse gases, everything. However, we only have ourselves to blame. When I say this, I do not mean us; I mean the Government and those who have been running the country for the last 70 years.

Senator O'Toole wished to speak on this topic which he follows closely but he has a family commitment and asked me to take his place. He has provided me with significant information from his experience. I found it particularly interesting that he introduced a Bill on the Shannon twice during the 1990s. He first introduced it when we had a Fine Gael led Government and he had the support of Fianna Fáil for it at the time. However, it did not get through. A few years later, in 1998, he reintroduced the same Bill. This time Fianna Fáil was in power and he had the support of Fine Gael, but once again the Bill did not get through.

The Bill, entitled the Shannon River Council Bill, is a very interesting read and encompasses a great deal. It was a Bill to co-ordinate the activities of authorities, agencies and bodies connected with the protection, conservation, management, water management and control of pollution of the Shannon River catchment, to establish a body to be known as the Shannon River Council and to define its functions and so on. The functions of the council would be to propose policies and priorities for the enhancement of the water quality of the Shannon River and its catchment basin and for the protection and enhancement of the environment and natural habitats of bird and fish life in that region. Unfortunately, the Bill did not get support.

Senator O'Toole also gave me a copy of the Doherty report from the year 2000 which refers to both the 1956 Rydell and the 1961 OPW/ESB reports. Mr. L. E. Rydell of the US Army

[Senator Feargal Quinn.]

Corps of Engineers visited the Shannon area over a 30-day period in June to July 1955, following the major floods on the river over the winter of 1954-55. A preliminary report was submitted by him in August 1955 and a final report was completed by him in August 1956. I would like to touch on one or two points he made in his report. I accept the comment made earlier that we probably do not need any more reports; we have ample reports. Rydell advanced several possible options for alleviation of the Shannon flooding and recommended that more detailed preliminary investigations should be carried out on the more promising remedial approaches. These possibilities included connecting Lough Gara to the Owenmore River by a proposed canal to divert surplus flood water from the Shannon catchment and exploring the possible improved utilisation of the storage capacities of Lough Allen, Lough Ree and Lough Derg to achieve better control of flooding. These are only two out of eleven proposals that make fascinating reading.

The Rydell report should have received the attention it deserved, but it did not. Later, we had the report of the OPW/ESB which did not get the attention it deserved either. We now have the 2000 report which is well worth reading and investigating to see what we can do about the situation. There has been enough talk and we have had enough investigations. Now we need action. We have not had any action because we put things on the long finger on a regular basis.

With regard to the current problems, estimates suggest the final Bill for the damage across the country could be approximately €1 billion. It was interesting to hear Senator Hanafin talk about this. If the damage is that high, it is likely we may be able to claim €50 million from the EU solidarity fund. That is a small consolation for many, given the massive damage done throughout the country. It is amazing to consider that globally floods now affect the personal and economic fortunes of more than 60 million people every year. The flooding of the Yangtze River in China in 1998 cause €30 billion of damage.

I welcome the new planning rules announced by the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, which will ensure stricter conditions on developers who plan to build on flood plains. An example of such a development is the shopping centre in Bandon mentioned by Senator Hanafin which experienced severe flooding and was built in an area known by locals as “the swamp”. It appears councils and planners have been very much involved in approving developments that should not have been built. Those of us who watched the programme on flooding on Monday night saw there were some blatant breaches of the rules. I hope the Minister’s plans will be effective in tackling any future misplanning or ensuing disasters.

I am cautious when I hear people suggest drastic action such as pulling buildings down because they were situated in flood plains. We must show restraint when analysing what has happened instead of having knee-jerk reactions. We must keep in mind that “flood plain” does not mean the land is permanently under water. The definition differs, but it may just mean a flood is likely to recur in that area, whether every ten years or every 100 years. Should developers in Japan or San Francisco, for example, stop building because they are in an earthquake zone? Given our economic situation and our glut of housing, it is probably irrelevant to worry about future developments in the short term. However, we should always give heed to the long term.

We must look at how we analyse the threat of flooding in particular areas. Richard Tol, from *The Independent*, made the point when writing about the Irish floods that Met Éireann does not publish data on how much water is in the surface and ground-water systems. No agency publishes this information. Data on water levels is the joint responsibility of Met Éireann, the Office of Public Works, the Geological Survey of Ireland, the Marine Institute, the ESB and

the Environmental Protection Agency in collaboration with the local authorities. Surely the task should be amalgamated and become the responsibility of one body.

There is a useful website with information on flooding, but not many are aware of it. This information is produced by the OPW and is entitled, *www.floodmaps.ie*. It is a very useful website which provides information on historic flooding in an area someone might plan to buy or develop. There is room for improvement in the information provided. If we take account of current flooding, this may allow us better plan for dealing with flooding.

One of our major problems is that land that once absorbed water is cemented over too often. When it comes to building on flood plains Ireland is not that unusual. It is estimated that over one tenth of houses in the United Kingdom are built on flood plains. It is worth bearing in mind the sentiment expressed in *The Economist* some months ago. An article in the magazine argued that floods are no more frequent today than they were 120 years ago, when lush forests were abundant. It went on to state that the problem was that more people now live and work on flood plains.

I am concerned that houses and farmland will become uninsurable, as suggested by Senator Hanafin. There is a story of a family who wanted to abandon its home of ten years because of the flooding and use the insurance payment of €80,000 to make a start on a new house on a safer site. However, because the money was not being put back into the house covered by the insurance company, the company argued, within its rights, it could reduce the compensation by 20% to €64,000. Will the Government continue to allow insurers get away with this sort of incident?

I remember reading years ago about how Lloyds became such a successful and well recognised insurance company. At the time of the San Francisco earthquake in 1906, Lloyds, unlike other insurance companies, paid out immediately on claims. This made good business sense because it gave the company such good publicity. It may well be the Government will not have to take action on insurance, because it would make good business sense for some insurance company to take the lead and see its payments of claims as a good investment for the future. Defence against flooding must also be questioned because the experience of other countries such as Britain suggests that building flood barriers just moves the problem downstream to other areas. I can understand how this happens. These are difficult questions with neither easy nor obvious answers. We spoke about the human aspect and I was struck by the message from the Society of St. Vincent de Paul which has set up eight warehouses to distribute beds, linen and other household goods for those flood victims. They are extremely busy and will not have finished dealing with people affected by the flooding until next Easter at the earliest. This gives some idea of the massive devastation caused by the flooding. I urge the Government and the European Union to look with sympathy on those who are most in need.

The Joint Committee on European Affairs is meeting today with the European Commissioner for Regional Policy Commissioner, Mr. Samecki. I hope this meeting will be fruitful and go some way towards helping people who have been affected by the flooding to return to normality. Much work has been done in this area in the past. I remember well the floods of 8 December 1954 in Dublin. I was travelling in a bus to university when the Tolka overflowed. There is a view that when something happens in Dublin it gets more attention in the media and elsewhere. Speakers from the areas of the west and south which have been flooded have a much better appreciation of what has happened particularly in Athlone and Clonmel as referred to by Senator Hanafin and others. There is a danger that things will be put on the long finger again. We must ensure that on this occasion we use this experience and decide not to put it on the long finger but rather act upon it.

**Senator Dan Boyle:** I refer to the Doherty reports of 2000 and 2002 which are the central documents for this debate and which deal with flooding events and flood management in the River Shannon area. The debate is also informed by the country-wide flooding experienced in recent weeks and the flooding of the Shannon and its tributaries has been the slowest to abate.

I welcome the statement by Cork City Council that it has ended the period of civic emergency in Cork city. I compliment those involved in dealing with the flooding in Cork. In the course of the past number of weeks they have provided information and acted on the risks to the city and its citizens.

The draining of the Shannon has been an unrealised political promise since the 1930s. The number of reports made into how the ongoing difficulties could be addressed have been numerous. There have been references to the 1955 Rydell study, the 1961 joint study by the Office of Public Works and the ESB, and the 1988 Delap and Waller study. It has not been for the want of knowing the nature of the problem and how it should be solved. I note that reports of Oireachtas committees such as the 2002 report were not further discussed until today. This seems to indicate a lack of political will to deal seriously with this issue. It takes the recent flooding to concentrate minds and we should bear this in mind.

A common feature of those earlier reports and the Doherty report is there seems to have been very little action taken as a result of the recommendations. One of the key recommendations was with regard to the summer relief scheme first proposed by Mr. Rydell in 1955. I am not even sure that if implemented this would solve the nature of the problem. The report recommended that a summer relief scheme would improve the situation with regard to winter flooding and that all the summer floods on the stretch of the Shannon between Athlone and Meelick would also be curbed other than the exceptional floods experienced three or four times per century. We now know the whole notion of an exceptional flood has gone out the window, mainly as a result of climate change. Those of us who have been involved in local authorities and have seen the increased incidence and severity of flooding in our areas over the past 15 years, no longer accept the engineering excuses that the particular flood would have been a once in a 20, 30 or 50-year occurrence. Flooding is occurring on a regular basis and we must take into account the fact that climate has altered to bring about this situation.

There are many instances of building on flood plains up and down the Shannon. A most obvious example is in Carrick-on-Shannon where a new town has been built on the river bank. Many of those new buildings are a contributory factor to recent flooding. I agree with Senator Quinn that it is not feasible to knock down existing buildings but we must implement flood protection measures on the basis the buildings are in existence and this will be an additional and unnecessary cost to the State, in my view, unless the cost can be recouped from those who have benefited from these developments in the first instance. Senator Quinn referred to the example of Bandon and it is most apposite. The building of a supermarket in an area known as a flood plain and the concreting over of that site means that what was normally natural soakage for any flooding of the river has disappeared. Because there is no soakage the flooding spreads wider. The damage caused in Bandon town was among the most severe in the country.

On those grounds serious questions need to be asked about the cost of implementing particular flood prevention measures and how this cost will be met. An economic analysis will need to be carried out. The question of how that cost will be met needs to be considered by society. Positions have been advanced in recent debates in the media by organisations such as the IFA that the problem could be alleviated by more regular dredging of rivers. However, I do not think this is the issue. Ireland is not the only country to suffer from the recent floods as there was also severe flooding in Cumbria and in Fermanagh. These events are not particular to

Ireland but how we deal with them will be a sign of whether we are learning and are prepared to prevent such occurrences in future.

One of the more disappointing aspects of the Doherty report is that it was not discussed in the Oireachtas following publication and has not been acted upon. Much work has been expended on learning from flooding experiences in other countries such as in Germany. I question the value of acquiring this information on behalf of the Oireachtas without recommendations being passed. The author of the report was the late Seán Doherty. I imagine the members of that committee could be feeling fairly put upon that much good work does not seem to have been taken on board by the various State agencies.

The Cathaoirleach will be personally familiar with the effects of ongoing flooding of the River Shannon. We have to work on two levels, namely, the awareness of the risk and information that helps us to be aware of it and make the necessary political decisions on the investment needed to protect ourselves from these risks. I take on board the suggestion made by Senator Quinn on Met Éireann being more involved in the process through providing information on water capacity. The situation in Cork was serious because the River Lee basin was filling on a basis of 800 cubic litres and the maximum release from the Inniscarra Dam was 550 cubic litres. When one deals with figures of that nature, one sees the potential damage that can be caused in a very short time. The role of the ESB in the ongoing situation in the Cork region is being investigated but its role in the Shannon region and what happened recently in places such as Ardnacrusha and Parteen need to be examined, as must how it can be avoided in the future.

The article by Richard Tol who works for the Economic and Social Research Institute, referred to by Senator Quinn, was on the type of information Met Éireann might make available. Dr. Tol is a Dutch national and that country's experience of trying to deal with the forces of nature in places such as Zuiderzee might prove very useful at this time. We are deficient in not recognising that not only is there a risk but that there is also an ongoing and increasing risk and that we have a responsibility to make available whatever resources are possible to deal with the nature of the problem which, sadly, in the short and medium term will happen with greater frequency.

**Senator Jerry Buttimer:** I welcome the Minister of State and his officials. I pay tribute to him and the Department for the work they have been doing in recent weeks to assist victims of the flooding. Like Senator Boyle, I am happy that the civic emergency in Cork is over. As I have done on many occasions in the House, I again pay tribute to Civil Defence, the Army, the Garda, the fire service, the staff of city and county councils throughout the country, particularly Cork, and the many other volunteers who have helped. In particular, I pay tribute to those affected by the flooding and those who had no running water in Cork city for their patience and tolerance.

It is important, even though we are discussing a specific report, that we examine the broader picture. I am not interested in apportioning blame or finding out who made a decision to do certain things. To me, what is far more important than the release of water by the ESB, be it at Inniscarra or Ardnacrusha, or the relationship between the agencies is that we put in place a structure which in so far as is humanly possible eliminates what happened in Cork city where allegedly people were not told. Residents who came to me and whose homes I visited told me that but for their own vigilance or that of their neighbours, they would not have known about it. I visited members of the Traveller community staying in the Doughcloyne Hotel and residents of the Middle Parish and the Mardyke, every one of whom informed me that they had not been notified. This day last week University College Cork gave us a briefing in which it stated it had received a telephone call prior to midday on the Thursday from the ESB.



[Senator Jerry Buttimer.]

Residents, citizens and business owners have been asking me, as I am sure they have been asking the Minister of State, how long it will take to get their houses and businesses back; whether it will happen again and what can be done to ensure it does not; how much they will receive in compensation, and by how much their insurance premia will increase. I appreciate the Minister of State being here yesterday to take matters on the Adjournment and accept his bona fides, as I know he is genuine. However, we do not need any more reports. What we need is action. Senator Boyle spoke about political will. We need to see implementation of recommendations, whereby we put in place a blueprint and mechanism to ensure, in the case of Cork city, that the quay walls will be protected and enhanced, a flooding relief system will be in place, that residents will be notified and that the relationship between agencies will be strengthened and in a manner that will ensure communication.

The nature of the problem has been exacerbated and accelerated by global warming and climate change. To an extent, the Minister of State was correct to mention planning decisions and the Minister for the Environment, Heritage and Local Government, Deputy Gormley. In some cases, wrong planning decisions were made. It is too simplistic of the Minister to blame councillors. I make the point again that they do not make planning decisions; it is officials in local authorities who do so. It is the planning officer and the director of services who sign off on decisions. We need accountability in this matter. I heard the Minister state some councillors — I do not know to whom he was referring — who had made bad planning decisions had topped the polls. They were held to account. If any of us went before the people and they did not agree with us, they would vote us out. Planners who made decisions are unelected and unanswerable and the people have no recourse other than through An Bord Pleanála. This is wrong.

I fully agree with the Minister of State that we are creating concrete jungles and that we have lost natural drainage, flora and fauna. This has to stop. In stating this, I agree with Senator Quinn that, to take Cork as an example, we cannot demolish the Kingsley Hotel or County Hall. We have to put in place a mechanism. The Planning and Development (Amendment) Bill which has gone through the House and will go before the Dáil will increase population densities in local area plans. The flooding has given us a reason to amend this and reduce the density of population to 2,000. In many parts of the country it is small local communities which have been decimated and demolished. I sympathise with the people affected.

I read the Rydell report and wonder whether we could ever get the US Army Corp of Engineers back. Much of the study covering a period of 150 years was focused on events in 1956 and half a century later, the same applies. I love the line where the writer states he approached the difficult and complex problems with some intrepidation. Imagine what he would state if he were present today. As discussed on the Adjournment yesterday, the quay walls in Cork city date from the 19th century or earlier and are in precarious positions. This underlies the need for enhanced flood defence systems. Last night I made the point that 3,000 tonnes of rubble and concrete had been used to buttress the walls.

The television images and pictures of the human tragedy and human stories illustrate that the impact has not only been on human life but also on the environment — animal life, flora and the built environment have all changed. The Doherty report speaks about the need to address the perennial problem of flooding and states insightfully that it is a problem which shows no sign of alleviation. How true; it does not. To borrow a line from a Wolfe Tones' song, we are on the road again but should not be. I am not in the blame game but the devastation we have seen in the past ten or 20 days should never, in so far as humanly possible, be allowed to happen again. Like the Minister of State and Senator McFadden, I have been in the homes of people who have been flooded; they had no running water and there were vermin and

sewage in the flood waters. I met elderly people who were upset and refused to go home. They talked not only of the loss of their personal belongings but of having the homes they had lived in for 60 or 70 years destroyed. No words of ours will ease the pain of that loss or take away their frustration.

The experts talk about climate change and global warming and the Minister, Deputy Gormley, has apportioned blame. The reality is that we all did not take the threat of flooding seriously. This report calls for effective co-ordination and co-operation among the statutory bodies, which share responsibility for managing the Shannon catchment area. The same applies to Cork. We need joined-up thinking. As Senator McFadden rightly said, we need one agency to take on this job.

I heard Gerald Fleming from Met Éireann interviewed on “Morning Ireland” the other morning. He gave a very good interview and was honest in what he said. I urge people to listen to what he said. I hope Met Éireann, the ESB and the relevant authorities, be it the city council or whichever authority is responsible for the Shannon area, together with the Office of Public Works and the Department of the Environment, Heritage and Local Government, will work together, share information and communicate properly with the people to ensure this devastation cannot happen again.

I compliment everybody involved in the flood relief work. It underlines that ní neart go cur le chéile. The collaboration and community effort also underlines the great humanity in people, even in tragedy. We should never lose that.

**Senator Terry Leyden:** I welcome the Minister of State with responsibility for the Office of Public Works, Deputy Mansergh. I compliment him and his officials on visiting the areas that were flooded to get first-hand knowledge of what exactly happened. The Taoiseach, Deputy Cowen, the Minister for Agriculture and Food, Deputy Smith, and the Minister for the Environment, Heritage and Local Government, Deputy Gormley, were also very active in inspecting the areas affected. My colleagues in the House have visited sites affected in their areas and saw the desolation caused by the flooding. It has caused hardship. It is only when one sees the areas that were flooding, as the Minister of State did in Athlone, in Cortorber, Carrick-on-Shannon, and elsewhere that one realises the damage caused to homes and how it has affected families.

The Minister of State made a good speech and outlined the issues with which he is dealing, but he did not mention the River Suck, a tributary of the River Shannon. Management of the River Suck comes under the River Suck Drainage Board, which receives a small allocation from Galway County Council and from Roscommon County Council. That board is chaired by my colleague, councillor Martin Connaughton from Athleague. That board has staff and engineers who would carry out some remedial work to assist in this regard, but it will require further assistance from the Office of Public Works.

The River Suck flows through the villages of Castlecoote, Athleague and Ballyforan. The village of Athleague was flooded for the first time possibly ever. Three public houses in the village are now closed and they will not reopen until at least after Christmas. This has caused widespread difficulties and some 18 families have been relocated for the period. I would like the Office of Public Works in conjunction with Roscommon County Council to inspect the area towards the Castlecoote side of the village of Athleague where the River Suck burst its banks; the river water flowed through the behind the village and then flooded the village. With some work carried out there, perhaps with the erection of barriers on the edge of the River Suck, the risk of flooding in that village could be alleviated in future. People have no confidence that flooding will not recur in that area in the future. Restoration work is being done on the public houses, a butcher's shop and an electrical shop, which was completely flooded but,

[Senator Terry Leyden.]

thankfully, the neighbours had removed all the electrical goods before the flood waters rose. The town of Athleague was closed. I ask the Minister of State to deal with that specific area and I ask the officials to discuss the matter with Roscommon County Council.

The Minister of State inspected the flood damage in Cortober on the River Shannon. A recent development there was, unfortunately, built on a flood plain on the banks of the River Shannon. Glancy's supermarket, the cinema and a chemist shop in that area were flooded. I was unable to visit the area when the Minister of State was there as I had to attend the Joint Committee European Scrutiny at 11.30 a.m. I know of flood damage that occurred there first hand and I know the Minister of State has shown great concern about it.

Without management of the River Shannon flooding will recur there, of that there is no doubt. I do not know what the people want to do in regard to the issue of insurance. Once off payments for damage incurred will be made but people will not be given insurance cover again.

I wish to refer to the report of a committee chaired by my late colleague, the former Deputy Seán Doherty. I compliment his work; he had a great interest in the River Shannon. That report, which was a far-reaching document, was published in March 2002. The then committee put an enormous amount of work into it and it included members' local knowledge of the particular areas. It is an excellent document for the officials of Departments to study to determine how some of its recommendations at least could be implemented. The late Seán Doherty, who lived all his life near a tributary of the River Shannon, knew the river very well and knew at firsthand the devastating effect of flooding in that area. It is a fitting tribute that his name is being mentioned in the Oireachtas again on the basis of a report of a committee he chaired in 2002. Many of the ideas he put forward at that time, if implemented, would be of great assistance to the constituents he served in Dáil Éireann and in Seanad Éireann from 1977.

I will not go through the Minister of State's speech because it is wide-ranging and effective. I spoke to him about projects in Roscommon and I understand the direction that will be taken is that the local authorities will apply to the Office of Public Works regarding small projects that could be implemented to alleviate flooding in the future.

Dealing with Roscommon town, the flooding occurred on the Lanesboro Road and the Golf Links Road where businesses were flooded. They included an electrical shop and a garage. The Health Service Executive offices could not be accessed as the flood waters reached the front door. On the Golf Links Road, Gerry McNulty's carpet and furniture store, Lynch Flooring and a restaurant were all flooded for a period. As I said to the Minister of State, the site for the new offices for the registration department were flooded. I took a photograph of them. The foundations are in place. With respect to the Minister of State who would not have been aware of this, with hindsight the site may not have been the best site for the Office of Public Works to purchase because its siting there resulted in the flood waters moving down towards the other sites, but such flooding can be alleviated. The Minister of State, who has responsibility for the Office of Public Works, which is responsible for this building being erected on this site, has responsibility now to open the River Jiggy in Roscommon town, which leads in to the River Hind. There will be major difficulty in cleaning the River Hind because the question of conservation of a particularly rare species of trout arises. I know the difficulty that might arise but arrangements can always be made to address it. To my knowledge there is only one outlet from Roscommon town and the areas that were flooded were areas that flooded every winter when I was young. They have now flooded again but the buildings are in place and they have resulted in the flood waters moving over to other sites. That is a fact.

I express sympathy to the people of Ballinasloe who were very badly affected by the flooding, which came from the River Suck. That river flows down by Castlecoote and on this occasion a

massive volume of water came through the village of Castlecoote, where I come from. All the tributaries coming into it were all at high flood level, the highest we have ever witnessed in our time.

Regarding a village called Four Roads, three houses were flooded. I attended a meeting on Monday morning with all the local authority members, Oireachtas Members and Rev. Fr. Francis Beirne, the parish priest of Four Roads and the Dysart area. He called together all the neighbours and friends. I inspected one of the houses and it was devastating to witness the damage done; the lovely oak floors were taken up and gone. They will never feel safe again in that house because they do not know whether the flooding will return.

Through its structure and the office of the Minister of State, the council is carrying out extensive surveying at present and taking levels to establish if there is some way in which they can alleviate the flooding at Four Roads. I hope that in the budget on 9 December, which will be very difficult, the Minister of State will be given adequate funds to carry out these remedial tasks. It is absolutely vital.

There is also the matter of job creation to be considered in this area and there is an opportunity for JCB drivers, currently under-worked and under-utilised, to start working to try to ensure these floods will not recur to the same level. Whether it is global warming or whatever, the rainfall in November was the greatest on record. This will be very difficult.

Last week on the Adjournment, I raised the matter of a house at Milltown, Castleplunkett, owned by Mr. Pdraig Lyons. There is no river in the surrounding area and the house was built on a good site on a farm and dates back hundreds of years. His father and family live there and his aunt, who is 97 years of age, told him there was never flooding as long as she could remember. The flooding came from an unknown water source, probably a drain that was blocked. His insurance company would be better off to arrange for his relocation. The Minister of State referred to relocation issues. There was flooding in south Roscommon in 1979. At that time we relocated eight families for whom there was no possibility of every returning to the area because of the danger of repeated flooding. Insurance companies should be aware of the issues and provide compensation to allow families in certain areas to relocate because they will be subject to flooding in future. I thank the Minister of State for his speedy reaction to this crisis. Previously, I referred to the Shannon authorities and there is no point setting up a quango at this stage. There are enough personnel in place and I have great faith in the Office of Public Works which is leading this campaign.

**Senator Nicky McFadden:** We should get rid of all the existing quangos and simply have one.

**Senator Terry Leyden:** I have faith in the ability of the Minister of State and the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, to take a action and a hands-on approach in this regard. They have the full support of the Government parties.

**Senator Larry Butler:** As someone who was born and reared on the river I have always had great respect for water.

**Deputy Martin Mansergh:** Which one?

**Senator Larry Butler:** The River Barrow. We are used to getting flooded on a regular basis. The towns of Graiguenamanagh, Thomastown, Inistoige and such low-lying areas are always flooded whenever the river floods. For some reason no one ever discusses these areas, we simply accept it. There was 18 inches of water in my yard, but I took action some 20 years ago in my House. I raised the floors, blocked all the vents and installed barrier flow doors in the House. The water would have to rise more than four feet to enter the House.

[Senator Larry Butler.]

It is possible to take action to protect against flooding. For example, in the case of bathrooms, it is possible to install a trap which allows water out but not in. We should take such measures as part of good planning when we build new houses in future. Any new design should factor in the likelihood of flooding. It would make a great difference if there were some prevention measures in the building and design of houses.

It is interesting to note what happened in Sallins. A private company was involved and reported a blockage in a culvert to the local authorities at least six weeks before the floods came, but no action was taken. When a report arrives to the effect that a culvert is likely to be blocked it is a shining example of how local authorities can be effective. Difficulties with culverts are often the beginning of problems that lead to flooding. There are two areas that flood regularly on my road, the road from Graiguenamanagh to St. Mullin's. A simple job with a JCB could clear these areas by cutting a dyke into the ditch to allow the water to flow into the local field and away. Flooding has occurred there for the past five years and I am tired of reporting it to Carlow County Council. No action has been taken. We can compliment local authorities for a great many things, and we do, but much practical work could be done at local level without much cost and which would alleviate a good deal of flash flooding. That is vitally important.

I thank the Minister of State, the Minister for the Environment, Heritage and Local Government and the Taoiseach for their efforts. They made the effort to go throughout the country to see the problems at first hand. We are criticised no matter what we do, but this is a traumatic time for people.

We have been flooded many times and it is only when one sees one's personal goods destroyed that the extent of the problem hits home. I visited some people in our town who will not be able to move back into their houses before Christmas. They have a major problem and were unable to get insurance because of previous flooding. Graiguenamanagh is a town that floods frequently in two areas, on the quay and by the Duiske river. I reckon it would cost no more than €500,000 or €600,000 to alleviate and stop flooding in these areas in future, not a very significant investment financially. It would help if several walls were raised in several places. Such towns as Thomastown and Inistoiige need their defences raised because the water comes very quickly from the city of Kilkenny, which is on the Nore, and floods these areas. Similarly, water comes through the Barrow much faster now and the areas adjacent to the Barrow can become flooded. They are flood plains but there are no buildings in these area.

Such towns as Carlow, Bagenalstown, Burris and Graiguenamanagh were all built during the 1200s. We have been building towns on flood plains and close to rivers since the old days. It is fair to say people enjoy living close to water. However, one must protect oneself from the water but take the advantages that water provides as well. It does not flood all the time and it is very pleasant to live and fish along the rivers and there is a good deal of kudos for the people who live there. However, we must take action now.

There are many projects coming to a close which involve new infrastructure and roads, including the completion of the M50 and other roads. This is an opportunity and projects dealing with flood barriers should be in the national development plan. Many flood barriers are old and cannot stand up to more recent flooding. In Cumbria in the UK, some 25 bridges were simply washed away by enormous floods. Our flooding was bad but it was worse for them. I saw some news reports on the matter which were frightening. One policeman lost his life. Thanks be to God we have not had any loss of life here.

We need to provide the Minister with resources. We cannot blame any Minister if he or she is not provided with sufficient resources. The flood damage will costs hundreds of millions,

both to insurance companies and the Government. We would be better off spending money on a programme now. The work could be done in conjunction with FÁS, which would provide jobs for local labour given that the building trade is not working to full capacity. That is something we know for some time. There is an opportunity to get the work done up to 40% cheaper than would normally be the case. An investment at this stage would be prudent. I accept that money is scarce but we have a national development plan and we are getting good value for money on it. I would like to see substantial money being invested in flood protection.

I thank the Minister of State, Deputy Mansergh, the Minister for the Environment, Heritage and Local Government, Deputy Gormley, and the Taoiseach for getting out and seeing the damage at first hand. I suggest to the Minister of State that in the budget a substantial amount of money would be provided to his Department to ensure that work is carried out.

**Senator Mark Daly:** I welcome the Minister of State, Deputy Mansergh. I will be parochial at the outset and thank him for allocating funding towards the study on the flooding that took place in Kenmare last year. We got ahead of the posse and had our flooding early.

On a more serious note, we must praise all the emergency services who ensured there was no loss of life. While there was horrendous damage to property and to people's businesses, farms and communities, the fact that there was no loss of life is the most important factor in the equation. All too often we see loss of life, which is the ultimate tragedy, in England and America following flooding due to their emergency services not being up to standard.

Much has been said already, but in terms of the praise for the emergency services, we must remember that there was a national strike last week and in most cities and other areas public servants stepped up to the mark. Despite having issues with the Government they proved themselves worthy of high praise for their commitment and dedication. Public servants were given an opportunity by their unions to serve the people. We commend them for that.

Senator Butler referred to building on flood plains. Depending on which county one visits, one hears that flooding is a once in 15, 20, 50 or 100 year event. In my county the rainfall in the past year has been 238% above the norm. That brings us to the important issue of climate change and what will be discussed and decided by the world leaders in Copenhagen. Given that the Senate in Australia was unable to commit itself to its Government's policy on climate change, it does not bode well for a positive outcome in Copenhagen. Questions are being asked about studies by universities in England that are the foundation of all academic research and the basis of some of the belief behind climate change and if that is found to be wanting it will set the issue back further.

I intend to be brief because much has already been said. I pay special tribute to the Minister of State, Deputy Mansergh, for his dedication on the weekend of the flooding in terms of visits to Cork and midland counties. Seeing the effects on the ground is preferable to reading the reports in the newspapers.

While many of the services have been praised, some have been vilified for having reports sitting on shelves and not taking any action due to a lack of funding. In this budgetary climate it will be difficult to spend money on preventative measures that might not be required for another 50 or 100 years. A cost-benefit analysis would be interesting in that regard. It is incumbent on the Government to deal with the immediate issues of getting people's lives and businesses back to normal and then to deal with the long-term problem of future flooding. The draining of the Shannon was a long-running joke. I fear it is a joke no longer. Having so many bodies with a cross-over of responsibility has to be addressed. I am confident the Minister and the Government will do that.

**Deputy Martin Mansergh:** I thank all Senators who contributed to what was a most constructive and positive debate. I noted at least a couple of dozen points that were made and I will try to respond to them briefly.

Senator McFadden inquired about the request for assistance from Europe. That was addressed in some detail by the Minister for Finance in the Dáil yesterday. He attended an ECOFIN meeting and he discussed the matter with the Commission. Official contacts have been made. We have ten weeks to apply for aid to the EU solidarity fund. A high minimum threshold of damage is required to be eligible for assistance. It will take us a little time to collate the damage. We will only make an application if it is likely to be accepted. We will probably do that in some weeks' time when a full assessment of the damage has been carried out. While areas are still covered by flood waters it is not always possible to assess damage. It is a little like the River Shannon; when it floods it takes a while for the waters to rise. It takes a while for the bill to rise as well.

With regard to a state of emergency, the local authorities, the Garda or Health Service Executive can invoke the major emergency plan. Whether such a state was formally proclaimed or not the fact is that the emergency services in the affected parts of the country worked together quickly and in most cases well. One or two deficiencies were apparent and I will refer to them later.

We have hydro-electric plants on the Shannon, the Lee and the Liffey. In general, people are in favour of alternative energy sources that do not rely on oil, gas, coal or peat, but there is a potential conflict of interests between what one might do strictly in the interests of flood management and what one might do in the interests of electricity generation. To be fair to the ESB, when I went to Ardnacrusha last Saturday week, I was informed that what it was doing at that time was entirely in the interests of mitigating flood damage. Events since have shown that downstream from Ardnacrusha, the situation has actually improved and the great fears about high tides and flood waters in Limerick and Clare villages fortunately have not come to pass because the river level lowered.

Several Senators said we did not need reports. We need these CFRAM studies. They are as a result of the EU directive and are very comprehensive studies of river basins and catchments. I accept we need action and there are many things on which action can be taken without waiting for completion of those studies. Senators' concern might be that studies might hold up action but in this case, they will not. There are many things on which we can act in the interim, partly on the basis of previous reports and partly on the basis of submissions from local authorities.

In the case of Cork, the Lee CFRAM is practically finished. All we have to do is integrate the experience of recent weeks into the study to ensure it is comprehensive and then build an implementation plan. Last night on the Adjournment Debate, I discussed the quay walls in Cork with Senator Buttimer. I do not propose to add to that because I expressed myself better on that subject last night than I might do today.

Senator McFadden referred to exporting water. I will confine it to within this country. I remember a trade unionist who is also a broadcaster on local radio station being enormously exercised about the notion that water from the River Shannon might be transported to Dublin. The volume of water on the Shannon is vast. If one reads the Bible, the River Jordan was once a substantial river but now there is scarcely more of a water flow in it than in one of the ditches on my farm. There might have been a fear that the River Shannon would somehow be reduced to a tiny waterway because of the greedy Dubliners. Perhaps this flood event will make everybody more realistic.

Perhaps there is a case for some kind of water storage, in particular during flood times, which can subsequently be transported to Dublin. A decade or two ago, water shortages in Dublin were a very regular feature. However, partly because of the extremely wet summers, this has not been a noticeable problem in the recent past but I suppose it will be in the future. There might be a complementarity of needs — too much water in the west and not enough in the east. According to some climate change scenarios, that will accentuate.

Senator McFadden raised the question of flood defences. In the Athlone area, the river is extremely wide and, therefore, it is not greatly constricted. Obviously, we will look at the case of Athlone but, in particular, that of Ballinasloe as to what may be needed in those areas.

In regard to co-ordination and whether a single authority should be responsible, the decision to create a single authority for the River Shannon is a major policy issue because such an authority would need to take over a diverse range of powers, activities and responsibilities, such as electricity generation, tourism, infrastructure, water quality and extraction, waste water disposal, flood risk management and a range of environmental responsibilities, and there is quite a significant dimension there. When I travelled down the Shannon callows, I thought of the corncrake in the rushes and so on.

In 2004, which was subsequent to the reports we are formally discussing, the Government decided to assign lead agency responsibility to the OPW to minimise flood risk in a proactive catchment based approach. This may meet the requirement to co-ordinate the efforts of those bodies under the CFRAMs programme and floods directive which is to be transposed later this month and which will put the OPW, as the lead agency, in a very strong position to co-ordinate activities in all matters relating to flood management.

“Co-ordination” is the right word because I cannot imagine a situation where any other agency would, or should, be in a position to give instructions to the ESB on how it is conducted. There are too many safety considerations. There should be co-ordination between the ESB and other agencies and there may need to be further discussions as to how the requirements of electricity generation can be more complementary to minimising flood risk, in particular in periods of time when there are no floods. We know there is a greater risk of flooding in certain seasons of the year, namely, high summer and parts of the winter, than in September, October or May. It is more a question of bringing people together and getting them to co-operate in ways in which they reinforce each other’s efforts.

Planning must change, as Senator Hanafin pointed out. The guidelines should be reinforced by the experience of what has happened over the past two weeks. I find it difficult to imagine that local authorities, planners, directors of services and even An Bord Pleanála would be able to ignore flood plain risk. In certain instances, there may be measures which can be taken to address that. We must be realistic about it. For example, I spoke to a developer in Portarlinton a few months ago who offered to construct flood defences, of the type the OPW is doing, for half the town. Those are things at which we can look.

Dredging, drains, and so on, can perhaps make an important contribution but they will not be a panacea. If we have the level of rain we had over the past two weeks, we will have flooding. However, would we have had the flooding in Sallins if the culverts in the unfinished estate had not been blocked? One could still mitigate the effect and stop it happening in certain places but one would not be able to stop it happening everywhere.

I hardly need to reiterate the point that where defences have been put in place, they have shown positive results. Kilkenny and Carrick-on-Suir did not flood. Clonmel was better at least in the part protected by phase one.

I got notification yesterday from an insurance company, although I cannot remember which one, stating that it would make advance payments. That is required in many cases. It may be



[Deputy Martin Mansergh.]

impossible to instantly arrive at a complete assessment of the damage but advance payments can get around that problem and any remaining amounts can be provided later.

Asking the ESB to offset the cost of operating dehumidifiers in electricity bills is an interesting idea. There is no doubt that dehumidifiers can play an important role, particularly for those who live in older houses.

I was briefed by gardaí in Athlone on the incidence of theft and looting. Such deplorable acts were rare in that town but I have heard anecdotes about their occurrence elsewhere in the country. Gardaí in Athlone are conducting regular patrols of areas abandoned owing to flooding.

My attention was drawn to Cockermonth when one of my cousins told me about the owner of a lingerie shop there called Jan Mansergh. Ms Mansergh who must be a distant relative was washed out of her premises after the town's one in 100 year defences were, unfortunately, completely defeated by 12 inches of rain in 24 hours. Tragically, the death toll as a result of the flooding is now six. We are building similar defences to those in Cockermonth but we must be clear that these alone will not guarantee protection in all eventualities. We do not know what the climate will do next. In August 2008 I visited Newcastlewest after it had experienced what was scientifically described as a one in 700 years flood event. Unfortunately, I am not confident that town's inhabitants and their descendants will be able to rest easy in their beds until 2708. The OPW is working in Newcastlewest but most of us would exercise caution in respect of the parameters indicated by past events.

We should not attribute everything to climate change because for centuries this country has suffered serious floods. Physical changes in the landscape also contribute to the impact of flooding. A couple of decades ago road widening works in a town in my constituency resulted in a narrowing of the riverbed. It is not surprising, therefore, that the frequency of flooding in that town has since increased. The physical landscape can change over a relatively short space of time. When the famous French writer, Victor Hugo, visited the battlefield of Waterloo 40 years after the battle had been fought, he found that the landscape had changed significantly.

In one town in the south east which is studying flood proposals objections have been raised to flood walls because they would interfere with views of the river. One councillor told me he had grown up beside the river and liked to listen to the lap of the water. Perhaps he will be able to enjoy the lap of water when it reaches his bedroom.

Senator Quinn raised an interesting issue on collecting data on water levels between floods. Water gauges have been installed on the Suir upriver from Clonmel to give the town several hours' warning of floods. Householders in Cork and the Glucksman Gallery would have welcomed such advance notice. We are conducting a study of the feasibility of having a national flood risk warning system which, if it is at all affordable, should at least be put in place in the areas most vulnerable to flooding. As we do not have control over the elements, it would be unrealistic for the Government to guarantee this will never happen again but we can at least put better warning systems in place.

There is a lot that people can do for themselves. Carlow and Arklow have purchased door barriers which can be mounted in the event of a flood warning. These barriers do not create significant aesthetic or technical problems. I visited a bungalow in south Sligo several weeks after it had been flooded last year. It was built too close to a river but the owner had constructed a bank around it to prevent inundation. This week the OPW built an earthen defence in Shannon Banks because of fears that the village would be hit by tidal flooding on top of

what was coming down the river. That bank was completed. The OPW received an indemnity from Limerick County Council because if there had not been a flood we would not have been able to do it for approximately two years because we would have had to consult so many authorities, national parks and so on, and there might have been lots of objections. With some houses flooded, however, and many more under threat of worse flooding, everybody was only too glad to get it done. Like Senators Boyle and Buttimer I welcome the ending of the Cork emergency. The catchment flood risk assessment and management study for Cork will be ready by next month.

It is not the case that we are only now waking up to the problem. We have been doing a lot of work, and have been preparing work over the past ten years, and particularly in the past five. There is a great deal of work under way but it is not enough to prevent the sort of thing that happened recently. My feeling is that in a best-case scenario we will be running to stand still. We will be able to protect many areas, at least on most occasions but as we do that other problem areas will emerge. We cannot paint too rosy or optimistic a picture. There is a great deal of work to be done.

It is unusual to mention moneys in a budget context but since both the Taoiseach and the Minister for the Environment, Heritage and Local Government have stated this publically we will have €50 million next year. Of that, €5 million will be carried over from this year for flood defences and minor relief work schemes. Several Senators mentioned projects that are not particularly costly in respect of certain areas. I announced approximately 20 projects below €500,000, three or four, or maybe half a dozen of which, are in Kerry. There is a great deal of useful work to be done. It is for the local authority to apply to the OPW under the minor inland flood relief work scheme or the coastal flood relief work scheme. There is lots of scope for local authorities as they clear up and assess damage to decide whether there are relatively limited works that could be done straightaway and do not require any deep study. I am not referring to massive town defences such as are required in Mallow, Fermoy, Clonmel and Ennis and so on. I am pleased that facility is there and I hope that local authorities will make use of it.

Senator Butler referred to the national development plan. Flood relief is part of that plan. There have been cutbacks in the plan and its implementation has been extended over a longer period but it is generally accepted that flood protection is a high priority. The McCarthy report did not suggest that flood relief was a luxury, an optional extra or an extravagance; far from it. Somebody mentioned spare capacity in the construction industry. The OPW in Shannon Banks rang a construction company to get 12 lorries to build the bank and was told it could have 24 lorries if it liked. I thank the Senators for their contributions. I hope I have replied to most of the points.

**Senator Nicky McFadden:** The Minister of State did not mention EU funding.

**Deputy Martin Mansergh:** I mentioned that.

**An Cathaoirleach:** He did. The Senator can refer back to him on that.

**Senator Nicky McFadden:** I did not hear him. I will do that.

**An Cathaoirleach:** When is it proposed to sit again?

**Senator Larry Butler:** At 2.30 p.m. on Tuesday next.

## Adjournment Debate.

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### Civil Defence Forces Equipment.

**Senator Nicky McFadden:** I thank the Minister of State for remaining to take this debate. He is certainly earning his keep. I hope he will be here for longer than 40 years at the rate that he is working.

The Minister of State saw the fantastic work of the Civil Defence when he was in Athlone. Several of its personnel told me it is under-resourced and how difficult it is for them to deal with emergencies such as that in the midlands. When the Civil Defence was set up in the 1950s its remit was voluntary air raid protection. It has evolved since then. Its remit was to look after the country in respect of hazards or the fall-out from nuclear disasters.

I cannot see it ever being able to cope with such a disaster but in the interim it can play an active role in more minor incidents such as flooding. Some of the equipment of the Westmeath branch is outdated, the ambulance has a 1994 registration, the minibus was bought in 1996, the pick-up in 1997 and it bought a Volvo truck in 1998, probably its best piece of equipment. Its transit ambulance is also very old.

Five years ago it requested a high-powered passenger jeep. Since it became a statutory body under the Civil Defence Act 2002 when the board was formed it has suffered by not being as well-resourced as it had been. It moved to Roscrea during Mr. Smith's term as Minister for Defence.

It does play an important role. I have never seen anything like its level of commitment. All the members, except the local coordinator, are volunteers. We should make sure it is properly resourced and has proper equipment for the safety of its members and that of the people they rescue. It has a new range of boats which is important and has served a great purpose. Its jeeps, however, need updating. While we realise the value of the Civil Defence let us not just pay lip service but take action to provide funding to resource it properly.

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** I share Senator McFadden's admiration for the Civil Defence. I happen to know its chairman who lives only five miles from me, across the county boundary in Limerick. It is one of the State services I came across when I was a very small boy because a woman who worked for my grandmother put on her uniform once a week and went off to work for the Civil Defence. At least I think in those days the members of the Civil Defence wore uniforms. The Minister for Defence has asked me to convey his regrets to the Senator for not being able to take this Adjournment debate in person. The Minister is grateful to the Senator for giving him this opportunity to clarify the position regarding funding and resources for Civil Defence.

Civil Defence was established in 1950 to be part of the national defence structure, as the necessary civil response to potential hazards which might arise in a war situation. The organisation was designed to undertake non-combatant activities and measures to afford defence against or mitigate the effects on persons and property of an attack on the State.

The importance of Civil Defence is witnessed by its inclusion in Protocol 1 to the Geneva Conventions of 12 August 1949. Just as the symbol of the Red Cross is protected by statute, so too is the symbol of Civil Defence as set out in section 9 of the Geneva Conventions (Amendment) Act 1998. Civil Defence was a matter directly under the control of the Minister for Defence until 2002 when the Civil Defence Board was established by statute. While Civil

Defence policy remains the responsibility of the Minister for Defence, the day-to-day management and development of Civil Defence on a national basis is the responsibility of the Civil Defence Board.

In 2007, the Minister for Defence approved the strategic plan of the Civil Defence Board, prepared under the terms of the 2002 Act, which covers the activities of the board up to 2010. This plan outlines the Civil Defence strategic objectives in the following areas: participation in the major emergency development programme, development of the Civil Defence response to communities in crisis as part of the local authority emergency plan, provision of appropriate training to Civil Defence members both at local level and at the board's training college in Roscrea, provision of funding to local authorities for Civil Defence operations at a local level, promotion of the image of Civil Defence as a voluntary organisation whose members are highly trained to assist local communities and to support the front-line emergency services and procurement of vehicles, equipment and personal protective equipment to support Civil Defence members in their activities.

The grant in aid paid to the Civil Defence Board from the Defence Vote in the last three years alone amounts to almost €18.5 million. The monies received each year covers grants to local authorities, the procurement of equipment and the cost associated with exercises, stores, training, competitions and administration.

The Civil Defence Board has a statutory duty to oversee training of volunteers while the operational control is governed by the local authority to which civil defence officers are attached. The Civil Defence Board facilitates the development of the organisation at local level by means of an annual grant to each local authority on a 70:30 basis for their Civil Defence operations. The balance of 30% is funded by local authorities themselves. Civil Defence is the major statutory voluntary-based organisation within the State and provides support to all emergency services, such as the Garda, the HSE, the Irish Fire Services and the Coastguard. Within its budgetary allocation, the Civil Defence Board delivers a professional and excellent response as an important player in the framework established for responding to major emergencies.

The sterling assistance provided by the volunteers in the current flooding crisis which grips many parts of the country is a case in point. Over the last two weeks, the volunteers have had full participation in the interagency strategic response groups. Practical examples of their efforts include filling of sandbags, provision of vehicle and boat transport to those stranded by the floods and on-site welfare support for other emergency service personnel. I encountered several Civil Defence personnel everywhere I visited during the recent flooding emergency.

Hundreds of hours of voluntary service were provided by Civil Defence members every day, including weekends, to assist their communities. This was the longest sustained operation involving Civil Defence since the foot and mouth crisis of 2002. I am sure Members will join me in acknowledging the extensive efforts of the Defence Forces, Civil Defence, emergency services and volunteers in tackling the flooding crisis which has wreaked devastation on so many communities. While Civil Defence has been highly visible in supporting flood relief efforts, it should not be forgotten that volunteers are called out every week and weekend of the year to assist the emergency services.

It is acknowledged that those responding to emergencies, be they principal response agencies or volunteer based organisations, have a strong case for funding. However, there are competing demands across the whole spectrum of public service and public funded initiatives. It is not

[Deputy Martin Mansergh.]

possible to satisfy all demands, particularly in the current economic environment. In the words of the old adage, if everything is a priority, nothing is a priority.

The Minister for Defence is satisfied that the Civil Defence Board and its volunteer members continue to provide an excellent response to the public in cases of emergencies. The benefits of the funding provided to the Civil Defence Board over the past number of years to re-equip the organisation with major items of equipment and professional training were very evident during the flood relief operations. The Minister is happy to consider any proposals which will support the Civil Defence Board in its important work and deliver value for money to the taxpayer, having regard to competing demands and available resources.

Planned expenditure levels for the Department of Defence, including the grant in aid to Civil Defence, will be considered as part of the Estimates and budgetary process for 2010. This will include consideration of the Special Group on Public Service Numbers and Expenditure Programmes and the decision on all issues arising will be a matter for the Government. It would, therefore, not be appropriate for me to comment further at this stage pending the outcome of these deliberative processes. I dare say that a figure will be available by next Wednesday.

The Seanad adjourned at 2.35 p.m. until 2.30 p.m. on Tuesday, 8 December 2009.